
By: **Delegate Boschert**

Introduced and read first time: February 7, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing the authority of the Motor Vehicle Administration to
4 reduce the period of certain suspensions of drivers' licenses for certain alcohol-
5 or drug-related driving offenses if an individual is a participant in the Ignition
6 Interlock System Program for certain periods; providing that the Administration
7 may issue a restrictive license to an individual during the entire period of
8 certain suspensions of drivers' licenses for certain alcohol- or drug-related
9 driving offenses if the individual is a participant in the Program; and generally
10 relating to driver's license suspensions and the issuance of restrictive licenses by
11 the Administration to certain participants in the Ignition Interlock System
12 Program.

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 16-402(a)(23) and (32), 16-404(a)(3) and (c)(2), and 16-404.1(a)(1), (4),
16 and (5) and (b)(3)(i)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-404(c)(3) and 16-404.1(b)(4) and (d)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2000 Supplement)

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

Article - Transportation

16-402.

(a) After the conviction of an individual for a violation of Article 27, § 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(23) Driving while under the influence of alcohol or while under influence of a drug, combination of drugs, or combination of drugs and alcohol.....8 points

(32) Driving while intoxicated, while intoxicated per se, or while under the influence of illegally used controlled dangerous substance.....12 points

16-404.

(a) The Administration shall take the following actions for points accumulated within any 2-year period:

(3) Except as provided in § 16-405 of this subtitle:

(i) Suspend the license of each individual who accumulates 8 points; and

(ii) Revoke the license of each individual who accumulates 12 points.

(c) (2) Subject to the provisions of paragraph (3) of this subsection, the following suspension periods may apply to a suspension for an accumulation of points under § 16-402(a)(23) of this subtitle for a violation of § 21-902(b) or (c) of this article or a suspension imposed under § 16-404.1(b)(4)(iii) of this subtitle:

(i) For a first conviction, not more than 6 months;

(ii) For a second conviction at least 5 years after the date of the first conviction, not more than 9 months;

(iii) For a second conviction less than 5 years after the date of the first conviction or for a third conviction, not more than 12 months; and

(iv) For a fourth or subsequent conviction, not more than 24 months.

(3) [An] THE ADMINISTRATION MAY ISSUE A RESTRICTIVE LICENSE FOR THE PERIOD OF THE SUSPENSION TO AN individual who participates in the Administration's Ignition Interlock System Program under § 16-404.1 of this subtitle [may have a suspension under paragraph (2) of this subsection reduced to:

1 (i) For a first conviction, up to 15 days, provided the individual
2 maintains the ignition interlock system for not more than 5 months;

3 (ii) For a second conviction at least 5 years after the date of the
4 first conviction, up to 30 days, provided the individual maintains the ignition
5 interlock system for not more than 9 months;

6 (iii) For a second conviction less than 5 years after the date of the
7 first conviction or for a third conviction, up to 45 days, provided the individual
8 maintains the ignition interlock system for not more than 12 months; and

9 (iv) For a fourth or subsequent conviction, 6 months, provided the
10 individual maintains the ignition interlock system for not more than 24 months].

11 16-404.1.

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

13 (4) "Participant" means a participant in the Ignition Interlock System
14 Program.

15 (5) "Program" means the Ignition Interlock System Program.

16 (b) (3) An individual may be a participant if:

17 (i) The individual's license is suspended or revoked for a violation
18 of § 21-902(a), (b), or (c) of this article or an accumulation of points under § 16-402(a)
19 (23) or (32) of this subtitle;

20 (4) The Administration may:

21 (i) [Reduce a participant's driver's license] ISSUE A RESTRICTIVE
22 LICENSE TO AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM DURING THE
23 suspension period as provided under § 16-404(c)(3) of this subtitle;

24 (ii) Reinstate the driver's license of a participant whose license has
25 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
26 accumulation of points under § 16-402(a)(32) of this subtitle for a violation of §
27 21-902(a) of this article; and

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

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

32 2. An accumulation of points under § 16-402(a)(32) of this
33 subtitle for a violation of § 21-902(a) of this article.

34 (d) An individual whose license is suspended under § 16-404(c)(2)(iv) [or
35 (3)(iv)] of this subtitle is [hereby defined as] a habitual offender whose license may

1 not be reinstated unless the individual participates in the Program for at least 24
2 months.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2001.