

HOUSE BILL 928

Unofficial Copy  
R3

1998 Regular Session  
(8lr0761)

*ENROLLED BILL*  
*-- Judiciary/Judicial Proceedings --*

Introduced by ~~Delegate Bissett~~ Delegates Bissett and Arnick

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Ignition Interlock Systems**

3 FOR the purpose of authorizing the Motor Vehicle Administration to impose on a  
4 ~~licensee an individual under a certain age who is convicted of certain alcohol~~  
5 ~~related driving offenses~~ an alcohol restriction that requires the licensee to  
6 participate in the Ignition Interlock System Program under certain  
7 circumstances; requiring the Administration to impose the restriction on an  
8 individual convicted of certain offenses; ~~requiring an individual ordered by a~~  
9 ~~court to participate in the Ignition Interlock System Program to show certain~~  
10 ~~proof of installation of an ignition interlock system before receiving a restricted~~  
11 ~~license; altering provisions relating to the return of a license after a period of~~  
12 ~~suspension for driving offenses; providing that a person whose license to drive is~~  
13 ~~suspended for certain administrative offenses may be a participant in the~~  
14 ~~Ignition Interlock System Program; authorizing the Administration to modify a~~  
15 ~~suspension or issue a restrictive license to the participant; authorizing the~~  
16 ~~Administration to modify the suspension of a child's license under certain~~  
17 ~~circumstances; altering conditions for designation of a driver as a habitual~~

1 ~~offender for purposes of the Ignition Interlock System Program~~; requiring the  
2 Administration to approve and certify certain types of ignition interlock systems  
3 for the Ignition Interlock System Program; requiring approved service providers  
4 to install, service, and monitor ignition interlock systems; prohibiting a  
5 participant in the Ignition Interlock System Program established by the  
6 Administration from soliciting or having another person attempt to start or  
7 start a motor vehicle equipped with an ignition interlock system; prohibiting a  
8 person from attempting to start or starting a motor vehicle equipped with an  
9 ignition interlock system for a participant in the Ignition Interlock System  
10 Program; prohibiting a person from tampering with or attempting to circumvent  
11 an ignition interlock system installed under the Ignition Interlock System  
12 Program; prohibiting a person from furnishing, under certain circumstances, a  
13 motor vehicle not equipped with an ignition interlock system to a participant in  
14 the Ignition Interlock System Program; providing that the Administration may  
15 permit a participant in the Ignition Interlock System Program to operate a  
16 motor vehicle without an ignition interlock system in the course of the  
17 individual's employment under certain circumstances; providing for certain  
18 penalties; defining certain terms; authorizing the Administration to adopt  
19 regulations requiring certain standards and qualifications for approved service  
20 providers; clarifying who may be a participant in the Ignition Interlock System  
21 Program; including certain additional requirements for regulations for  
22 certification and installation of ignition interlock systems; requiring certain  
23 procedural standards for approved service providers; and generally relating to  
24 ignition interlock systems.

25 BY repealing and reenacting, with amendments,  
26 Article - Transportation  
27 Section 16-113, ~~16-205~~, 16-205.1(b)(2) and (3), (f)(7)(i) and (8)(i), and (n),  
28 ~~16-206~~, 16-404.1, 27-107(d), (e), (f), and (g), and 27-108  
29 Annotated Code of Maryland  
30 (1992 Replacement Volume and 1997 Supplement)

31 BY repealing and reenacting, without amendments,  
32 Article - Transportation  
33 Section 16-205.1(f)(8)(v), ~~16-206~~, and 27-101(c)(26)  
34 Annotated Code of Maryland  
35 (1992 Replacement Volume and 1997 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
37 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Transportation**

2 16-113.

3 (a) (1) In addition to the vision and other restrictions provided for in this  
4 subtitle, when it issues a driver's license, the Administration for good cause may  
5 impose on the licensee:

6 ~~(+)~~ (I) Any restrictions suitable to the licensee's driving ability with  
7 respect to the type of special mechanical control devices required on motor vehicles  
8 that the licensee may drive;

9 ~~(=)~~ (II) An alcohol restriction which prohibits the licensee from driving  
10 or attempting to drive a motor vehicle while having alcohol in the licensee's blood;  
11 ~~INCLUDING A RESTRICTION THAT PROHIBITS THE LICENSEE FROM DRIVING OR~~  
12 ~~ATTEMPTING TO DRIVE A MOTOR VEHICLE UNLESS THE LICENSEE IS A PARTICIPANT~~  
13 ~~IN THE IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF~~  
14 ~~THIS TITLE;~~ and

15 ~~(=)~~ (III) Any other restrictions applicable to the licensee that the  
16 Administration determines appropriate to assure the safe driving of a motor vehicle  
17 by the licensee.

18 (2) AN ALCOHOL RESTRICTION THAT PROHIBITS THE LICENSEE FROM  
19 DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE HAVING ALCOHOL IN  
20 THE LICENSEE'S BLOOD MAY, AS DESCRIBED IN SUBSECTIONS (B) AND (G) OF THIS  
21 SECTION, INCLUDE A RESTRICTION THAT PROHIBITS THE LICENSEE FROM DRIVING  
22 OR ATTEMPTING TO DRIVE A MOTOR VEHICLE UNLESS THE LICENSEE IS A  
23 PARTICIPANT IN THE IGNITION INTERLOCK PROGRAM ESTABLISHED UNDER §  
24 16-404.1 OF THIS TITLE.

