
By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drinking Driver Monitor Program - Ignition Interlock System Requirement**

3 FOR the purpose of authorizing the Drinking Driver Monitor Program to require a
4 person who is participating in the Program as a condition of probation for
5 certain violations to use an ignition interlock system for a certain period;
6 providing that any required use of an ignition interlock system under this Act
7 shall be considered to be a condition of probation; requiring the Program to
8 provide certain notice to a participant, the Motor Vehicle Administration, and a
9 sentencing court under certain circumstances; requiring the Program to direct
10 the Administration to note a certain driver's license restriction and take certain
11 other actions concerning a requirement to use an ignition interlock system
12 under certain circumstances; providing that the Program shall require a person
13 to pay certain costs of an ignition interlock system under certain circumstances;
14 defining certain terms; and generally relating to authorizing the Drinking
15 Driver Monitor Program to require use of an ignition interlock system under
16 certain circumstances.

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 27-107(a)
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2005 Supplement)

22 BY adding to
23 Article - Transportation
24 Section 27-107.1
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2005 Supplement)

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

1

Article - Transportation

2 27-107.

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

4 (1) Connects a motor vehicle ignition system to a breath analyzer that
5 measures a driver's blood alcohol level; and6 (2) Prevents a motor vehicle ignition from starting if a driver's blood
7 alcohol level exceeds the calibrated setting on the device.

8 27-107.1.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.11 (2) "IGNITION INTERLOCK SYSTEM" HAS THE MEANING STATED IN §
12 27-107 OF THIS SUBTITLE.13 (3) "PROGRAM" MEANS THE DRINKING DRIVER MONITOR PROGRAM
14 ADMINISTERED BY THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT
15 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN ACCORDANCE WITH § 6-104 OF
16 THE CORRECTIONAL SERVICES ARTICLE.17 (B) THIS SECTION APPLIES TO EACH PERSON WHO IS GRANTED PROBATION
18 UNDER ANY PROVISION OF TITLE 6, SUBTITLE 2 OF THE CRIMINAL PROCEDURE
19 ARTICLE FOR A VIOLATION OF § 21-902 OF THIS ARTICLE WITH A CONDITION OF
20 PROBATION THAT THE PERSON PARTICIPATE IN THE PROGRAM.21 (C) (1) THE PROGRAM MAY REQUIRE A PERSON TO USE AN IGNITION
22 INTERLOCK SYSTEM FOR A PERIOD OF NOT MORE THAN THE DURATION OF THE
23 PERSON'S PARTICIPATION IN THE PROGRAM.24 (2) ANY USE OF AN IGNITION INTERLOCK SYSTEM REQUIRED UNDER
25 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED TO BE A CONDITION OF
26 PROBATION.

27 (D) THE PROGRAM:

28 (1) SHALL NOTIFY THE PARTICIPANT, THE ADMINISTRATION, AND THE
29 SENTENCING COURT OF ANY REQUIRED USE OF THE IGNITION INTERLOCK SYSTEM,
30 INCLUDING THE DURATION OF THE REQUIRED USE;31 (2) SHALL DIRECT THAT THE RECORDS OF THE ADMINISTRATION
32 REFLECT THAT THE PERSON MAY NOT OPERATE A MOTOR VEHICLE THAT IS NOT
33 EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;34 (3) SHALL DIRECT THE ADMINISTRATION TO NOTE IN AN APPROPRIATE
35 MANNER A RESTRICTION ON THE PERSON'S LICENSE IMPOSED UNDER ITEM (2) OF
36 THIS SUBSECTION;

1 (4) SHALL REQUIRE PROOF OF THE INSTALLATION OF THE IGNITION
2 INTERLOCK SYSTEM AND PERIODIC REPORTING BY THE PERSON FOR VERIFICATION
3 OF THE PROPER OPERATION OF THE IGNITION INTERLOCK SYSTEM;

4 (5) SHALL REQUIRE THE PERSON TO HAVE THE IGNITION INTERLOCK
5 SYSTEM MONITORED FOR PROPER USE AND ACCURACY BY AN ENTITY APPROVED BY
6 THE ADMINISTRATION; AND

7 (6) (I) SHALL REQUIRE THE PERSON TO PAY THE REASONABLE COST
8 OF LEASING OR BUYING, MONITORING, AND MAINTAINING THE IGNITION
9 INTERLOCK SYSTEM; AND

10 (II) MAY ESTABLISH A PAYMENT SCHEDULE.

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