
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 - High Alcohol Concentration -**
3 **Mandatory Ignition 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 a certain ignition interlock system for a certain
7 minimum amount of time if the person, at the time of the offense, took a test
8 that indicated that the alcohol concentration level of the person's blood or breath
9 was at least a certain concentration; making technical corrections; and generally
10 relating to 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) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
26 AND IN addition to any other penalties provided in this title for a violation of any of
27 the provisions of § 21-902(a) of this article ("Driving while under the influence of
28 alcohol or under the influence of alcohol per se"), or § 21-902(b) of this article

1 ("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 violation of § 21-902(a) or [§
4 21-902(b)] (B) of this article from operating for not more than 3 years a motor vehicle
5 that is not equipped with an ignition interlock system.

6 (2) IN ADDITION TO ANY OTHER PENALTIES PROVIDED IN THIS TITLE
7 FOR A VIOLATION OF ANY OF THE PROVISIONS OF § 21-902(A) OF THIS ARTICLE
8 ("DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR UNDER THE INFLUENCE
9 OF ALCOHOL PER SE"), OR § 21-902(B) OF THIS ARTICLE ("DRIVING WHILE IMPAIRED
10 BY ALCOHOL"), OR IN ADDITION TO ANY OTHER CONDITION OF PROBATION, A COURT
11 SHALL PROHIBIT A PERSON WHO IS CONVICTED OF, OR GRANTED PROBATION UNDER
12 § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, A VIOLATION OF § 21-902(A) OR
13 (B) OF THIS ARTICLE FROM OPERATING FOR NOT LESS THAN 1 YEAR A MOTOR
14 VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF, AT THE
15 TIME OF THE VIOLATION, THE PERSON TOOK A TEST, AS DEFINED IN § 16-205.1 OF
16 THIS ARTICLE, THAT INDICATED THAT THE ALCOHOL CONCENTRATION LEVEL OF
17 THE PERSON'S BLOOD OR BREATH WAS 0.15 OR MORE.

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

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

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

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

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

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

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

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

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

39 (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, 2006.