25 (b) (1) Notwithstanding the licensee's driving record, the Administration  
26 shall impose on each licensee under the age of 21 years an alcohol restriction that  
27 prohibits the licensee from driving or attempting to drive a motor vehicle with an  
28 alcohol concentration of 0.02 or more as determined by an analysis of the person's  
29 blood or breath.

30 (2) An alcohol restriction imposed under this subsection expires when  
31 the licensee reaches the age of 21 years.

32 (3) This subsection may not be construed or applied to limit:

33 (i) The authority of the Administration to impose on a licensee an  
34 alcohol restriction described in subsection (a)(2) of this section; or

35 (ii) The application of any other provision of law that prohibits  
36 consumption of an alcoholic beverage by an individual under the age of 21 years.

37 (4) ~~AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO IS CONVICTED~~  
38 ~~OF, OR WHO RECEIVES PROBATION BEFORE JUDGMENT UNDER ARTICLE 27, § 641 OF~~

1 ~~THE CODE FOR~~ A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE ~~SHALL~~ MAY  
 2 BE REQUIRED, FOR A PERIOD OF NOT MORE THAN 3 YEARS ~~OR UNTIL THE~~  
 3 ~~INDIVIDUAL REACHES THE AGE OF 21 YEARS, WHICHEVER COMES FIRST, TO~~  
 4 PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IN ORDER TO RETAIN  
 5 THE INDIVIDUAL'S DRIVER'S LICENSE.

6 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the  
 7 Administration may:

8 (i) Issue a special restricted license; or

9 (ii) Set forth the restrictions on the usual license form.

10 (2) The Administration shall indicate on the license of a licensee under  
 11 the age of 21 years that an alcohol restriction has been imposed on the licensee under  
 12 subsection (b) of this section.

13 (d) (1) In addition to the other restrictions provided in this subtitle, the  
 14 Administration may issue a provisional driver's license to applicants who are under  
 15 the age of 18.

16 (2) The license may be restricted by requiring that the licensee be  
 17 accompanied and supervised at certain times by a licensed driver who is at least 21  
 18 years old.

19 (3) The Administrator may modify or waive the restriction if the  
 20 restriction would affect adversely:

21 (i) The employment or opportunity for employment of the licensee;

22 (ii) The participation of the licensee in an organized volunteer  
 23 program approved by the Administration and designed to provide transportation to  
 24 prevent alcohol- or drug-related driving offenses and promote highway safety; or

25 (iii) The opportunity of the licensee to participate in athletic events  
 26 and related training sessions.

27 (e) In addition to the other restrictions provided under this subtitle, the  
 28 Administration may issue a driver's license that is valid only in the State of Maryland  
 29 to an applicant who has been suspended in another jurisdiction as a result of failing  
 30 to comply with the financial responsibility requirements of that jurisdiction.

31 (f) After receiving satisfactory evidence of any violation of a restricted or  
 32 provisional driver's license, the Administration may suspend or revoke the license.  
 33 However, the licensee may request a hearing as provided for a suspension or  
 34 revocation under Subtitle 2 of this title.

35 (g) (1) The Administration shall impose an alcohol restriction under  
 36 subsection ~~(a)(2)~~ (A)(1)(II) of this section that ~~prohibits an individual~~ for a period of  
 37 3 years ~~PROHIBITS AN INDIVIDUAL~~ from driving or attempting to drive with alcohol in

1 the individual's blood ~~AND REQUIRES THE INDIVIDUAL TO PARTICIPATE IN THE~~  
 2 ~~IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS~~  
 3 ~~TITLE~~ on any licensee who is convicted WITHIN 5 YEARS of ~~any~~;

4 ~~(I) ANY combination of two or more violations under § 21-902(a) or~~  
 5 ~~(b), (B), OR (C) of this article;~~

6 ~~(II) A SECOND VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE~~  
 7 ~~OCCURRING WITHIN 5 YEARS OF THE FIRST OFFENSE;~~

8 ~~(III) A THIRD OR SUBSEQUENT VIOLATION OF § 21-902(A)(2) OF THIS~~  
 9 ~~ARTICLE OCCURRING WITHIN 10 YEARS OF THE MOST IMMEDIATE PRIOR OFFENSE;~~  
 10 ~~OR~~

11 ~~(IV) DRIVING WHILE INTOXICATED PER SE IN VIOLATION OF §~~  
 12 ~~21-902(A)(2) OF THIS ARTICLE IF, AT THE TIME OF TESTING, THE DRIVER'S ALCOHOL~~  
 13 ~~CONCENTRATION WAS 0.15 OR MORE.~~

14 (2) If a circuit court or [a] THE District Court orders a licensee not to  
 15 drive or attempt to drive a motor vehicle with alcohol in the licensee's blood OR  
 16 ORDERS, UNDER § 27-107 OF THIS ARTICLE, THE LICENSEE TO PARTICIPATE IN THE  
 17 IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS  
 18 TITLE, the Administration shall have the licensee's driving record and driver's license  
 19 reflect that the court ordered restriction was imposed, and shall keep records of the  
 20 order.

