
By: **Delegates Zirkin and Morhaim**
Introduced and read first time: February 9, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk Driving - High Alcohol Concentration - Mandatory**
3 **Ignition Interlock**

4 FOR the purpose of requiring a court to prohibit a person convicted of, or granted
5 probation for, a certain alcohol-related driving offense from operating a motor
6 vehicle that is not equipped with a certain ignition interlock system for up to a
7 certain number of years if the person, at the time of the offense, took a test that
8 indicated that the alcohol concentration of the person's blood or breath was at
9 least a certain concentration; and generally relating to drunk driving.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 27-107
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

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

17 **Article - Transportation**

18 27-107.

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

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

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

24 (b) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
25 AND IN addition to any other penalties provided in this title for a violation of any of
26 the provisions of § 21-902(a) of this article ("Driving while under the influence of
27 alcohol or under the influence of alcohol per se"), or § 21-902(b) of this article
28 ("Driving while impaired by alcohol"), or in addition to any other condition of

1 probation, a court may prohibit a person who is convicted of, or granted probation
2 under § 6-220 of the Criminal Procedure Article for, a violation of § 21-902(a) or [§
3 21-902(b)] (B) of this article from operating for not more than 3 years a motor vehicle
4 that is not equipped with an ignition interlock system.

5 (2) IN ADDITION TO ANY OTHER PENALTIES PROVIDED IN THIS TITLE
6 FOR A VIOLATION OF ANY OF THE PROVISIONS OF § 21-902(A) OF THIS ARTICLE
7 ("DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE
8 OF ALCOHOL PER SE") OR § 21-902(B) OF THIS ARTICLE ("DRIVING WHILE IMPAIRED BY
9 ALCOHOL") OR IN ADDITION TO ANY OTHER CONDITION OF PROBATION, A COURT
10 SHALL PROHIBIT A PERSON WHO IS CONVICTED OF, OR GRANTED PROBATION UNDER
11 § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, A VIOLATION OF § 21-902(A) OR
12 (B) OF THIS ARTICLE FROM OPERATING FOR NOT MORE THAN 3 YEARS A MOTOR
13 VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF, AT THE
14 TIME OF THE VIOLATION, THE PERSON TOOK A TEST, AS DEFINED IN § 16-205.1 OF
15 THIS ARTICLE, WHICH INDICATED THAT THE ALCOHOL CONCENTRATION OF THE
16 PERSON'S BLOOD OR BREATH WAS 0.15 OR MORE.

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

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

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

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

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

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

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

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

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

37 (ii) May establish a payment schedule.

1 (d) A person prohibited under this section or Title 16 of this article from
2 operating a motor vehicle that is not equipped with an ignition interlock system may
3 not solicit or have another person attempt to start or start a motor vehicle equipped
4 with an ignition interlock system.

5 (e) A person may not attempt to start or start a motor vehicle equipped with
6 an ignition interlock system for the purpose of providing an operable motor vehicle to
7 a person who is prohibited under this section or Title 16 of this article from operating
8 a motor vehicle that is not equipped with an ignition interlock system.

9 (f) A person may not tamper with, or in any way attempt to circumvent, the
10 operation of an ignition interlock system that has been installed in the motor vehicle
11 of a person under this section or Title 16 of this article.

12 (g) (1) Subject to the provisions of paragraph (2) of this subsection, a person
13 may not knowingly furnish a motor vehicle not equipped with a functioning ignition
14 interlock system to another person who the person knows is prohibited under
15 subsection (b) of this section or Title 16 of this article from operating a motor vehicle
16 not equipped with an ignition interlock system.

17 (2) If a person is required, in the course of the person's employment, to
18 operate a motor vehicle owned or provided by the person's employer, the person may
19 operate that motor vehicle in the course of the person's employment without
20 installation of an ignition interlock system if the court or the Administration has
21 expressly permitted the person to operate in the course of the person's employment a
22 motor vehicle that is not equipped with an ignition interlock system.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2005.