
By: **Senators Hooper, Jacobs, Ruben, Van Hollen, Harris, and Stone**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Ignition Interlock System**

3 FOR the purpose of altering the definition of "ignition interlock system" for certain
4 purposes to include a requirement that such systems be capable of periodically
5 testing the blood alcohol level of the driver of a motor vehicle while the motor
6 vehicle is in use; requiring a court to order the use of an ignition interlock
7 system for a second or subsequent violation of driving while intoxicated, or a
8 third or subsequent violation of driving while under the influence of alcohol;
9 requiring monitoring of the monthly mileage of a motor vehicle equipped with a
10 court-ordered ignition interlock system; and generally relating to the use and
11 capabilities of ignition interlock systems.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 27-107(a), (b), and (c)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1998 Supplement)

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

19 **Article - Transportation**

20 27-107.

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

22 (1) Connects a motor vehicle ignition system to a breath analyzer that
23 measures a driver's blood alcohol level; [and]

24 (2) Prevents a motor vehicle ignition from starting if a driver's blood
25 alcohol level exceeds the calibrated setting on the device; AND

26 (3) REQUIRES PERIODIC TESTING OF THE DRIVER'S BLOOD ALCOHOL
27 LEVEL WHILE THE MOTOR VEHICLE IS IN USE.

1 (b) In addition to any other penalties provided in this title for a violation of
2 any of the provisions of § 21-902(a) of this article ("Driving while intoxicated"), or §
3 21-902(b) of this article ("Driving while under the influence of alcohol"), or in addition
4 to any other condition of probation, a court:

5 (1) [may] MAY prohibit a person who is convicted of, or granted
6 probation under Article 27, § 641 of the Code for, a FIRST violation of § 21-902(a) or A
7 FIRST OR SECOND VIOLATION OF § 21-902(b) of this article from operating for not
8 more than 3 years a motor vehicle that is not equipped with an ignition interlock
9 system; AND

10 (2) SHALL PROHIBIT A PERSON WHO IS CONVICTED OF, OR GRANTED
11 PROBATION UNDER ARTICLE 27, § 641 OF THE CODE FOR, A SECOND OR SUBSEQUENT
12 VIOLATION OF § 21-902(A) OR A THIRD OR SUBSEQUENT VIOLATION OF § 21-902(B) OF
13 THIS ARTICLE FROM OPERATING FOR NOT MORE THAN 3 YEARS A MOTOR VEHICLE
14 THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

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

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

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

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

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

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

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

30 (5) SHALL REQUIRE MONITORING OF THE MONTHLY MILEAGE OF A
31 MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;

32 [(5)] (6) Shall require the person to have the system monitored for
33 proper use and accuracy by an entity approved by the Administration at least
34 semiannually, or more frequently as the circumstances may require; and

35 [(6)] (7) (i) Shall require the person to pay the reasonable cost of
36 leasing or buying, monitoring, and maintaining the system; and

37 (ii) May establish a payment schedule.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999.