21 (3) ~~IF A CIRCUIT COURT OR THE DISTRICT COURT ORDERS A LICENSEE~~  
 22 ~~TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED~~  
 23 ~~UNDER § 16-404.1 OF THIS TITLE, THE ADMINISTRATION SHALL REQUIRE THE~~  
 24 ~~INDIVIDUAL, AS A CONDITION TO THE ISSUANCE OF A RESTRICTED LICENSE, TO:~~

25 ~~(I) HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED IN EACH~~  
 26 ~~VEHICLE OWNED BY THE LICENSEE; AND~~

27 ~~(II) SUBMIT TO THE ADMINISTRATION EVIDENCE OF THE~~  
 28 ~~INSTALLATION OF AN IGNITION INTERLOCK SYSTEM, AS REQUIRED IN § 16-404.1(C)~~  
 29 ~~OF THIS TITLE.~~

30 (h) An individual may not drive a vehicle in any manner that violates any  
 31 restriction imposed by the Administration in a restricted license issued to the  
 32 individual.

33 (i) An individual may not drive a vehicle in any manner that violates any  
 34 restriction imposed in a provisional license issued to the individual.

35 (j) An individual may not drive or attempt to drive a motor vehicle with  
 36 alcohol in the individual's blood in violation of a restriction imposed by a court.

1 16-205.

2 (a) The Administration may revoke the license of any person who:

3 (1) Is convicted under § 21-902(a) or (d) of this article of driving or  
4 attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or  
5 while under the influence of a controlled dangerous substance; or

6 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this  
7 article of driving or attempting to drive a motor vehicle while under the influence of  
8 alcohol or while so far under the influence of any drug, any combination of drugs, or  
9 a combination of one or more drugs and alcohol that the person cannot drive a vehicle  
10 safely and who was previously convicted of any combination of two or more violations  
11 under:

12 (i) § 21-902(a) of this article of driving or attempting to drive a  
13 motor vehicle while intoxicated or while intoxicated per se;

14 (ii) § 21-902(b) of this article of driving or attempting to drive a  
15 motor vehicle while under the influence of alcohol;

16 (iii) § 21-902(c) of this article of driving or attempting to drive a  
17 motor vehicle while so far under the influence of any drug, any combination of drugs,  
18 or a combination of one or more drugs and alcohol that the person cannot drive a  
19 vehicle safely; or

20 (iv) § 21-902(d) of this article of driving or attempting to drive a  
21 motor vehicle while under the influence of a controlled dangerous substance.

22 (b) The Administration may suspend for not more than 60 days the license of  
23 any person who is convicted under § 21-902(b) or (c) of this article of driving or  
24 attempting to drive a motor vehicle while under the influence of alcohol or while so far  
25 under the influence of any drug, any combination of drugs, or a combination of one or  
26 more drugs and alcohol that the person cannot drive a vehicle safely.

27 (c) The Administration may suspend for not more than 120 days the license of  
28 any person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this  
29 article of driving or attempting to drive a motor vehicle while under the influence of  
30 alcohol or while so far under the influence of any drug, any combination of drugs, or  
31 a combination of one or more drugs and alcohol that the person cannot drive a motor  
32 vehicle safely and who was previously convicted of a violation under:

33 (1) § 21-902(a) of this article of driving or attempting to drive a motor  
34 vehicle while intoxicated or while intoxicated per se;

35 (2) § 21-902(b) of this article of driving or attempting to drive a motor  
36 vehicle while under the influence of alcohol;

37 (3) § 21-902(c) of this article of driving or attempting to drive a motor  
38 vehicle while so far under the influence of any drug, any combination of drugs, or a

1 combination of one or more drugs and alcohol that the person cannot drive a motor  
2 vehicle safely; or

3 (4) ~~§ 21-902(d) of this article of driving or attempting to drive a motor~~  
4 ~~vehicle while under the influence of a controlled dangerous substance.~~

5 (d) ~~When a suspension imposed under subsections (b) and (c) of this section~~  
6 ~~expires, the Administration [immediately shall] MAY return the license or reinstate~~  
7 ~~the privilege of the driver [unless] ONLY IF:~~

8 (1) ~~THE DRIVER PARTICIPATED IN THE IGNITION INTERLOCK SYSTEM~~  
9 ~~PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE DURING THE PERIOD OF~~  
10 ~~THE SUSPENSION; AND~~

11 (2) ~~[the] THE license or privilege has NOT been refused, revoked,~~  
12 ~~suspended, or canceled under any other provisions of the Maryland Vehicle Law.~~

13 16-205.1.

14 (b) (2) Except as provided in subsection (c) of this section, if a police officer  
15 stops or detains any person who the police officer has reasonable grounds to believe is  
16 or has been driving or attempting to drive a motor vehicle while intoxicated, while  
17 under the influence of alcohol, while so far under the influence of any drug, any  
18 combination of drugs, or a combination of one or more drugs and alcohol that the  
19 person could not drive a vehicle safely, while under the influence of a controlled  
20 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813  
21 of this title, and who is not unconscious or otherwise incapable of refusing to take a  
22 test, the police officer shall:

23 (i) Detain the person;

24 (ii) Request that the person permit a test to be taken; and

25 (iii) Advise the person of the administrative sanctions that shall be  
26 imposed for refusal to take the test, including ineligibility for modification of a  
27 suspension or issuance of a restrictive license UNDER SUBSECTION (N)(1) OR (2) OF  
28 THIS SECTION, and for test results indicating an alcohol concentration of 0.10 or more  
29 at the time of testing.

