

SENATE BILL 378

R3

8lr0389

By: **Senator Zirkin**

Introduced and read first time: January 30, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving – Administrative Per Se Offense – Alcohol Concentration –**
3 **Ignition Interlock System Program**

4 FOR the purpose of requiring a police officer to advise a person that the person may
5 elect under certain circumstances to participate in the Ignition Interlock System
6 Program of the Motor Vehicle Administration instead of requesting a certain
7 administrative hearing if the person takes a test that indicates a certain alcohol
8 concentration; providing that a person who takes a test indicating a certain
9 alcohol concentration may elect to participate in the Program instead of
10 requesting a certain administrative hearing under certain circumstances;
11 authorizing the Administration to modify a license suspension or issue a
12 restrictive license for a licensee who takes a test that indicates a certain alcohol
13 concentration under certain circumstances; requiring the Administration to
14 adopt certain regulations; and generally relating to an administrative per se
15 offense involving a certain alcohol concentration.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–205.1(b)(3)(vii) and (n)(4)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2007 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Transportation
23 Section 16–404.1(b)(3)(iv)
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article - Transportation

16-205.1.

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

(vii) Inform the person that, if the person refuses a test or takes a test that indicates an alcohol concentration of [0.15] **0.08** or more at the time of testing, the person may participate in the Ignition Interlock System Program under § 16-404.1 of this title instead of requesting a hearing under this paragraph, if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. The person was not charged with a moving violation arising out of the same circumstances as an administrative offense under this section that involved a death of, or serious physical injury to, another person; and

3. Within the same time limits set forth in item (v) of this paragraph, the person:

A. Surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

B. Elects in writing to participate in the Ignition Interlock System Program for 1 year; and

(n) (4) (i) In addition to the authority to modify a suspension or issue a restrictive license under subsection (b)(3)(vii) of this section or paragraph (1) or (2) of this subsection, the Administration may modify a suspension under this section or issue a restrictive license to a licensee as provided in this paragraph.

(ii) If the licensee refused to take a test or took a test that indicated an alcohol concentration of [0.15] **0.08** or more, the Administration may modify a suspension under this section or issue a restrictive license if the licensee participates in the Ignition Interlock System Program for 1 year.

16-404.1.

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

1 (iv) The Administration modifies a suspension or issues a
2 restrictive license to the individual under § 16-205.1(b)(3)(vii) or (n)(2) or (4) of this
3 title.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle
5 Administration shall adopt regulations to implement the provisions of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2008.