
By: **Senators Hooper, Colburn, Ferguson, Harris, Kelley, Lawlah, Mooney, Sfikas, and Stoltzfus**

Introduced and read first time: February 1, 2002
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; authorizing a court to order the use of an ignition interlock
7 system for a first or second violation of driving while under the influence of
8 alcohol, under the influence of alcohol per se, or while impaired by alcohol;
9 requiring a court to order the use of an ignition interlock system for a third or
10 subsequent violation of driving while under the influence of alcohol or under the
11 influence of alcohol per se, or a third or subsequent violation of driving while
12 impaired by alcohol; requiring monitoring of the monthly mileage of a motor
13 vehicle equipped with a court-ordered ignition interlock system; and generally
14 relating to the use and capabilities of ignition interlock systems.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 27-107(a), (b), and (c)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2001 Supplement)

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

22 **Article - Transportation**

23 27-107.

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

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

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

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

5 (b) In addition to any other penalties provided in this title for a violation of
6 any of the provisions of § 21-902(a) of this article ("Driving while under the influence
7 of alcohol or under the influence of alcohol per se"), or § 21-902(b) of this article
8 ("Driving while impaired by alcohol"), or in addition to any other condition of
9 probation, a court:

10 (1) [may] MAY prohibit a person who is convicted of, or granted
11 probation under § 6-220 of the Criminal Procedure Article for, a FIRST OR SECOND
12 violation of § 21-902(a) or § 21-902(b) of this article from operating for not more than
13 3 years a motor vehicle that is not equipped with an ignition interlock system; AND

14 (2) SHALL PROHIBIT A PERSON WHO IS CONVICTED OF, OR GRANTED
15 PROBATION UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, A THIRD OR
16 SUBSEQUENT VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE FROM OPERATING
17 FOR NOT MORE THAN 3 YEARS A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN
18 IGNITION INTERLOCK SYSTEM.

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

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

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

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

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

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

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

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

1 (6) Shall require the person to have the system monitored for proper use
2 and accuracy by an entity approved by the Administration at least semiannually, or
3 more frequently as the circumstances may require; and

4 [(6)] (7) (i) Shall require the person to pay the reasonable cost of
5 leasing or buying, monitoring, and maintaining the system; and

6 (ii) May establish a payment schedule.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2002.