
By: **Delegate Bissett**
Introduced and read first time: February 12, 1998
Assigned to: Judiciary

A BILL ENTITLED

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 alcohol restriction that requires the licensee to participate in the
5 Ignition Interlock System Program under certain circumstances; requiring the
6 Administration to impose the restriction on an individual convicted of certain
7 offenses; requiring an individual ordered by a court to participate in the Ignition
8 Interlock System Program to show certain proof of installation of an ignition
9 interlock system before receiving a restricted license; altering provisions
10 relating to the return of a license after a period of suspension for driving
11 offenses; providing that a person whose license to drive is suspended for certain
12 administrative offenses may be a participant in the Ignition Interlock System
13 Program; authorizing the Administration to modify a suspension or issue a
14 restrictive license to the participant; authorizing the Administration to modify
15 the suspension of a child's license under certain circumstances; altering
16 conditions for designation of a driver as a habitual offender for purposes of the
17 Ignition Interlock System Program; requiring the Administration to approve
18 and certify certain types of ignition interlock systems for the Ignition Interlock
19 System Program; requiring approved service providers to install, service, and
20 monitor ignition interlock systems; prohibiting a participant in the Ignition
21 Interlock System Program established by the Administration from soliciting or
22 having another person attempt to start or start a motor vehicle equipped with
23 an ignition interlock system; prohibiting a person from attempting to start or
24 starting a motor vehicle equipped with an ignition interlock system for a
25 participant in the Ignition Interlock System Program; prohibiting a person from
26 tampering with or attempting to circumvent an ignition interlock system
27 installed under the Ignition Interlock System Program; prohibiting a person
28 from furnishing, under certain circumstances, a motor vehicle not equipped with
29 an ignition interlock system to a participant in the Ignition Interlock System
30 Program; providing that the Administration may permit a participant in the
31 Ignition Interlock System Program to operate a motor vehicle without an
32 ignition interlock system in the course of the individual's employment under
33 certain circumstances; providing for certain penalties; defining certain terms;
34 authorizing the Administration to adopt regulations requiring certain standards
35 and qualifications for approved service providers; clarifying who may be a

1 participant in the Ignition Interlock System Program; including certain
2 additional requirements for regulations for certification and installation of
3 ignition interlock systems; requiring certain procedural standards for approved
4 service providers; and generally relating to ignition interlock systems.

5 BY repealing and reenacting, with amendments,
6 Article - Transportation
7 Section 16-113, 16-205, 16-205.1(b)(2) and (3), (f)(7)(i) and (8)(i), and (n),
8 16-206, 16-404.1, 27-107(d), (e), (f), and (g), and 27-108
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1997 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Transportation
13 Section 16-205.1(f)(8)(v) and 27-101(c)(26)
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1997 Supplement)

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

18 **Article - Transportation**

19 16-113.

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

23 (1) Any restrictions suitable to the licensee's driving ability with respect
24 to the type of special mechanical control devices required on motor vehicles that the
25 licensee may drive;

26 (2) An alcohol restriction which prohibits the licensee from driving or
27 attempting to drive a motor vehicle while having alcohol in the licensee's blood,
28 INCLUDING A RESTRICTION THAT PROHIBITS THE LICENSEE FROM DRIVING OR
29 ATTEMPTING TO DRIVE A MOTOR VEHICLE UNLESS THE LICENSEE IS A PARTICIPANT
30 IN THE IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF
31 THIS TITLE; and

32 (3) Any other restrictions applicable to the licensee that the
33 Administration determines appropriate to assure the safe driving of a motor vehicle
34 by the licensee.

35 (b) (1) Notwithstanding the licensee's driving record, the Administration
36 shall impose on each licensee under the age of 21 years an alcohol restriction that
37 prohibits the licensee from driving or attempting to drive a motor vehicle with an

1 alcohol concentration of 0.02 or more as determined by an analysis of the person's
2 blood or breath.

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

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

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

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

10 (4) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO IS CONVICTED
11 OF, OR WHO RECEIVES PROBATION BEFORE JUDGMENT UNDER ARTICLE 27, § 641 OF
12 THE CODE FOR, A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE SHALL BE
13 REQUIRED, FOR A PERIOD OF 3 YEARS OR UNTIL THE INDIVIDUAL REACHES THE AGE
14 OF 21 YEARS, WHICHEVER COMES FIRST, TO PARTICIPATE IN THE IGNITION
15 INTERLOCK SYSTEM PROGRAM IN ORDER TO RETAIN THE INDIVIDUAL'S DRIVER'S
16 LICENSE.