30 (3) If the person refuses to take the test or takes a test which results in  
31 an alcohol concentration of 0.10 or more at the time of testing, the police officer shall:

32 (i) Confiscate the person's driver's license issued by this State;

33 (ii) Acting on behalf of the Administration, personally serve an  
34 order of suspension on the person;

35 (iii) Issue a temporary license to drive;

1 (iv) Inform the person that the temporary license allows the person  
2 to continue driving for 45 days if the person is licensed under this title;

3 (v) Inform the person that:

4 1. The person has a right to request, at that time or within  
5 10 days, a hearing to show cause why the driver's license should not be suspended  
6 concerning the refusal to take the test or for test results indicating an alcohol  
7 concentration of 0.10 or more at the time of testing, and the hearing will be scheduled  
8 within 45 days; and

9 2. If a hearing request is not made at that time or within 10  
10 days, but within 30 days the person requests a hearing, a hearing to show cause why  
11 the driver's license should not be suspended concerning the refusal to take the test or  
12 for test results indicating an alcohol concentration of 0.10 or more at the time of  
13 testing will be scheduled, but a request made after 10 days does not extend a  
14 temporary license issued by the police officer that allows the person to continue  
15 driving for 45 days;

16 (vi) Advise the person of the administrative sanctions that shall be  
17 imposed in the event of failure to request a hearing, failure to attend a requested  
18 hearing, or upon an adverse finding by the hearing officer; and

19 (vii) Within 72 hours after the issuance of the order of suspension,  
20 send any confiscated driver's license, copy of the suspension order, and a sworn  
21 statement to the Administration, that states:

22 1. The officer had reasonable grounds to believe that the  
23 person had been driving or attempting to drive a motor vehicle on a highway or on  
24 any private property that is used by the public in general in this State while  
25 intoxicated, while under the influence of alcohol, while so far under the influence of  
26 any drug, any combination of drugs, or a combination of one or more drugs and  
27 alcohol that the person could not drive a vehicle safely, while under the influence of a  
28 controlled dangerous substance, in violation of an alcohol restriction, or in violation of  
29 § 16-813 of this title;

30 2. The person refused to take a test when requested by the  
31 police officer or the person submitted to the test which indicated an alcohol  
32 concentration of 0.10 or more at the time of testing; and

33 3. The person was fully advised of the administrative  
34 sanctions that shall be imposed, including the fact that a person who refuses to take  
35 the test is ineligible for modification of a suspension or issuance of a restrictive  
36 license UNDER SUBSECTION (N)(1) OR (2) OF THIS SECTION.

37 (f) (7) (i) At a hearing under this section, the person has the rights  
38 described in § 12-206 of this article, but at the hearing the only issues shall be:

39 1. Whether the police officer who stops or detains a person  
40 had reasonable grounds to believe the person was driving or attempting to drive while





1 B. A test to determine alcohol concentration was taken and  
2 the test result indicated an alcohol concentration of 0.10 or more at the time of  
3 testing.

4 (v) The suspension imposed shall be:

5 1. For a test result indicating an alcohol concentration of  
6 0.10 or more at the time of testing:

7 A. For a first offense, a suspension for 45 days; or

8 B. For a second or subsequent offense, a suspension for 90  
9 days; or

10 2. For a test refusal:

11 A. For a first offense, a suspension for 120 days; or

12 B. For a second or subsequent offense, a suspension for 1  
13 year.

14 (n) (1) The Administration may modify a suspension under this section or  
15 issue a restrictive license if:

16 (i) The licensee did not refuse to take a test;

17 (ii) The licensee has not had a license suspended under this section  
18 during the past 5 years;

19 (iii) The licensee has not been convicted under § 21-902 of this  
20 article during the past 5 years; and

21 (iv) 1. The licensee is required to drive a motor vehicle in the  
22 course of employment;

23 2. The license is required for the purpose of attending an  
24 alcoholic prevention or treatment program; or

25 3. It finds that the licensee has no alternative means of  
26 transportation available to or from the licensee's place of employment and, without  
27 the license, the licensee's ability to earn a living would be severely impaired.

28 (2) In addition to the authority to modify a suspension or issue a  
29 restrictive license under paragraph (1) OR (4) of this subsection, the Administration  
30 may modify a suspension under this section or issue a restrictive license, INCLUDING  
31 A RESTRICTION THAT PROHIBITS THE LICENSEE FROM DRIVING OR ATTEMPTING TO  
32 DRIVE A MOTOR VEHICLE UNLESS THE LICENSEE IS A PARTICIPANT IN THE IGNITION  
33 INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE, if:

34 (i) The licensee is under the age of 21 years;

- 1 (ii) The licensee did not refuse to take a test;
- 2 (iii) The licensee has not been convicted under § 21-902 of this  
3 article; and
- 4 (iv) The license is required for the purpose of attending:
- 5 1. A noncollegiate educational institution as defined in §  
6 2-206(a) of the Education Article; or
- 7 2. A regular program at an institution of postsecondary  
8 education.

9 (3) If the licensee refused to take a test, the Administration may not  
10 modify a suspension under this section or issue a restrictive license EXCEPT AS  
11 PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION.

