

SENATE BILL 735

R3
HB 126/06 – JUD

9lr0933
CF 9lr3125

By: **Senators Raskin, Forehand, Jacobs, Madaleno, Mooney, Robey, and
Simonair**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Mandatory Use of Ignition Interlock System**

3 FOR the purpose of altering the Motor Vehicle Administration’s authority to establish
4 an Ignition Interlock System Program to require the Administration to establish
5 the Program; requiring rather than authorizing the Administration to establish
6 a protocol for the Program by certain regulations; requiring certain individuals
7 who have committed certain alcohol–related driving offenses to participate in
8 the Program; requiring the Administration to require an individual granted
9 probation for certain alcohol–related driving offenses to participate in the
10 Program for certain minimum amounts of time; requiring the Administration to
11 impose a certain license restriction for a certain minimum amount of time;
12 requiring individuals who are in the Program to be monitored by the
13 Administration and to pay a certain fee under certain circumstances; requiring
14 certain service providers to demonstrate a certain ability under certain
15 circumstances; and generally relating to participation in the Ignition Interlock
16 System Program by an individual who is granted probation for certain
17 alcohol–related driving offenses.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 16–404.1(b) and (f)(1)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2008 Supplement)

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

25 **Article – Transportation**

26 16–404.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Administration [may] **SHALL** establish an Ignition Interlock
2 System Program.

3 (2) The Administration [may] **SHALL** establish a protocol for the
4 Program by regulations which require certain minimum standards for all service
5 providers who service, install, monitor, calibrate, and provide information on ignition
6 interlock systems, and include requirements that:

7 (i) A service provider who applies to the Administration for
8 certification as an approved service provider shall demonstrate that the service
9 provider is able to competently service, install, monitor, calibrate, and provide
10 information **TO THE ADMINISTRATION AT LEAST EVERY 60 DAYS** on **INDIVIDUALS**
11 **REQUIRED TO USE** ignition interlock systems;

12 (ii) A service provider who applies to the Administration for
13 certification as an approved service provider shall be certified by a signed affidavit
14 from the manufacturer that the service provider has been trained by an authorized
15 manufacturer and that the service provider is competent to service, install, monitor,
16 calibrate, and provide information on ignition interlock systems;

17 (iii) Approved service providers be deemed to be authorized
18 representatives of a manufacturer; and

19 (iv) Any service of notice upon an approved service provider, who
20 has violated any laws or regulations or whose ignition interlock system has violated
21 any laws or regulations, be deemed as service upon the manufacturer who certified the
22 approved service provider.

23 (3) An individual [may] **SHALL** be a participant if:

24 (i) The individual's license is suspended or revoked for a
25 violation of § 21-902(a), (b), or (c) of this article or an accumulation of points under §
26 16-402(a)(24) or (33) of this subtitle;

27 (ii) The individual is ordered to participate in the Program by a
28 court under § 27-107 of this article;

29 (iii) The individual's license has an alcohol restriction imposed
30 under § 16-113(b) or (g) of this title; [or]

31 (iv) The Administration modifies a suspension or issues a
32 restrictive license to the individual under § 16-205.1(b)(3)(vii) or (n)(2) or (4) of this
33 title; **OR**

1 (v) **THE INDIVIDUAL IS GRANTED PROBATION UNDER §**
2 **6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR A VIOLATION OF §**
3 **21-902(A) OR (B) OF THIS ARTICLE.**

4 (4) The Administration may:

5 (i) Issue a restrictive license to an individual who is a
6 participant in the Program during the suspension period as provided under §
7 16-404(c)(3) of this subtitle;

8 (ii) Reinstate the driver's license of a participant whose license
9 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
10 an accumulation of points under § 16-402(a)(33) of this subtitle for a violation of §
11 21-902(a) of this article; and

12 (iii) Notwithstanding any other provision of law, impose on a
13 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this
14 subtitle in lieu of a license revocation for:

15 1. A violation of § 21-902(a), (b), or (c) of this article; or

16 2. An accumulation of points under § 16-402(a)(33) of
17 this subtitle for a violation of § 21-902(a) of this article.

18 (5) A notice of suspension or revocation sent to an individual under
19 this title shall include information about the Program and how the individual can
20 [qualify for admission to] **BE REQUIRED TO PARTICIPATE IN** the Program.

21 **(6) IN THE CASE OF AN INDIVIDUAL WHO IS GRANTED PROBATION**
22 **UNDER § 6-220(C) OF THE CRIMINAL PROCEDURE ARTICLE FOR A VIOLATION**
23 **OF § 21-902(A) OR (B) OF THIS ARTICLE, IN ADDITION TO ANY OTHER**
24 **PENALTIES REQUIRED UNDER THIS ARTICLE, THE ADMINISTRATION SHALL:**

25 **(I) REQUIRE THE INDIVIDUAL TO PARTICIPATE IN THE**
26 **PROGRAM FOR NOT LESS THAN:**

27 **1. 6 MONTHS FOR A FIRST VIOLATION;**

28 **2. 1 YEAR FOR A SECOND VIOLATION; AND**

29 **3. 3 YEARS FOR A THIRD OR SUBSEQUENT**
30 **VIOLATION; AND**

31 **(II) IMPOSE A RESTRICTION ON THE INDIVIDUAL'S LICENSE**
32 **THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS**
33 **NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF**

1 **TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE PROGRAM**
2 **UNDER THIS PARAGRAPH.**

3 **[(6)] (7)** The Administration may establish a fee for the Program.

4 (f) (1) An individual required to use an ignition interlock system under a
5 court order **OR UNDER THIS SECTION:**

6 (i) **[Shall] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF**
7 **THIS SUBSECTION, SHALL** be monitored by the Administration; and

8 (ii) Shall pay the fee required by the Administration under
9 subsection **[(b)(6)] (B)(7)** of this section.

10 **(2) THE FEE REQUIRED UNDER THIS SUBSECTION SHALL BE**
11 **WAIVED FOR AN INDIVIDUAL WHO IS INDIGENT.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.