
By: **Delegates Owings and Frush**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Ignition Interlock System Program - Habitual**
3 **Offender**

4 FOR the purpose of providing that an individual whose driver's license is suspended
5 or revoked under certain provisions of the Maryland Vehicle Law for a third
6 alcohol- or drug-related driving offense is a habitual offender for purposes of
7 the Ignition Interlock System Program conducted by the Motor Vehicle
8 Administration; providing that an individual whose driver's license is suspended
9 or revoked for a third alcohol- or drug-related driving offense under certain
10 provisions of the Maryland Vehicle Law may not have the license reinstated
11 unless the individual participates in the Program for at least a certain period;
12 and generally relating to habitual offenders under the Ignition Interlock System
13 Program.

14 BY repealing and reenacting, without amendments,
15 Article - Transportation
16 Section 16-402(a)(23) and (32), 16-404(a)(3), and 16-404.1(a)(1), (4), and (5),
17 (b)(3)(i) and (4), and (d)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 16-404(c)(2) and (3)
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2000 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 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] THIRD or subsequent conviction, not more than 24 months.

(3) 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:

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

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

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

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

10 16-404.1.

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

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

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

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

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

19 (4) The Administration may:

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

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

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

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

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

32 (d) An individual whose license is suspended under § 16-404(c)(2)(iv) or (3)(iv)
33 of this subtitle is hereby defined as a habitual offender whose license may not be
34 reinstated unless the individual participates in the Program for at least 24 months.

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