

SENATE BILL 735

R3
HB 126/06 – JUD

9lr0933
CF HB 1217

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

Introduced and read first time: February 6, 2009
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: April 3, 2009

CHAPTER _____

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~~ altering the
8 circumstances under which individuals may participate in the Program;
9 requiring the Administration to require an individual convicted of, or granted
10 probation for, certain second or subsequent alcohol-related driving offenses to
11 participate in the Program for certain minimum amounts of time; requiring the
12 Administration to impose a certain license restriction for a certain minimum
13 amount of time; requiring the Administration to suspend, in accordance with
14 the regulations of the Administration, the drivers’ licenses of certain individuals
15 who are in violation of the Program; requiring the Administration to establish a
16 certain fee; requiring individuals who are in the Program to be monitored by the
17 Administration and to pay a certain fee under certain circumstances; requiring
18 certain service providers to demonstrate a certain ability under certain
19 circumstances; altering the authority of the Administration to require certain
20 individuals to participate in the Program; and generally relating to
21 participation in the Ignition Interlock System Program ~~by an individual who is~~
22 ~~granted probation for certain alcohol-related driving offenses.~~

23 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Transportation
 2 Section 16–404.1(b) and (f)(1)
 3 Annotated Code of Maryland
 4 (2006 Replacement Volume and 2008 Supplement)

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

7 **Article – Transportation**

8 16–404.1.

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

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

15 (i) A service provider who applies to the Administration for
 16 certification as an approved service provider shall demonstrate that the service
 17 provider is able to competently service, install, monitor, calibrate, and provide
 18 information ~~TO THE ADMINISTRATION~~ **ADMINISTRATION AT LEAST EVERY 30**
 19 **DAYS** on **INDIVIDUALS REQUIRED TO USE** ignition interlock systems;

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

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

27 (iv) Any service of notice upon an approved service provider, who
 28 has violated any laws or regulations or whose ignition interlock system has violated
 29 any laws or regulations, be deemed as service upon the manufacturer who certified the
 30 approved service provider.

31 (3) An individual [~~may~~] ~~SHALL~~ be a participant if:

32 (i) The individual's license is suspended or revoked for a
 33 violation of ~~§ 21-902(a), (b), or (c)~~ **§ 21-902(C)** of this article or an accumulation of
 34 points under § 16–402(a)(24) or (33) of this subtitle **FOR A VIOLATION OF §**
 35 **21-902(C) OF THIS ARTICLE;**

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

3 ~~(iii)~~ The individual's license has an alcohol restriction imposed
4 under § 16-113(b) or (g) of this title; ~~for~~

5 ~~(iv)~~ **(III)** The Administration modifies a suspension or issues a
6 restrictive license to the individual under § 16-205.1(b)(3)(vii) or (n)(2) or (4) of this
7 ~~title; OR TITLE;~~

8 **(IV) THE INDIVIDUAL IS ORDERED TO PARTICIPATE IN THE**
9 **PROGRAM UNDER § 27-107 OF THIS ARTICLE FOR A FIRST VIOLATION OF §**
10 **21-902(A) OR (B) OF THIS ARTICLE; OR**

11 **(V) THE INDIVIDUAL IS CONVICTED OF, OR GRANTED**
12 **PROBATION UNDER § 6-220(C) OF THE CRIMINAL PROCEDURE ARTICLE FOR, A**
13 **FIRST VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE.**

14 ~~(v)~~ ~~THE~~

15 **(4) AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL**
16 **IS CONVICTED OF, OR GRANTED PROBATION UNDER § 6-220 § 6-220(C) OF THE**
17 **CRIMINAL PROCEDURE ARTICLE FOR, A SECOND OR SUBSEQUENT VIOLATION**
18 **OF § 21-902(A) OR (B) OF THIS ARTICLE.**

19 ~~(4)~~ **(5)** The Administration may:

20 (i) Issue a restrictive license to an individual who is a
21 participant in the Program during the suspension period as provided under §
22 16-404(c)(3) of this subtitle;

23 (ii) Reinstate the driver's license of a participant whose license
24 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
25 an accumulation of points under § 16-402(a)(33) of this subtitle for a violation of §
26 21-902(a) of this article; and

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

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

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

1 ~~(5)~~ **(6)** A notice of suspension or revocation sent to an individual under
 2 this title shall include information about the Program and how the individual can
 3 ~~qualify for admission to~~ **OR BE REQUIRED TO PARTICIPATE IN** the Program.

4 ~~(6)~~ **(7)** **IN THE CASE OF AN INDIVIDUAL WHO IS CONVICTED OF, OR**
 5 **GRANTED PROBATION UNDER § 6-220(C) OF THE CRIMINAL PROCEDURE**
 6 **ARTICLE FOR, A SECOND OR SUBSEQUENT VIOLATION OF § 21-902(A) OR (B) OF**
 7 **THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTIES REQUIRED UNDER THIS**
 8 **ARTICLE, THE ADMINISTRATION SHALL:**

9 **(I) ~~REQUIRE~~ UNLESS A COURT ORDERS A LONGER PERIOD**
 10 **OF PROGRAM PARTICIPATION UNDER § 27-107 OF THIS ARTICLE, REQUIRE THE**
 11 **INDIVIDUAL TO PARTICIPATE IN THE PROGRAM FOR NOT LESS THAN:**

12 1. ~~6 MONTHS FOR A FIRST VIOLATION;~~
 13 ~~2.~~ **1 YEAR FOR A SECOND VIOLATION; AND**
 14 ~~3.~~ **2. 3 YEARS FOR A THIRD OR SUBSEQUENT**
 15 **VIOLATION; AND**

16 **(II) IMPOSE A RESTRICTION ON THE INDIVIDUAL'S LICENSE**
 17 **THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS**
 18 **NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF**
 19 **TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE PROGRAM**
 20 **UNDER THIS PARAGRAPH; AND**

21 **(III) IN ACCORDANCE WITH THE REGULATIONS OF THE**
 22 **ADMINISTRATION, SUSPEND THE DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS**
 23 **IN VIOLATION OF THE PROGRAM.**

24 **[(6)] ~~(7)~~ (8)** The Administration ~~may~~ **SHALL** establish a fee for the
 25 Program **THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.**

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

28 (i) ~~{Shall}~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF~~
 29 ~~THIS SUBSECTION, SHALL~~ be monitored by the Administration; and

30 (ii) ~~Shall~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 31 **SUBSECTION, SHALL** pay the fee required by the Administration under subsection
 32 **[(b)(6)] ~~(B)(7)~~ (B)(8)** of this section.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.