12 (4) IN ADDITION TO THE AUTHORITY TO MODIFY A SUSPENSION OR  
13 ISSUE A RESTRICTIVE LICENSE UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION,  
14 THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER THIS SECTION OR ISSUE  
15 A RESTRICTIVE LICENSE TO A LICENSEE WHO PARTICIPATES IN THE IGNITION  
16 INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE FOR  
17 AT LEAST 180 DAYS AND NOT MORE THAN 1 YEAR.

18 16-206.

19 (a) (1) The Administration may suspend, revoke, or refuse to issue or renew  
20 the license of any resident or the privilege to drive of any nonresident on a showing by  
21 its records or other sufficient evidence that the applicant or licensee:

22 (i) Has been convicted of moving violations so often as to indicate  
23 an intent to disregard the traffic laws and the safety of other persons on the  
24 highways;

25 (ii) Is an unfit, unsafe, or habitually reckless or negligent driver of  
26 a motor vehicle;

27 (iii) Has permitted an unlawful or fraudulent use of a license,  
28 identification card, or a facsimile of a license or identification card;

29 (iv) Has used a license, identification card, or a facsimile of a license  
30 or identification card in an unlawful or fraudulent manner, unless the applicant or  
31 licensee is subject to the provisions of subsection (c) of this section;

32 (v) Has committed an offense in another state that, if committed in  
33 this State, would be grounds for suspension or revocation; or

34 (vi) Has knowingly made a false certification of required security in  
35 any application for a certificate of title or for the registration of a vehicle.

1                   (2)     The Administration may suspend a license to drive of an individual  
2 who fails to attend:

3                   (i)     A driver improvement program or an alcohol education program  
4 required under § 16-212 of this subtitle; or

5                   (ii)    A private alternative program or an alternative program that is  
6 provided by a political subdivision of this State under § 16-212 of this subtitle.

7       (b)       (1)     Upon notification by the clerk of the court that a child has been  
8 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has  
9 been made that a child violated § 21-902 of this article, the Administration shall  
10 suspend or revoke the driving privilege of the child in accordance with § 3-824(a)(4)(i)  
11 of the Courts Article.

12               (2)     If a child subject to a suspension or revocation under this subsection  
13 does not hold a license to operate a motor vehicle on the date of the disposition, the  
14 suspension or revocation shall commence:

15               (i)     If the child is at least 16 years old on the date of the disposition,  
16 on the date of the disposition; or

17               (ii)    If the child is younger than 16 years of age on the date of the  
18 disposition, on the date the child reaches the child's 16th birthday.

19       (c)       (1)     Pursuant to a court order under § 3-820(d) of the Courts Article, the  
20 Administration shall initiate an action to suspend the driving privilege of a child for  
21 the time specified by the court.

22               (2)     If a child subject to a suspension under § 3-820(d) of the Courts  
23 Article does not hold a license to operate a motor vehicle on the date of the court order,  
24 the suspension shall commence:

25               (i)     If the child is at least 16 years of age on the date of the  
26 disposition, on the date of the disposition; or

27               (ii)    If the child is younger than 16 years of age on the date of the  
28 disposition, on the date the child reaches the child's 16th birthday.

29               (3)     On receipt of a notice described under Article 27, § 403(f) of the Code,  
30 the Administration shall suspend the license of an individual described under Article  
31 27, § 403(f) of the Code:

32               (i)     For a first offense, for 6 months; and

33               (ii)    For a second or subsequent offense, until the individual is 21  
34 years old or for a period of 1 year, whichever is longer.

35               (4)     If an individual subject to a suspension under paragraph (3) of this  
36 subsection does not hold a license to operate a motor vehicle on the date that the

1 individual is found guilty of a Code violation, the suspension shall begin on the date  
2 that the license is issued, or after the individual applies and becomes qualified to  
3 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

4 (5) The Administration may modify a suspension under this subsection  
5 or subsection (b) of this section or issue a restricted license if:

6 (i) The license is required for the purpose of attending an alcohol  
7 education or alcoholic prevention or treatment program;

8 (ii) The child or individual is required to drive a motor vehicle in  
9 the course of employment;

10 (iii) It finds that the individual's or child's employment would be  
11 adversely affected because the individual or child has no reasonable alternative  
12 means of transportation to or from a place of employment; or

13 (iv) It finds that the individual's or child's education would be  
14 adversely affected because the individual or child has no reasonable alternative  
15 means of transportation for educational purposes.

16 ~~(6) THE ADMINISTRATION MAY MODIFY A SUSPENSION IMPOSED UNDER~~  
17 ~~SUBSECTION (B) OF THIS SECTION IF THE CHILD IS REQUIRED UNDER § 16-113 OF~~  
18 ~~THIS TITLE, FOR A PERIOD OF 3 YEARS OR UNTIL THE CHILD REACHES THE AGE OF 21~~  
19 ~~YEARS, WHICHEVER COMES FIRST, TO PARTICIPATE IN THE IGNITION INTERLOCK~~  
20 ~~SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE.~~

21 (d) (1) After the Administration refuses to issue a license under this section  
22 or after the Administration determines that a suspension should be imposed under  
23 subsection (a)(2) of this section, the Administration immediately shall give written  
24 notice to the applicant or licensee, and the applicant or licensee may request a  
25 hearing as provided in Title 12, Subtitle 2 of this article.

26 (2) Except as otherwise provided in this section, the Administration may  
27 suspend or revoke a license under this section only after a hearing under Title 12,  
28 Subtitle 2 of this article.