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

19 (i) Issue a special restricted license; or

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

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

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

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

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

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

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

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

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

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

11 (g) (1) The Administration shall impose an alcohol restriction under
12 subsection (a)(2) of this section that [prohibits an individual] for a period of 3 years
13 PROHIBITS AN INDIVIDUAL from driving or attempting to drive with alcohol in the
14 individual's blood AND REQUIRES THE INDIVIDUAL TO PARTICIPATE IN THE IGNITION
15 INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE on any
16 licensee who is convicted of [any]:

17 (I) ANY combination of two or more violations under § 21-902(a) or
18 (b) of this article;

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

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

24 (IV) DRIVING WHILE INTOXICATED PER SE IN VIOLATION OF §
25 21-902(A)(2) OF THIS ARTICLE IF, AT THE TIME OF TESTING, THE DRIVER'S ALCOHOL
26 CONCENTRATION WAS 0.15 OR MORE.

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

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

37 (I) HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED IN EACH
38 VEHICLE OWNED BY THE LICENSEE; AND

1 (II) SUBMIT TO THE ADMINISTRATION EVIDENCE OF THE
2 INSTALLATION OF AN IGNITION INTERLOCK SYSTEM, AS REQUIRED IN § 16-404.1(C)
3 OF THIS TITLE.

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

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

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

11 16-205.

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

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

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

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

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

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

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

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

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

7 (1) § 21-902(a) of this article of driving or attempting to drive a motor
8 vehicle while intoxicated or while intoxicated per se;

9 (2) § 21-902(b) of this article of driving or attempting to drive a motor
10 vehicle while under the influence of alcohol;

11 (3) § 21-902(c) of this article of driving or attempting to drive a motor
12 vehicle while so far under the influence of any drug, any combination of drugs, or a
13 combination of one or more drugs and alcohol that the person cannot drive a motor
14 vehicle safely; or

15 (4) § 21-902(d) of this article of driving or attempting to drive a motor
16 vehicle while under the influence of a controlled dangerous substance.

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

20 (1) THE DRIVER PARTICIPATED IN THE IGNITION INTERLOCK SYSTEM
21 PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE DURING THE PERIOD OF
22 THE SUSPENSION; AND

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

25 16-205.1.

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

35 (i) Detain the person;

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

37 (iii) Advise the person of the administrative sanctions that shall be
38 imposed for refusal to take the test, including ineligibility for modification of a

1 suspension or issuance of a restrictive license UNDER SUBSECTION (N)(1) OR (2) OF
2 THIS SECTION, and for test results indicating an alcohol concentration of 0.10 or more
3 at the time of testing.

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

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

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

9 (iii) Issue a temporary license to drive;

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

12 (v) Inform the person that:

13 1. The person has a right to request, at that time or within
14 10 days, a hearing to show cause why the driver's license should not be suspended
15 concerning the refusal to take the test or for test results indicating an alcohol
16 concentration of 0.10 or more at the time of testing, and the hearing will be scheduled
17 within 45 days; and

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

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

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

31 1. The officer had reasonable grounds to believe that the
32 person had been driving or attempting to drive a motor vehicle on a highway or on
33 any private property that is used by the public in general in this State while
34 intoxicated, while under the influence of alcohol, while so far under the influence of
35 any drug, any combination of drugs, or a combination of one or more drugs and
36 alcohol that the person could not drive a vehicle safely, while under the influence of a
37 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
38 § 16-813 of this title;

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

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

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

10 1. Whether the police officer who stops or detains a person
11 had reasonable grounds to believe the person was driving or attempting to drive while
12 intoxicated, while under the influence of alcohol, while so far under the influence of
13 any drug, any combination of drugs, or a combination of one or more drugs and
14 alcohol that the person could not drive a vehicle safely, while under the influence of a
15 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
16 § 16-813 of this title;

17 2. Whether there was evidence of the use by the person of
18 alcohol, any drug, any combination of drugs, a combination of one or more drugs and
19 alcohol, or a controlled dangerous substance;

20 3. Whether the police officer requested a test after the
21 person was fully advised of the administrative sanctions that shall be imposed,
22 including the fact that a person who refuses to take the test is ineligible for
23 modification of a suspension or issuance of a restrictive license UNDER SUBSECTION
24 (N)(1) AND (2) OF THIS SECTION;

25 4. Whether the person refused to take the test;

26 5. Whether the person drove or attempted to drive a motor
27 vehicle while having an alcohol concentration of 0.10 or more at the time of testing; or

28 6. If the hearing involves disqualification of a commercial
29 driver's license, whether the person was operating a commercial motor vehicle.

