

SENATE BILL 12

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R3

1998 Regular Session
8lr0327

(PRE-FILED)

By: **Senator Ruben**

Requested: September 9, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Drunk Driving - Ignition Interlock System**

3 FOR the purpose of making it mandatory for a court to prohibit a person from
4 operating a motor vehicle that is not equipped with an ignition interlock system
5 for a certain period if the person is convicted of or granted probation before
6 judgment for driving while intoxicated or while under the influence of alcohol;
7 and generally relating to motor vehicles and drunk driving.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 27-107
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1997 Supplement)

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

15 **Article - Transportation**

16 27-107.

17 (a) In this section "ignition interlock system" means a device that:

18 (1) Connects a motor vehicle ignition system to a breath analyzer that
19 measures a driver's blood alcohol level; and

20 (2) Prevents a motor vehicle ignition from starting if a driver's blood
21 alcohol level exceeds the calibrated setting on the device.

22 (b) In addition to any other penalties provided in this title for a violation of
23 any of the provisions of § 21-902(a) of this article ("Driving while intoxicated"), or §
24 21-902(b) of this article ("Driving while under the influence of alcohol"), or in addition
25 to any other condition of probation, a court [may] SHALL prohibit a person who is
26 convicted of, or granted probation under Article 27, § 641 of the Code for, a violation of

1 § 21-902(a) or § 21-902(b) of this article from operating for not more than 3 years a
2 motor vehicle that is not equipped with an ignition interlock system.

3 (c) If the court imposes the use of an ignition interlock system as a sentence,
4 part of a sentence, or a condition of probation, the court:

5 (1) Shall state on the record the requirement for, and the period of the
6 use of the system, and so notify the Administration;

7 (2) Shall direct that the records of the Administration reflect:

8 (i) That the person may not operate a motor vehicle that is not
9 equipped with an ignition interlock system; and

10 (ii) Whether the court has expressly permitted the person to
11 operate a motor vehicle without an ignition interlock system under subsection (g)(2)
12 of this section;

13 (3) Shall direct the Administration to note in an appropriate manner a
14 restriction on the person's license imposed under paragraph (2)(i) or (ii) of this
15 subsection;

16 (4) Shall require proof of the installation of the system and periodic
17 reporting by the person for verification of the proper operation of the system;

18 (5) Shall require the person to have the system monitored for proper use
19 and accuracy by an entity approved by the Administration at least semiannually, or
20 more frequently as the circumstances may require; and

21 (6) (i) Shall require the person to pay the reasonable cost of leasing or
22 buying, monitoring, and maintaining the system; and

23 (ii) May establish a payment schedule.

24 (d) A person prohibited under this section from operating a motor vehicle that
25 is not equipped with an ignition interlock system may not solicit or have another
26 person attempt to start or start a motor vehicle equipped with an ignition interlock
27 system.

28 (e) A person may not attempt to start or start a motor vehicle equipped with
29 an ignition interlock system for the purpose of providing an operable motor vehicle to
30 a person who is prohibited under this section from operating a motor vehicle that is
31 not equipped with an ignition interlock system.

32 (f) A person may not tamper with, or in any way attempt to circumvent, the
33 operation of an ignition interlock system that has been installed in the motor vehicle
34 of a person under this section.

35 (g) (1) Subject to the provisions of paragraph (2) of this subsection, a person
36 may not knowingly furnish a motor vehicle not equipped with a functioning ignition

1 interlock system to another person who the person knows is prohibited under
2 subsection (b) of this section from operating a motor vehicle not equipped with an
3 ignition interlock system.

4 (2) If a person is required, in the course of the person's employment, to
5 operate a motor vehicle owned or provided by the person's employer, the person may
6 operate that motor vehicle in the course of the person's employment without
7 installation of an ignition interlock system if the court has expressly permitted the
8 person to operate in the course of the person's employment a motor vehicle that is not
9 equipped with an ignition interlock system.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1998.