
By: **Delegate Zirkin**

Introduced and read first time: January 16, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Probation for Drunk Driving - Mandatory Use of Ignition**
3 **Interlock System**

4 FOR the purpose of providing that an individual who is granted probation for certain
5 alcohol-related driving offenses may participate in the Ignition Interlock
6 System Program; requiring the Motor Vehicle Administration to require an
7 individual granted probation for certain alcohol-related driving offenses to
8 participate in the Program for a certain minimum amount of time; requiring the
9 Administration to impose a certain license restriction for a certain minimum
10 amount of time; requiring an individual who is granted probation for certain
11 alcohol-related driving offenses to be monitored by the Administration and to
12 pay a certain fee; and generally relating to participation in the Ignition Interlock
13 System Program by an individual who is granted probation for certain
14 alcohol-related driving offenses.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 16-404.1(b) and (f)(1)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2005 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 16-404.1.

24 (b) (1) The Administration may establish an Ignition Interlock System
25 Program.

26 (2) The Administration may establish a protocol for the Program by
27 regulations which require certain minimum standards for all service providers who
28 service, install, monitor, calibrate, and provide information on ignition interlock
29 systems, and include requirements that:

1 (i) A service provider who applies to the Administration for
2 certification as an approved service provider shall demonstrate that the service
3 provider is able to competently service, install, monitor, calibrate, and provide
4 information on ignition interlock systems;

5 (ii) A service provider who applies to the Administration for
6 certification as an approved service provider shall be certified by a signed affidavit
7 from the manufacturer that the service provider has been trained by an authorized
8 manufacturer and that the service provider is competent to service, install, monitor,
9 calibrate, and provide information on ignition interlock systems;

10 (iii) Approved service providers be deemed to be authorized
11 representatives of a manufacturer; and

12 (iv) Any service of notice upon an approved service provider, who
13 has violated any laws or regulations or whose ignition interlock system has violated
14 any laws or regulations, be deemed as service upon the manufacturer who certified
15 the approved service provider.

16 (3) An individual may be a participant if:

17 (i) The individual's license is suspended or revoked for a violation
18 of § 21-902(a), (b), or (c) of this article or an accumulation of points under §
19 16-402(a)(24) or (33) of this subtitle;

20 (ii) The individual is ordered to participate in the Program by a
21 court under § 27-107 of this article;

22 (iii) The individual's license has an alcohol restriction imposed
23 under § 16-113(b) or (g) of this title; [or]

24 (iv) The Administration modifies a suspension or issues a restricted
25 license to the individual under § 16-205.1(n)(2) or (4) of this title; OR

26 (V) THE INDIVIDUAL IS GRANTED PROBATION UNDER § 6-220 OF
27 THE CRIMINAL PROCEDURE ARTICLE FOR A VIOLATION OF § 21-902(A) OR (B) OF THIS
28 ARTICLE.

29 (4) The Administration may:

30 (i) Issue a restrictive license to an individual who is a participant
31 in the Program during the suspension period as provided under § 16-404(c)(3) of this
32 subtitle;

33 (ii) Reinstate the driver's license of a participant whose license has
34 been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an
35 accumulation of points under § 16-402(a)(33) of this subtitle for a violation of §
36 21-902(a) of this article; and

1 (iii) Notwithstanding any other provision of law, impose on a
2 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
3 subtitle in lieu of a license revocation for:

4 1. A violation of § 21-902(a), (b), or (c) of this article; or

5 2. An accumulation of points under § 16-402(a)(33) of this
6 subtitle for a violation of § 21-902(a) of this article.

7 (5) A notice of suspension or revocation sent to an individual under this
8 title shall include information about the Program and how the individual can qualify
9 for admission to the Program.

10 (6) IN THE CASE OF AN INDIVIDUAL WHO IS GRANTED PROBATION
11 UNDER § 6-220(C) OF THE CRIMINAL PROCEDURE ARTICLE FOR A VIOLATION OF §
12 21-902(A) OR (B) OF THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTIES
13 REQUIRED UNDER THIS ARTICLE, THE ADMINISTRATION SHALL:

14 (I) REQUIRE THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM
15 FOR NOT LESS THAN 1 YEAR; AND

16 (II) IMPOSE A RESTRICTION ON THE INDIVIDUAL'S LICENSE THAT
17 PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT
18 EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR A PERIOD OF NOT LESS THAN
19 1 YEAR.

20 [(6)] (7) The Administration may establish a fee for the Program.

21 (f) (1) An individual required to use an ignition interlock system under a
22 court order OR UNDER SUBSECTION (B)(6) OF THIS SECTION:

23 (i) Shall be monitored by the Administration; and

24 (ii) Shall pay the fee required by the Administration under
25 subsection [(b)(6)] (B)(7) of this section.

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