30 (8) (i) After a hearing, the Administration shall suspend the driver's
31 license or privilege to drive of the person charged under subsection (b) or (c) of this
32 section if:

33 1. The police officer who stopped or detained the person had
34 reasonable grounds to believe the person was driving or attempting to drive while
35 intoxicated, while under the influence of alcohol, while so far under the influence of
36 any drug, any combination of drugs, or a combination of one or more drugs and
37 alcohol that the person could not drive a vehicle safely, while under the influence of a
38 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
39 § 16-813 of this title;

1 2. There was evidence of the use by the person of alcohol, any
 2 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
 3 controlled dangerous substance;

4 3. The police officer requested a test after the person was
 5 fully advised of the administrative sanctions that shall be imposed, including the fact
 6 that a person who refuses to take the test is ineligible for modification of a suspension
 7 or issuance of a restrictive license UNDER SUBSECTION (N)(1) AND (2) OF THIS
 8 SECTION; and

9 4. A. The person refused to take the test; or

10 B. A test to determine alcohol concentration was taken and
 11 the test result indicated an alcohol concentration of 0.10 or more at the time of
 12 testing.

13 (v) The suspension imposed shall be:

14 1. For a test result indicating an alcohol concentration of
 15 0.10 or more at the time of testing:

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

17 B. For a second or subsequent offense, a suspension for 90
 18 days; or

19 2. For a test refusal:

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

21 B. For a second or subsequent offense, a suspension for 1
 22 year.

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

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

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

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

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

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

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

4 (2) In addition to the authority to modify a suspension or issue a
5 restrictive license under paragraph (1) OR (4) of this subsection, the Administration
6 may modify a suspension under this section or issue a restrictive license if:

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

8 (ii) The licensee did not refuse to take a test;

9 (iii) The licensee has not been convicted under § 21-902 of this
10 article; and

11 (iv) The license is required for the purpose of attending:

12 1. A noncollegiate educational institution as defined in §
13 2-206(a) of the Education Article; or

14 2. A regular program at an institution of postsecondary
15 education.

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

19 (4) IN ADDITION TO THE AUTHORITY TO MODIFY A SUSPENSION OR
20 ISSUE A RESTRICTIVE LICENSE UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION,
21 THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER THIS SECTION OR ISSUE
22 A RESTRICTIVE LICENSE TO A LICENSEE WHO PARTICIPATES IN THE IGNITION
23 INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE.

24 16-206.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (4) If an individual subject to a suspension under paragraph (3) of this
8 subsection does not hold a license to operate a motor vehicle on the date that the
9 individual is found guilty of a Code violation, the suspension shall begin on the date
10 that the license is issued, or after the individual applies and becomes qualified to
11 receive a license, or on the individual's twenty-first birthday, whichever occurs first.

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

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

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

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

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

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

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

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

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

4 (i) Immediately may suspend the license;

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

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

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

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

14 16-404.1.

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

16 (2) "APPROVED SERVICE PROVIDER" MEANS A PERSON WHO IS
17 CERTIFIED BY:

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

20 (II) A MANUFACTURER TO BE QUALIFIED TO SERVICE, INSTALL,
21 MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION INTERLOCK
22 SYSTEMS.

23 (3) "MANUFACTURER" MEANS A PERSON WHO MANUFACTURES
24 IGNITION INTERLOCK SYSTEMS AND WHO CERTIFIES THAT APPROVED SERVICE
25 PROVIDERS ARE QUALIFIED TO SERVICE, INSTALL, MONITOR, CALIBRATE, AND
26 PROVIDE INFORMATION ON IGNITION INTERLOCK SYSTEMS.