29 (3) If the Administration determines that there is a likelihood of  
30 substantial and immediate danger and harm to the licensee or others if the license is  
31 continued pending a hearing, the Administration:

32 (i) Immediately may suspend the license;

33 (ii) Within 7 days of a request for a hearing, shall grant the licensee  
34 a hearing as provided in Title 12, Subtitle 2 of this article; and

35 (iii) After the hearing, render an immediate decision as to whether  
36 or not it should continue the suspension or revoke the license.

1 (e) (1) If a licensee fails to appear for a hearing after receiving the written  
2 notice under subsection (d)(1) of this section, the Administration may suspend the  
3 license until the licensee appears for a hearing.

4 (2) A rescheduled hearing shall be held within 30 days of the date of the  
5 request.

6 16-404.1.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "APPROVED SERVICE PROVIDER" MEANS A PERSON WHO IS  
9 CERTIFIED BY:

10 (I) THE ADMINISTRATION TO SERVICE, INSTALL, MONITOR,  
11 CALIBRATE, AND PROVIDE INFORMATION ON IGNITION INTERLOCK SYSTEMS; AND

12 (II) A MANUFACTURER TO BE QUALIFIED TO SERVICE, INSTALL,  
13 MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION INTERLOCK  
14 SYSTEMS.

15 (3) "MANUFACTURER" MEANS A PERSON WHO MANUFACTURES  
16 IGNITION INTERLOCK SYSTEMS AND WHO CERTIFIES THAT APPROVED SERVICE  
17 PROVIDERS ARE QUALIFIED TO SERVICE, INSTALL, MONITOR, CALIBRATE, AND  
18 PROVIDE INFORMATION ON IGNITION INTERLOCK SYSTEMS.

19 [(1)] (4) "Participant" means a participant in the Ignition Interlock  
20 System Program.

21 [(2)] (5) "Program" means the Ignition Interlock System Program.

22 (b) (1) The Administration may establish an Ignition Interlock System  
23 Program.

24 (2) The Administration may establish a protocol for the Program by  
25 regulations WHICH REQUIRE CERTAIN MINIMUM STANDARDS FOR ALL ~~PERSONS~~  
26 SERVICE PROVIDERS WHO SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE  
27 INFORMATION ON IGNITION INTERLOCK SYSTEMS, AND INCLUDE REQUIREMENTS  
28 THAT:

29 (I) A ~~PERSON~~ SERVICE PROVIDER WHO APPLIES TO THE  
30 ADMINISTRATION FOR CERTIFICATION AS AN APPROVED SERVICE PROVIDER SHALL  
31 DEMONSTRATE THAT THE ~~PERSON~~ SERVICE PROVIDER IS ABLE TO COMPETENTLY  
32 SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION  
33 INTERLOCK SYSTEMS;

34 (II) A ~~PERSON~~ SERVICE PROVIDER WHO APPLIES TO THE  
35 ADMINISTRATION FOR CERTIFICATION AS AN APPROVED SERVICE PROVIDER SHALL  
36 BE CERTIFIED BY A SIGNED AFFIDAVIT FROM THE MANUFACTURER THAT THE  
37 ~~PERSON~~ SERVICE PROVIDER HAS BEEN TRAINED BY AN AUTHORIZED

1 MANUFACTURER AND THAT THE ~~PERSON~~ SERVICE PROVIDER IS COMPETENT TO  
 2 SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION  
 3 INTERLOCK SYSTEMS;

4 (III) APPROVED SERVICE PROVIDERS BE DEEMED TO BE  
 5 AUTHORIZED REPRESENTATIVES OF A MANUFACTURER; AND

6 (IV) ANY SERVICE OF NOTICE UPON AN APPROVED SERVICE  
 7 PROVIDER, WHO HAS VIOLATED ANY LAWS OR REGULATIONS OR WHOSE IGNITION  
 8 INTERLOCK SYSTEM HAS VIOLATED ANY LAWS OR REGULATIONS, BE DEEMED AS  
 9 SERVICE UPON THE MANUFACTURER WHO CERTIFIED THE APPROVED SERVICE  
 10 PROVIDER.

11 (3) An individual [whose] MAY BE A PARTICIPANT IF:

12 (I) THE INDIVIDUAL'S license is suspended or revoked for a  
 13 violation of § 21-902(a), (b), or (c) of this article or an accumulation of points under §  
 14 16-402(a)(22) or (31) of this subtitle [may be a participant] ;

15 (II) THE INDIVIDUAL IS ORDERED TO PARTICIPATE IN THE  
 16 PROGRAM BY A COURT UNDER § 27-107 OF THIS ARTICLE;

17 (III) THE INDIVIDUAL'S LICENSE HAS AN ALCOHOL RESTRICTION  
 18 IMPOSED UNDER § 16-113(B) OR (G) OF THIS TITLE; OR

19 (IV) ~~THE INDIVIDUAL'S LICENSE IS SUSPENDED UNDER § 16-206(B)~~  
 20 ~~OF THIS TITLE; OR~~

21 ~~(V)~~ (IV) THE ADMINISTRATION MODIFIES A SUSPENSION OR  
 22 ISSUES A RESTRICTED LICENSE TO THE INDIVIDUAL UNDER ~~§ 16-205.1(N)(4) §~~  
 23 16-205.1(N)(2) OR (4) OF THIS TITLE.

