
By: ~~Delegate Bissett~~ **Delegates Bissett and Arnick**
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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~~
18 ~~offender for purposes of the Ignition Interlock System Program~~; requiring the
19 Administration to approve and certify certain types of ignition interlock systems
20 for the Ignition Interlock System Program; requiring approved service providers
21 to install, service, and monitor ignition interlock systems; prohibiting a
22 participant in the Ignition Interlock System Program established by the
23 Administration from soliciting or having another person attempt to start or
24 start a motor vehicle equipped with an ignition interlock system; prohibiting a
25 person from attempting to start or starting a motor vehicle equipped with an
26 ignition interlock system for a participant in the Ignition Interlock System
27 Program; prohibiting a person from tampering with or attempting to circumvent
28 an ignition interlock system installed under the Ignition Interlock System

1 Program; prohibiting a person from furnishing, under certain circumstances, a
 2 motor vehicle not equipped with an ignition interlock system to a participant in
 3 the Ignition Interlock System Program; providing that the Administration may
 4 permit a participant in the Ignition Interlock System Program to operate a
 5 motor vehicle without an ignition interlock system in the course of the
 6 individual's employment under certain circumstances; providing for certain
 7 penalties; defining certain terms; authorizing the Administration to adopt
 8 regulations requiring certain standards and qualifications for approved service
 9 providers; clarifying who may be a participant in the Ignition Interlock System
 10 Program; including certain additional requirements for regulations for
 11 certification and installation of ignition interlock systems; requiring certain
 12 procedural standards for approved service providers; and generally relating to
 13 ignition interlock systems.

14 BY repealing and reenacting, with amendments,
 15 Article - Transportation
 16 Section 16-113, ~~16-205~~, 16-205.1(b)(2) and (3), (f)(7)(i) and (8)(i), and (n),
 17 ~~16-206~~, 16-404.1, 27-107(d), (e), (f), and (g), and 27-108
 18 Annotated Code of Maryland
 19 (1992 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, without amendments,
 21 Article - Transportation
 22 Section 16-205.1(f)(8)(v), ~~16-206~~, and 27-101(c)(26)
 23 Annotated Code of Maryland
 24 (1992 Replacement Volume and 1997 Supplement)

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

27 **Article - Transportation**

28 16-113.

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

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

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

1 (3) (III) Any other restrictions applicable to the licensee that the
2 Administration determines appropriate to assure the safe driving of a motor vehicle
3 by the licensee.

4 (2) AN ALCOHOL RESTRICTION THAT PROHIBITS THE LICENSEE FROM
5 DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE HAVING ALCOHOL IN
6 THE LICENSEE'S BLOOD MAY, AS DESCRIBED IN SUBSECTIONS (B) AND (G) OF THIS
7 SECTION, INCLUDE A RESTRICTION THAT PROHIBITS THE LICENSEE FROM DRIVING
8 OR ATTEMPTING TO DRIVE A MOTOR VEHICLE UNLESS THE LICENSEE IS A
9 PARTICIPANT IN THE IGNITION INTERLOCK PROGRAM ESTABLISHED UNDER §
10 16-404.1 OF THIS TITLE.

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

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

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

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

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

23 (4) ~~AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO IS CONVICTED~~
24 ~~OF, OR WHO RECEIVES PROBATION BEFORE JUDGMENT UNDER ARTICLE 27, § 641 OF~~
25 ~~THE CODE FOR, A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE SHALL MAY~~
26 ~~BE REQUIRED, FOR A PERIOD OF NOT MORE THAN 3 YEARS OR UNTIL THE~~
27 ~~INDIVIDUAL REACHES THE AGE OF 21 YEARS, WHICHEVER COMES FIRST, TO~~
28 ~~PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IN ORDER TO RETAIN~~
29 ~~THE INDIVIDUAL'S DRIVER'S LICENSE.~~

