
By: **Delegates Zirkin, Cardin, and Morhaim**
Introduced and read first time: February 1, 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 the Motor Vehicle Administration to require a person to
5 participate in the Ignition Interlock System Program for a certain period of time
6 following a certain period of suspension if a certain test result indicates a
7 certain alcohol concentration; prohibiting the Administration from modifying a
8 certain suspension of a driver's license or a driving privilege or issuing a
9 restrictive license to a person if a certain test result indicates a certain alcohol
10 concentration unless the person participates in the Ignition Interlock System
11 Program for a certain period of time; altering the requirements for participation
12 in the Ignition Interlock System Program; requiring a police officer to advise a
13 person of certain facts concerning a certain alcohol concentration under certain
14 circumstances; providing that certain facts concerning a certain alcohol
15 concentration may be issues at a certain administrative hearing under certain
16 circumstances; making a stylistic change; and generally relating to mandatory
17 penalties if a certain test result indicates a certain alcohol concentration under
18 certain circumstances.

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-205.1(b)(2) and (3)(vii)3. and (f)(7)(i) and (8)(i) and 16-404.1(b)(3)(iv)
22 Annotated Code of Maryland
23 (2002 Replacement Volume and 2005 Supplement)

24 BY adding to
25 Article - Transportation
26 Section 16-205.1(f)(8)(ix) and (n)(5)
27 Annotated Code of Maryland
28 (2002 Replacement Volume and 2005 Supplement)

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

1

Article - Transportation

2 16-205.1.

3 (b) (2) Except as provided in subsection (c) of this section, if a police officer
4 stops or detains any person who the police officer has reasonable grounds to believe is
5 or has been driving or attempting to drive a motor vehicle while under the influence
6 of alcohol, while impaired by alcohol, while so far impaired by any drug, any
7 combination of drugs, or a combination of one or more drugs and alcohol that the
8 person could not drive a vehicle safely, while impaired by a controlled dangerous
9 substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title,
10 and who is not unconscious or otherwise incapable of refusing to take a test, the police
11 officer shall:

12 (i) Detain the person;

13 (ii) Request that the person permit a test to be taken;

14 (iii) Advise the person of the administrative sanctions that shall be
15 imposed for refusal to take the test, including ineligibility for modification of a
16 suspension or issuance of a restrictive license under subsection (n)(1) or (2) of this
17 section, and for test results indicating an alcohol concentration of 0.08 or more at the
18 time of testing; [and]

19 (iv) FOR A TEST RESULT INDICATING AN ALCOHOL
20 CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, ADVISE THE PERSON
21 OF:

22 1. THE PERSON'S MANDATORY PARTICIPATION IN THE
23 IGNITION INTERLOCK SYSTEM PROGRAM FOR NOT LESS THAN 3 YEARS FOLLOWING
24 THE PERIOD OF SUSPENSION REQUIRED UNDER THIS SECTION; AND

25 2. THE PERSON'S INELIGIBILITY FOR MODIFICATION OF A
26 SUSPENSION OR ISSUANCE OF A RESTRICTIVE LICENSE UNDER THIS SECTION
27 UNLESS THE PERSON PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM
28 PROGRAM FOR THE PERIOD OF SUSPENSION REQUIRED UNDER THIS SECTION; AND

29 (V) Advise the person of the additional criminal penalties that may
30 be imposed under § 27-101(x) of this article on conviction of a violation of § 21-902 of
31 this article if the person knowingly refused to take a test arising out of the same
32 circumstances as the violation.

33 (3) If the person refuses to take the test or takes a test which results in
34 an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

35 (vii) Within 72 hours after the issuance of the order of suspension,
36 send any confiscated driver's license, copy of the suspension order, and a sworn
37 statement to the Administration, that states:

1 C. THE FACT THAT A PERSON WHOSE TEST RESULT
2 INDICATES AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF
3 TESTING IS INELIGIBLE FOR MODIFICATION OF A SUSPENSION OR ISSUANCE OF A
4 RESTRICTIVE LICENSE UNDER THIS SECTION UNLESS THE PERSON PARTICIPATES IN
5 THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE PERIOD OF SUSPENSION
6 REQUIRED UNDER THIS SECTION;

7 4. Whether the person refused to take the test;

8 5. Whether the person drove or attempted to drive a motor
9 vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

10 6. WHETHER THE PERSON DROVE OR ATTEMPTED TO DRIVE
11 A MOTOR VEHICLE WHILE HAVING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE
12 AT THE TIME OF TESTING; or

13 [6.] 7. If the hearing involves disqualification of a
14 commercial driver's license, whether the person was operating a commercial motor
15 vehicle or held a commercial driver's license.

16 (8) (i) After a hearing, the Administration shall suspend the driver's
17 license or privilege to drive of the person charged under subsection (b) or (c) of this
18 section if:

19 1. The police officer who stopped or detained the person had
20 reasonable grounds to believe the person was driving or attempting to drive while
21 under the influence of alcohol, while impaired by alcohol, while so far impaired by any
22 drug, any combination of drugs, or a combination of one or more drugs and alcohol
23 that the person could not drive a vehicle safely, while impaired by a controlled
24 dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813
25 of this title;

26 2. There was evidence of the use by the person of alcohol, any
27 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
28 controlled dangerous substance;

29 3. The police officer requested a test after the person was
30 fully advised of the administrative sanctions that shall be imposed, including:

31 A. [the] THE fact that a person who refuses to take the test
32 is ineligible for modification of a suspension or issuance of a restrictive license under
33 subsection (n)(1) and (2) of this section;

34 B. THE FACT THAT A PERSON WHOSE TEST RESULT
35 INDICATES AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF
36 TESTING IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM
37 PROGRAM FOR NOT LESS THAN 3 YEARS FOLLOWING THE PERIOD OF SUSPENSION
38 REQUIRED UNDER THIS SECTION; AND

1 C. THE FACT THAT A PERSON WHOSE TEST RESULT
2 INDICATES AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF
3 TESTING IS INELIGIBLE FOR MODIFICATION OF A SUSPENSION OR ISSUANCE OF A
4 RESTRICTIVE LICENSE UNDER THIS SECTION UNLESS THE PERSON PARTICIPATES IN
5 THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE PERIOD OF SUSPENSION
6 REQUIRED UNDER THIS SECTION; and

7 4. A. The person refused to take the test; or

8 B. A test to determine alcohol concentration was taken and
9 the test result indicated an alcohol concentration of 0.08 or more at the time of
10 testing.

11 (IX) FOR A TEST RESULT INDICATING AN ALCOHOL
12 CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, THE ADMINISTRATION
13 SHALL REQUIRE A PERSON CHARGED UNDER SUBSECTION (B) OR (C) OF THIS
14 SECTION TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR NOT
15 LESS THAN 3 YEARS FOLLOWING THE PERIOD OF SUSPENSION REQUIRED UNDER
16 THIS SECTION.

17 (n) (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE
18 ADMINISTRATION MAY NOT MODIFY A SUSPENSION OR ISSUE A RESTRICTIVE
19 LICENSE TO A PERSON WHOSE TEST RESULT INDICATED AN ALCOHOL
20 CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING UNLESS THE PERSON
21 PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE PERIOD OF
22 SUSPENSION REQUIRED UNDER THIS SECTION.

23 16-404.1.

24 (b) (3) An individual may be a participant if:

25 (iv) The Administration modifies a suspension or issues a
26 [restricted] RESTRICTIVE license to the individual under § 16-205.1(n)(2) [or], (4),
27 OR (5) of this title.

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