

SB0735/783227/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 735, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike “Mandatory Use of”; in the same line, after “System” insert “Program”; in line 3, after “of” insert “requiring a police officer to advise a person that the person may elect under certain circumstances to participate in the Ignition Interlock System Program of the Motor Vehicle Administration instead of requesting a certain administrative hearing if the person takes a test that indicates a certain alcohol concentration; providing that a person who takes a test indicating a certain alcohol concentration may elect to participate in the Program instead of requesting a certain administrative hearing under certain circumstances; authorizing the Administration to modify a license suspension or issue a restrictive license for a licensee who takes a test that indicates a certain alcohol concentration under certain circumstances; requiring the Administration to adopt certain regulations;”; strike beginning with “granted” in line 8 down through “certain” in line 9 and substitute “certain”; in line 9, after “certain” insert “second or subsequent”; and in line 20, after “Section” insert “16-205.1(b)(3)(vii) and (n)(4) and”.

On page 1 of the Judicial Proceedings Committee Amendments (SB0735/108175/1), in line 3 of Amendment No. 1, strike “, or”.

AMENDMENT NO. 2

On page 1 of the bill, after line 25, insert:

“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:

(Over)

(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.”.

AMENDMENT NO. 3

On page 2 of the bill, in line 30, strike the second “or”.

On page 1 of the Judicial Proceedings Committee Amendments, in line 7 of Amendment No. 2, after “TITLE” insert “;

(IV) THE INDIVIDUAL IS ORDERED TO PARTICIPATE IN THE PROGRAM UNDER § 27-107 OF THIS ARTICLE FOR A FIRST VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE;

(V) THE INDIVIDUAL IS CONVICTED OF A FIRST VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE; OR

(VI) THE INDIVIDUAL IS GRANTED PROBATION UNDER § 6-220(C) OF THE CRIMINAL PROCEDURE ARTICLE FOR A VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE”.

On page 1 of the Judicial Proceedings Committee Amendments, in line 3 of Amendment No. 3, strike “, OR”; and in lines 3 and 4, strike “§ 6-220(C)”.

On page 3 of the bill, strike beginning with “GRANTED” in line 1 down through “A” in line 2 and substitute “A SECOND OR SUBSEQUENT”; strike beginning with “GRANTED” in line 21 down through “A” in line 22 and substitute “A SECOND OR SUBSEQUENT”; strike beginning with “6” in line 27 down through “2.” in line 28; and in line 29, strike “3.” and substitute “2.”.

AMENDMENT NO. 4

On page 4 of the bill, after line 11, insert:

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

and in line 12, strike “2.” and substitute “3.”.