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

32 (i) Issue a special restricted license; or

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

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

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

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

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

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

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

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

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

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

23 (g) (1) The Administration shall impose an alcohol restriction under
 24 subsection ~~(a)(2)~~ ~~(A)(1)(II)~~ of this section that ~~{prohibits an individual}~~ for a period of
 25 3 years ~~PROHIBITS AN INDIVIDUAL~~ from driving or attempting to drive with alcohol in
 26 the individual's blood ~~AND REQUIRES THE INDIVIDUAL TO PARTICIPATE IN THE~~
 27 ~~IGNITION INTERLOCK SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS~~
 28 ~~TITLE~~ on any licensee who is convicted WITHIN 5 YEARS of ~~{any};~~

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

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

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

36 ~~(IV) DRIVING WHILE INTOXICATED PER SE IN VIOLATION OF §~~
 37 ~~21-902(A)(2) OF THIS ARTICLE IF, AT THE TIME OF TESTING, THE DRIVER'S ALCOHOL~~
 38 ~~CONCENTRATION WAS 0.15 OR MORE.~~

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

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

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

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

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

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

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

24 ~~16-205.~~

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

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

29 ~~(2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this~~
 30 ~~article of driving or attempting to drive a motor vehicle while under the influence of~~
 31 ~~alcohol or while so far under the influence of any drug, any combination of drugs, or~~
 32 ~~a combination of one or more drugs and alcohol that the person cannot drive a vehicle~~
 33 ~~safely and who was previously convicted of any combination of two or more violations~~
 34 ~~under;~~

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

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

1 (iii) § 21-902(e) of this article of driving or attempting to drive a
 2 motor vehicle while so far under the influence of any drug, any combination of drugs,
 3 or a combination of one or more drugs and alcohol that the person cannot drive a
 4 vehicle safely; or

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

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

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

18 (1) § 21-902(a) of this article of driving or attempting to drive a motor
 19 vehicle while intoxicated or while intoxicated per se;

20 (2) § 21-902(b) of this article of driving or attempting to drive a motor
 21 vehicle while under the influence of alcohol;

22 (3) § 21-902(c) of this article of driving or attempting to drive a motor
 23 vehicle while so far under the influence of any drug, any combination of drugs, or a
 24 combination of one or more drugs and alcohol that the person cannot drive a motor
 25 vehicle safely; or

26 (4) § 21-902(d) of this article of driving or attempting to drive a motor
 27 vehicle while under the influence of a controlled dangerous substance.

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

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

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

36 16-205.1.

37 (b) (2) Except as provided in subsection (c) of this section, if a police officer
 38 stops or detains any person who the police officer has reasonable grounds to believe is

1 or has been driving or attempting to drive a motor vehicle while intoxicated, while
2 under the influence of alcohol, while so far under the influence of any drug, any
3 combination of drugs, or a combination of one or more drugs and alcohol that the
4 person could not drive a vehicle safely, while under the influence of a controlled
5 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
6 of this title, and who is not unconscious or otherwise incapable of refusing to take a
7 test, the police officer shall:

8 (i) Detain the person;

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

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

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

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

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

20 (iii) Issue a temporary license to drive;

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

23 (v) Inform the person that:

24 1. The person has a right to request, at that time or within
25 10 days, a hearing to show cause why the driver's license should not be suspended
26 concerning the refusal to take the test or for test results indicating an alcohol
27 concentration of 0.10 or more at the time of testing, and the hearing will be scheduled
28 within 45 days; and

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

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

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

4 1. The officer had reasonable grounds to believe that the
5 person had been driving or attempting to drive a motor vehicle on a highway or on
6 any private property that is used by the public in general in this State while
7 intoxicated, while under the influence of alcohol, while so far under the influence of
8 any drug, any combination of drugs, or a combination of one or more drugs and
9 alcohol that the person could not drive a vehicle safely, while under the influence of a
10 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
11 § 16-813 of this title;

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

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

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

21 1. Whether the police officer who stops or detains a person
22 had reasonable grounds to believe the person was driving or attempting to drive while
23 intoxicated, while under the influence of alcohol, while so far under the influence of
24 any drug, any combination of drugs, or a combination of one or more drugs and
25 alcohol that the person could not drive a vehicle safely, while under the influence of a
26 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
27 § 16-813 of this title;

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

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

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

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

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

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

4 1. The police officer who stopped or detained the person had
5 reasonable grounds to believe the person was driving or attempting to drive while
6 intoxicated, while under the influence of alcohol, while so far under the influence of
7 any drug, any combination of drugs, or a combination of one or more drugs and
8 alcohol that the person could not drive a vehicle safely, while under the influence of a
9 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
10 § 16-813 of this title;

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

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

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

20 B. A test to determine alcohol concentration was taken and
21 the test result indicated an alcohol concentration of 0.10 or more at the time of
22 testing.

