
By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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 a certain ignition interlock system for a certain
7 minimum amount of time; establishing certain minimum time periods during
8 which a person must be required by a court to use an ignition interlock system
9 for a first and second or subsequent offense; repealing a certain limitation on the
10 maximum period of time the court may order a person to use an ignition
11 interlock system under certain circumstances; making technical corrections; and
12 generally relating to the penalties for drunk driving.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 27-107
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2005 Supplement)

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

20 **Article - Transportation**

21 27-107.

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

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

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

27 (b) In addition to any other penalties provided in this title for a violation of
28 any of the provisions of § 21-902(a) of this article ("Driving while under the influence

1 of 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] SHALL prohibit a person who is convicted of, or granted
4 probation under § 6-220 of the Criminal Procedure Article for, a violation of §
5 21-902(a) or § 21-902(b) of this article from operating [for not more than 3 years] a
6 motor vehicle that is not equipped with an ignition interlock system:

7 (1) FOR A FIRST OFFENSE, FOR NOT LESS THAN 3 MONTHS; OR

8 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, FOR NOT LESS THAN 1
9 YEAR.

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

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

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

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

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

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

23 (4) Shall require proof of the installation of the IGNITION INTERLOCK
24 system and periodic reporting by the person for verification of the proper operation of
25 the IGNITION INTERLOCK system;

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

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

31 (ii) May establish a payment schedule.

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

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

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

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

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

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