24 (4) The Administration may:

25 (i) Reduce a participant's driver's license suspension period as  
 26 provided under § 16-404(c)(3) of this subtitle;

27 (ii) Reinstate the driver's license of a participant whose license has  
 28 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an  
 29 accumulation of points under § 16-402(a)(31) of this subtitle for a violation of §  
 30 21-902(a) of this article; and

31 (iii) Notwithstanding any other provision of law, impose on a  
 32 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this  
 33 subtitle in lieu of a license revocation for:

34 1. A violation of § 21-902(a), (b), or (c) of this article; or

35 2. An accumulation of points under § 16-402(a)(31) of this  
 36 subtitle for a violation of § 21-902(a) of this article.

1 (5) A notice of suspension or revocation sent to an individual under this  
2 title shall include information about the Program and how the individual can qualify  
3 for admission to the Program.

4 (6) The Administration may establish a fee for the Program.

5 (c) For purposes of § 16-404(c)(3) of this subtitle and subsection (d) of this  
6 section, a participant is considered to begin participation in the Program when the  
7 participant provides evidence of the installation of an ignition interlock system BY AN  
8 APPROVED SERVICE PROVIDER in a manner required by the Administration.

9 (d) An individual whose license is suspended under § ~~{16-404(c)(2)(iv)}~~  
10 ~~16-404(C)(2)(III)~~ or ~~{(3)(iv)}~~ ~~(3)(III)~~ of this subtitle is HEREBY DEFINED AS a habitual  
11 offender whose license may not be reinstated unless the individual participates in the  
12 Program for at least 24 months.

13 (e) (1) For purposes of an ignition interlock system used under this section  
14 or under a court order under § 27-107 of this article, the Administration shall permit  
15 only the use of an ignition interlock system that meets or exceeds the technical  
16 standards for breath alcohol ignition interlock devices published in the Federal  
17 Register from time to time.

18 (2) For purposes of an ignition interlock system used under this section,  
19 the Administration shall require the Program protocol adopted by the Administration.

20 (f) (1) An individual required to use an ignition interlock system under a  
21 court order:

22 (i) Shall be monitored by the Administration; and

23 (ii) Shall pay the fee required by the Administration under  
24 subsection (b)(6) of this section.

25 (2) A court order that requires the use of an ignition interlock system is  
26 not affected by § 16-404(c)(3) of this subtitle.

27 27-101.

28 (c) Any person who is convicted of a violation of any of the provisions of the  
29 following sections of this article is subject to a fine of not more than \$500 or  
30 imprisonment for not more than 2 months or both:

31 (26) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock  
32 systems").

33 27-107.

34 (d) A person prohibited under this section OR TITLE 16 OF THIS ARTICLE from  
35 operating a motor vehicle that is not equipped with an ignition interlock system may



1 not solicit or have another person attempt to start or start a motor vehicle equipped  
2 with an ignition interlock system.

3 (e) A person may not attempt to start or start a motor vehicle equipped with  
4 an ignition interlock system for the purpose of providing an operable motor vehicle to  
5 a person who is prohibited under this section OR TITLE 16 OF THIS ARTICLE from  
6 operating a motor vehicle that is not equipped with an ignition interlock system.

7 (f) A person may not tamper with, or in any way attempt to circumvent, the  
8 operation of an ignition interlock system that has been installed in the motor vehicle  
9 of a person under this section OR TITLE 16 OF THIS ARTICLE.

10 (g) (1) Subject to the provisions of paragraph (2) of this subsection, a person  
11 may not knowingly furnish a motor vehicle not equipped with a functioning ignition  
12 interlock system to another person who the person knows is prohibited under  
13 subsection (b) of this section OR TITLE 16 OF THIS ARTICLE from operating a motor  
14 vehicle not equipped with an ignition interlock system.

15 (2) If a person is required, in the course of the person's employment, to  
16 operate a motor vehicle owned or provided by the person's employer, the person may  
17 operate that motor vehicle in the course of the person's employment without  
18 installation of an ignition interlock system if the court OR THE ADMINISTRATION has  
19 expressly permitted the person to operate in the course of the person's employment a  
20 motor vehicle that is not equipped with an ignition interlock system.

21 27-108.

22 (a) (1) The Administration, ~~IN CONSULTATION WITH IGNITION INTERLOCK~~  
23 ~~SYSTEM MANUFACTURERS AND APPROVED SERVICE PROVIDERS~~, shall certify or  
24 cause to be certified ignition interlock systems for use in the State and adopt rules  
25 and regulations for the certification of the ignition interlock systems.