23 (v) The suspension imposed shall be:

24 1. For a test result indicating an alcohol concentration of
25 0.10 or more at the time of testing:

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

27 B. For a second or subsequent offense, a suspension for 90
28 days; or

29 2. For a test refusal:

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

31 B. For a second or subsequent offense, a suspension for 1
32 year.

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

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

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

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

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

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

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

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

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

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

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

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

23 1. A noncollegiate educational institution as defined in §
24 2-206(a) of the Education Article; or

25 2. A regular program at an institution of postsecondary
26 education.

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

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

1 16-206.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) On receipt of a notice described under Article 27, § 403(f) of the Code,
12 the Administration shall suspend the license of an individual described under Article
13 27, § 403(f) of the Code:

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

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

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

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

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

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

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

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

34 ~~(6) THE ADMINISTRATION MAY MODIFY A SUSPENSION IMPOSED UNDER~~
35 ~~SUBSECTION (B) OF THIS SECTION IF THE CHILD IS REQUIRED UNDER § 16-113 OF~~
36 ~~THIS TITLE, FOR A PERIOD OF 3 YEARS OR UNTIL THE CHILD REACHES THE AGE OF 21~~

~~1 YEARS, WHICHEVER COMES FIRST, TO PARTICIPATE IN THE IGNITION INTERLOCK
2 SYSTEM PROGRAM ESTABLISHED UNDER § 16-404.1 OF THIS TITLE.~~

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

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

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

14 (i) Immediately may suspend the license;

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

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

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

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

24 16-404.1.

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

26 (2) "APPROVED SERVICE PROVIDER" MEANS A PERSON WHO IS
27 CERTIFIED BY:

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

30 (II) A MANUFACTURER TO BE QUALIFIED TO SERVICE, INSTALL,
31 MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION INTERLOCK
32 SYSTEMS.

33 (3) "MANUFACTURER" MEANS A PERSON WHO MANUFACTURES
34 IGNITION INTERLOCK SYSTEMS AND WHO CERTIFIES THAT APPROVED SERVICE
35 PROVIDERS ARE QUALIFIED TO SERVICE, INSTALL, MONITOR, CALIBRATE, AND
36 PROVIDE INFORMATION ON IGNITION INTERLOCK SYSTEMS.

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

3 [(2)] (5) "Program" means the Ignition Interlock System Program.

4 (b) (1) The Administration may establish an Ignition Interlock System
5 Program.

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

11 (I) A ~~PERSON~~ SERVICE PROVIDER WHO APPLIES TO THE
12 ADMINISTRATION FOR CERTIFICATION AS AN APPROVED SERVICE PROVIDER SHALL
13 DEMONSTRATE THAT THE ~~PERSON~~ SERVICE PROVIDER IS ABLE TO COMPETENTLY
14 SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION
15 INTERLOCK SYSTEMS;

16 (II) A ~~PERSON~~ SERVICE PROVIDER WHO APPLIES TO THE
17 ADMINISTRATION FOR CERTIFICATION AS AN APPROVED SERVICE PROVIDER SHALL
18 BE CERTIFIED BY A SIGNED AFFIDAVIT FROM THE MANUFACTURER THAT THE
19 ~~PERSON~~ SERVICE PROVIDER HAS BEEN TRAINED BY AN AUTHORIZED
20 MANUFACTURER AND THAT THE ~~PERSON~~ SERVICE PROVIDER IS COMPETENT TO
21 SERVICE, INSTALL, MONITOR, CALIBRATE, AND PROVIDE INFORMATION ON IGNITION
22 INTERLOCK SYSTEMS;

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

25 (IV) ANY SERVICE OF NOTICE UPON AN APPROVED SERVICE
26 PROVIDER, WHO HAS VIOLATED ANY LAWS OR REGULATIONS OR WHOSE IGNITION
27 INTERLOCK SYSTEM HAS VIOLATED ANY LAWS OR REGULATIONS, BE DEEMED AS
28 SERVICE UPON THE MANUFACTURER WHO CERTIFIED THE APPROVED SERVICE
29 PROVIDER.

