
By: **Delegates Zirkin and Simmons**
Introduced and read first time: January 16, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk Driving Penalties - Court-Ordered Use of Ignition**
3 **Interlock System**

4 FOR the purpose of requiring a court to prohibit a person convicted of, or granted
5 probation for, certain alcohol-related driving offenses from operating a motor
6 vehicle that is not equipped with an ignition interlock system for a certain
7 minimum period of time; repealing a certain limitation on the amount of time a
8 person could be prohibited by a court from driving a motor vehicle that is not
9 equipped with an ignition interlock system; making certain technical
10 corrections; and generally relating to penalties for drunk driving.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 27-107
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2005 Supplement)

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

18 **Article - Transportation**

19 27-107.

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

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

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

25 (b) In addition to any other penalties provided in this title for a violation of
26 any of the provisions of § 21-902(a) of this article ("Driving while under the influence
27 of 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] SHALL prohibit a person who is convicted of, or granted
2 probation under § 6-220 of the Criminal Procedure Article for, a violation of §
3 21-902(a) or § 21-902(b) of this article from operating for not [more] LESS than [3]
4 1 [years] YEAR a motor vehicle that is not equipped with an ignition interlock system.

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

7 (1) Shall state on the record the requirement for, and the period of the
8 use of the IGNITION INTERLOCK system, and so notify the Administration;

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

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

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

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

18 (4) Shall require proof of the installation of the IGNITION INTERLOCK
19 system and periodic reporting by the person for verification of the proper operation of
20 the IGNITION INTERLOCK system;

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

24 (6) (i) Shall require the person to pay the reasonable cost of leasing or
25 buying, monitoring, and maintaining the IGNITION INTERLOCK system; and

26 (ii) May establish a payment schedule.

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

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

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

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

6 (2) If a person is required, in the course of the person's employment, to
7 operate a motor vehicle owned or provided by the person's employer, the person may
8 operate that motor vehicle in the course of the person's employment without
9 installation of an ignition interlock system if the court or the Administration has
10 expressly permitted the person to operate in the course of the person's employment a
11 motor vehicle that is not equipped with an ignition interlock system.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2006.