27 [(1)] (4) "Participant" means a participant in the Ignition Interlock
28 System Program.

29 [(2)] (5) "Program" means the Ignition Interlock System Program.

30 (b) (1) The Administration may establish an Ignition Interlock System
31 Program.

32 (2) The Administration may establish a protocol for the Program by
33 regulations WHICH REQUIRE CERTAIN MINIMUM STANDARDS FOR ALL PERSONS
34 WHO SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON
35 IGNITION INTERLOCK SYSTEMS, AND INCLUDE REQUIREMENTS THAT:

1 (I) A PERSON WHO APPLIES TO THE ADMINISTRATION FOR
2 CERTIFICATION AS AN APPROVED SERVICE PROVIDER SHALL DEMONSTRATE THAT
3 THE PERSON IS ABLE TO COMPETENTLY SERVICE, INSTALL, MONITOR, CALIBRATE,
4 AND PROVIDE INFORMATION ON IGNITION INTERLOCK SYSTEMS;

5 (II) A PERSON WHO APPLIES TO THE ADMINISTRATION FOR
6 CERTIFICATION AS AN APPROVED SERVICE PROVIDER SHALL BE CERTIFIED BY A
7 SIGNED AFFIDAVIT FROM THE MANUFACTURER THAT THE PERSON HAS BEEN
8 TRAINED BY AN AUTHORIZED MANUFACTURER AND THAT THE PERSON IS
9 COMPETENT TO SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE
10 INFORMATION ON IGNITION INTERLOCK SYSTEMS;

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

13 (IV) ANY SERVICE OF NOTICE UPON AN APPROVED SERVICE
14 PROVIDER, WHO HAS VIOLATED ANY LAWS OR REGULATIONS OR WHOSE IGNITION
15 INTERLOCK SYSTEM HAS VIOLATED ANY LAWS OR REGULATIONS, BE DEEMED AS
16 SERVICE UPON THE MANUFACTURER WHO CERTIFIED THE APPROVED SERVICE
17 PROVIDER.

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

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

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

24 (III) THE INDIVIDUAL'S LICENSE HAS AN ALCOHOL RESTRICTION
25 IMPOSED UNDER § 16-113 OF THIS TITLE;

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

28 (V) THE ADMINISTRATION MODIFIES A SUSPENSION OR ISSUES A
29 RESTRICTED LICENSE TO THE INDIVIDUAL UNDER § 16-205.1(N)(4) OF THIS TITLE.

30 (4) The Administration may:

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

33 (ii) Reinstate the driver's license of a participant whose license has
34 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
35 accumulation of points under § 16-402(a)(31) of this subtitle for a violation of §
36 21-902(a) of this article; and

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

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

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

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

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

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

15 (d) An individual whose license is suspended under § [16-404(c)(2)(iv)]
16 16-404(C)(2)(III) or [(3)(iv)] (3)(III) of this subtitle is HEREBY DEFINED AS a habitual
17 offender whose license may not be reinstated unless the individual participates in the
18 Program for at least 24 months.

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

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

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

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

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

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

33 27-101.

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

1 (26) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
2 systems").

3 27-107.

4 (d) A person prohibited under this section OR TITLE 16 OF THIS ARTICLE from
5 operating a motor vehicle that is not equipped with an ignition interlock system may
6 not solicit or have another person attempt to start or start a motor vehicle equipped
7 with an ignition interlock system.

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

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

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

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

26 27-108.

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

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

- 33 (i) Do not impede the safe operation of the vehicle;
- 34 (ii) Minimize opportunities to be bypassed;
- 35 (iii) Correlate accurately with established measures of blood alcohol
36 levels;
- 37 (iv) Work accurately and reliably in an unsupervised environment;

1 (v) Require a proper and accurate measure of blood alcohol levels;

2 (vi) Resist tampering and provide evidence of attempted tampering;

3 (vii) Are difficult to circumvent, and require premeditation to
4 circumvent;

5 (viii) Minimize inconvenience to a sober user;

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

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

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

12 (xii) Provide the option for an electronic log of the driver's experience
13 with the system;

14 (XIII) ARE CERTIFIED BY AN ISO 900 COMPANY AND BY AN ISO, OR ITS
15 EQUIVALENT, LABORATORY; AND

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

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;

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;

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.