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

31 (I) THE INDIVIDUAL'S license is suspended or revoked for a
32 violation of § 21-902(a), (b), or (c) of this article or an accumulation of points under §
33 16-402(a)(22) or (31) of this subtitle [may be a participant] ;

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

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

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

3 ~~(V)~~ (IV) THE ADMINISTRATION MODIFIES A SUSPENSION OR
4 ISSUES A RESTRICTED LICENSE TO THE INDIVIDUAL UNDER ~~§ 16-205.1(N)(4) §~~
5 ~~16-205.1(N)(2) OR (4)~~ OF THIS TITLE.

6 (4) The Administration may:

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

9 (ii) Reinstate the driver's license of a participant whose license has
10 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
11 accumulation of points under § 16-402(a)(31) of this subtitle for a violation of §
12 21-902(a) of this article; and

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

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

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

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

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

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

27 (d) An individual whose license is suspended under § {16-404(c)(2)(iv)}
28 ~~16-404(C)(2)(III)~~ or {3)(iv)} ~~(3)(III)~~ of this subtitle is HEREBY DEFINED AS a habitual
29 offender whose license may not be reinstated unless the individual participates in the
30 Program for at least 24 months.

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

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

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

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

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

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

8 27-101.

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

12 (26) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
13 systems").

14 27-107.

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

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

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

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

31 (2) If a person is required, in the course of the person's employment, to
32 operate a motor vehicle owned or provided by the person's employer, the person may
33 operate that motor vehicle in the course of the person's employment without
34 installation of an ignition interlock system if the court OR THE ADMINISTRATION has
35 expressly permitted the person to operate in the course of the person's employment a
36 motor vehicle that is not equipped with an ignition interlock system.

1 27-108.

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

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

8 (i) Do not impede the safe operation of the vehicle;

9 (ii) Minimize opportunities to be bypassed;

10 (iii) Correlate accurately with established measures of blood alcohol
 11 levels;

12 (iv) Work accurately and reliably in an unsupervised environment;

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

14 (vi) ~~Resist tampering~~ ARE INSTALLED IN A TAMPER PROOF
 15 MANNER and provide evidence of attempted tampering;

16 (vii) Are difficult to circumvent, and require premeditation to
 17 circumvent;

18 (viii) Minimize inconvenience to a sober user;

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

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

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

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

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

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

31 (XIII) ARE CERTIFIED BY A QUALIFIED LABORATORY APPROVED BY
 32 THE ADMINISTRATION.

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

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

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

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

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

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

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

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

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

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

23 (D) THE ADMINISTRATION SHALL ADOPT REGULATIONS ESTABLISHING
24 MINIMUM STANDARDS FOR THE CERTIFICATION OF AN APPROVED SERVICE
25 PROVIDER, INCLUDING:

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

28 (2) A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER SHALL
29 MAINTAIN SERVICE AND INSTALLATION RECORDS AND PROVIDE THESE RECORDS
30 FOR INSPECTION ON THE REQUEST OF THE ADMINISTRATION; .

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

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

35 ~~(II) SHALL OPERATE AT REGULAR BUSINESS HOURS AND PROVIDE~~
36 ~~SERVICE AFTER HOURS;~~

1 (III) ~~SHALL OPEN ADDITIONAL SERVICE CENTERS AS REQUIRED BY~~
2 ~~THE ADMINISTRATION TO ACCOMMODATE ADDITIONAL IGNITION INTERLOCK~~
3 ~~SYSTEM PROGRAM PARTICIPANTS;~~

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

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

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

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

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

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