

(PRE-FILED)

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By: **Senator Giannetti**  
Requested: October 21, 2005  
Introduced and read first time: January 11, 2006  
Assigned to: Judicial Proceedings

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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

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

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

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

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

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

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

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

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

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

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

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

1 (ii) May establish a payment schedule.

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

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

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

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

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

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