
By: **Senator Giannetti**

Introduced and read first time: February 14, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk Driving - Second or Subsequent Offense - 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 second or subsequent alcohol-related driving offense
6 from operating a motor vehicle that is not equipped with a certain ignition
7 interlock system for up to a certain number of years; establishing that prior
8 convictions of certain alcohol-related offenses are to be considered certain
9 alcohol-related convictions for the application of subsequent offender penalties
10 under this Act; making certain stylistic changes; and generally relating to drunk
11 driving.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 27-107
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2004 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] 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.

26 (b) (1) In addition to any other penalties provided in this title for a FIRST
27 violation of any of the provisions of § 21-902(a) of this article ("Driving while under
28 the influence of alcohol or under the influence of alcohol per se"), or § 21-902(b) of this

1 article ("Driving while impaired by alcohol"), or in addition to any other condition of
2 probation, a court may prohibit a person who is convicted of, or granted probation
3 under § 6-220 of the Criminal Procedure Article for, a FIRST violation of § 21-902(a)
4 or [§ 21-902(b)](B) of this article from operating for not more than 3 years a motor
5 vehicle that is not equipped with an ignition interlock system.

6 (2) IN ADDITION TO ANY OTHER PENALTIES PROVIDED IN THIS TITLE
7 FOR A SECOND OR SUBSEQUENT VIOLATION OF ANY OF THE PROVISIONS OF §
8 21-902(A) OF THIS ARTICLE ("DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL
9 OR UNDER THE INFLUENCE OF ALCOHOL PER SE"), OR § 21-902(B) OF THIS ARTICLE
10 ("DRIVING WHILE IMPAIRED BY ALCOHOL"), OR IN ADDITION TO ANY OTHER
11 CONDITION OF PROBATION, A COURT SHALL PROHIBIT A PERSON WHO IS CONVICTED
12 OF, OR GRANTED PROBATION UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE
13 FOR, A SECOND OR SUBSEQUENT VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE
14 FROM OPERATING FOR NOT MORE THAN 3 YEARS A MOTOR VEHICLE THAT IS NOT
15 EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

16 (3) FOR PURPOSES OF DETERMINING SECOND OR SUBSEQUENT
17 OFFENDER PENALTIES UNDER PARAGRAPH (2) OF THIS SUBSECTION:

18 (I) FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE, A PRIOR
19 CONVICTION OF § 21-902(A) OR (B) OF THIS ARTICLE SHALL BE CONSIDERED A
20 CONVICTION OF § 21-902(A) OF THIS ARTICLE; AND

21 (II) FOR A VIOLATION OF § 21-902(B) OF THIS ARTICLE, A PRIOR
22 CONVICTION OF § 21-902(A) OR (B) OF THIS ARTICLE SHALL BE CONSIDERED A
23 CONVICTION OF § 21-902(B) OF THIS ARTICLE.

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

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

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

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

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

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

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

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

6 (ii) May establish a payment schedule.

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

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

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

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

23 (2) If a person is required, in the course of the person's employment, to
24 operate a motor vehicle owned or provided by the person's employer, the person may
25 operate that motor vehicle in the course of the person's employment without
26 installation of an ignition interlock system if the court or the Administration has
27 expressly permitted the person to operate in the course of the person's employment a
28 motor vehicle that is not equipped with an ignition interlock system.

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