26 (2) The regulations adopted under paragraph (1) of this subsection shall  
27 include requirements that ignition interlock systems:

- 28 (i) Do not impede the safe operation of the vehicle;
- 29 (ii) Minimize opportunities to be bypassed;
- 30 (iii) Correlate accurately with established measures of blood alcohol  
31 levels;
- 32 (iv) Work accurately and reliably in an unsupervised environment;
- 33 (v) Require a proper and accurate measure of blood alcohol levels;
- 34 (vi) ~~Resist tampering~~ ARE INSTALLED IN A TAMPER PROOF  
35 MANNER and provide evidence of attempted tampering;

1 (vii) Are difficult to circumvent, and require premeditation to  
2 circumvent;

3 (viii) Minimize inconvenience to a sober user;

4 (ix) Are manufactured by a party responsible for installation, user  
5 training, service, and maintenance;

6 (x) Operate reliably over the range of motor vehicle environments  
7 or motor vehicle manufacturing standards;

8 (xi) Are manufactured by a person who is adequately insured for  
9 products liability; [and]

10 (xii) Provide the option for an electronic log of the driver's experience  
11 with the system; AND

12 ~~(XIII) ARE CERTIFIED BY AN ISO 900 COMPANY AND BY AN ISO, OR ITS~~  
13 ~~EQUIVALENT, LABORATORY; AND~~

14 ~~(XIV) ARE INSTALLED BY BEING WIRED INTO THE IGNITION OF A CAR,~~  
15 ~~WITH ALL CONNECTIONS SOLDERED.~~

16 (XIII) ARE CERTIFIED BY A QUALIFIED LABORATORY APPROVED BY  
17 THE ADMINISTRATION.

18 (3) (i) The Administration shall design and adopt a warning label to be  
19 affixed to an ignition interlock system on installation.

20 (ii) The warning label shall state that a person tampering with,  
21 circumventing, or otherwise misusing the ignition interlock system is guilty of a  
22 misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.

23 (4) (i) The Administration shall publish a list of certified ignition  
24 interlock systems.

25 (ii) A manufacturer of an ignition interlock system that seeks to sell  
26 or lease the ignition interlock system to persons subject to the provisions of § 27-107  
27 of this subtitle in the State shall pay the costs of obtaining the required certification.

28 (b) A person may not sell or lease or offer to sell or lease an ignition interlock  
29 system to a person subject to the provisions of § 27-107 of this subtitle in the State  
30 unless:

31 (1) The system has been certified by the Administration; and

32 (2) A warning label approved by the Administration is affixed to the  
33 system stating that a person who tampers, circumvents, or otherwise misuses the  
34 system is guilty of a misdemeanor, and, on conviction, is subject to a fine or  
35 imprisonment or both.

1 (c) A person who sells or leases an ignition interlock system in the State shall:

2 (1) Monitor the use of the system as required by the court; and

3 (2) Issue a report of the results of the monitoring to the appropriate  
4 office of the Division of Parole and Probation.

5 (D) THE ADMINISTRATION SHALL ADOPT REGULATIONS ESTABLISHING  
6 MINIMUM STANDARDS FOR THE CERTIFICATION OF AN APPROVED SERVICE  
7 PROVIDER, INCLUDING:

8 (1) THE MINIMUM QUALIFICATIONS DESCRIBED UNDER § 16-405.1 OF  
9 THIS ARTICLE; AND

10 (2) A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER SHALL  
11 MAINTAIN SERVICE AND INSTALLATION RECORDS AND PROVIDE THESE RECORDS  
12 FOR INSPECTION ON THE REQUEST OF THE ADMINISTRATION; AND

13 ~~(3) REQUIREMENT THAT AN APPROVED SERVICE PROVIDER:~~

14 ~~(I) SHALL HAVE AT LEAST FOUR SERVICE CENTERS LOCATED IN  
15 THE STATE THAT ARE EASILY ACCESSIBLE BY PARTICIPANTS IN THE IGNITION  
16 INTERLOCK SYSTEM PROGRAM;~~

17 ~~(II) SHALL OPERATE AT REGULAR BUSINESS HOURS AND PROVIDE  
18 SERVICE AFTER HOURS;~~

19 ~~(III) SHALL OPEN ADDITIONAL SERVICE CENTERS AS REQUIRED BY  
20 THE ADMINISTRATION TO ACCOMMODATE ADDITIONAL IGNITION INTERLOCK  
21 SYSTEM PROGRAM PARTICIPANTS;~~

22 ~~(IV) SHALL PROVIDE A TOLL FREE TELEPHONE NUMBER  
23 OPERATING YEAR ROUND AND 24 HOURS A DAY FOR INQUIRIES ABOUT THE  
24 SERVICE, INSTALLATION, MONITORING, AND CALIBRATION OF IGNITION INTERLOCK  
25 SYSTEMS; AND~~

26 ~~(V) SHALL RESPOND TO ALL SERVICE INQUIRIES WITHIN 45  
27 MINUTES AND COMPLETE REPAIRS TO DEFECTIVE IGNITION INTERLOCK SYSTEMS  
28 WITHIN 48 HOURS OF RECEIVING A COMPLAINT;~~

29 ~~(4) A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER SHALL  
30 SUPPORT THE ADMINISTRATION IN CONDUCTING STUDIES ON THE EFFECTIVENESS  
31 OF THE IGNITION INTERLOCK SYSTEM PROGRAM OR OTHER RELATED STUDIES;~~

32 ~~(5) A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER SHALL  
33 ESTABLISH AN INDIGENCY CREDIT FUND WITH 2% OF ITS MONTHLY RENTALS OF  
34 IGNITION INTERLOCK SYSTEMS AVAILABLE FOR ONE-TIME USE ONLY; AND~~

1           (6)     ~~A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER MAY NOT~~  
2 ~~ASSIGN ANY OF ITS RESPONSIBILITIES OR ADMINISTRATION STANDARDS TO~~  
3 ~~ANOTHER PERSON WHO IS NOT APPROVED BY THE ADMINISTRATION.~~

4     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 1998.