

SENATE BILL 916

R3

9lr2921

By: **Senator Zirkin**

Introduced and read first time: February 16, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Ignition Interlock System Program - Participation After**
3 **Request for a Hearing**

4 FOR the purpose of authorizing a person who has submitted a certain request for a
5 hearing on the administrative offense of refusing to take a certain breath or
6 blood test or taking a test that indicates a certain alcohol concentration to
7 submit a written revocation of the request for a hearing and elect to participate
8 in the Ignition Interlock System Program under certain conditions; establishing
9 that a person may be a participant in the Ignition Interlock System Program if
10 the Motor Vehicle Administration modifies a suspension or issues a restrictive
11 license to the person after revocation of a request for a certain hearing; and
12 generally relating to the Ignition Interlock System Program.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 16–205.1(b)(3)(v), (vi), and (vii) and 16–404.1(a)(1) and (4)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2008 Supplement)

18 BY adding to
19 Article – Transportation
20 Section 16–205.1(f)(9)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2008 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 16–205.1(n)(4) and 16–404.1(b)(3)(iv)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 16–205.1.

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

8 (v) Inform the person that:

9 1. The person has a right to request, at that time or
10 within 10 days, a hearing to show cause why the driver’s license should not be
11 suspended concerning the refusal to take the test or for test results indicating an
12 alcohol concentration of 0.08 or more at the time of testing, and the hearing will be
13 scheduled within 45 days; and

14 2. If a hearing request is not made at that time or within
15 10 days, but within 30 days the person requests a hearing, a hearing to show cause
16 why the driver’s license should not be suspended concerning the refusal to take the
17 test or for test results indicating an alcohol concentration of 0.08 or more at the time of
18 testing will be scheduled, but a request made after 10 days does not extend a
19 temporary license issued by the police officer that allows the person to continue
20 driving for 45 days;

21 (vi) Advise the person of the administrative sanctions that shall
22 be imposed in the event of failure to request a hearing, failure to attend a requested
23 hearing, or upon an adverse finding by the hearing officer;

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

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

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

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

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

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

6 (f) **(9) IF A PERSON REQUESTS A HEARING AFTER THE PERSON**
7 **REFUSES A TEST OR TAKES A TEST THAT INDICATES AN ALCOHOL**
8 **CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, AT ANY TIME**
9 **BEFORE THE HEARING OCCURS, THE PERSON MAY SUBMIT A WRITTEN**
10 **REVOCAION OF THE REQUEST FOR A HEARING AND INSTEAD ELECT TO**
11 **PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IF THE**
12 **FOLLOWING CONDITIONS ARE MET:**

13 **(I) THE PERSON'S DRIVER'S LICENSE WAS NOT**
14 **SUSPENDED, REVOKED, CANCELED, OR REFUSED AT THE TIME OF THE**
15 **ADMINISTRATIVE OFFENSE UNDER THIS SECTION;**

16 **(II) THE PERSON WAS NOT CHARGED WITH A MOVING**
17 **VIOLATION ARISING OUT OF THE SAME CIRCUMSTANCES AS AN**
18 **ADMINISTRATIVE OFFENSE UNDER THIS SECTION THAT INVOLVED A DEATH OF,**
19 **OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON; AND**

20 **(III) WITHIN 5 DAYS AFTER SUBMITTING THE WRITTEN**
21 **REVOCAION, THE PERSON:**

22 **1. SURRENDERS A VALID MARYLAND DRIVER'S**
23 **LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS**
24 **NO LONGER IN THE PERSON'S POSSESSION; AND**

25 **2. ELECTS IN WRITING TO PARTICIPATE IN THE**
26 **IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.**

27 (n) (4) (i) In addition to the authority to modify a suspension or issue
28 a restrictive license under subsection (b)(3)(vii) **OR (F)(9)** of this section or paragraph
29 (1) or (2) of this subsection, the Administration may modify a suspension under this
30 section or issue a restrictive license to a licensee as provided in this paragraph.

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

1 (a) (1) In this section the following words have the meanings indicated.

2 (4) “Participant” means a participant in the Ignition Interlock System
3 Program.

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

5 (iv) The Administration modifies a suspension or issues a
6 restrictive license to the individual under § 16–205.1(b)(3)(vii), **(F)(9)**, or (n)(2) or (4)
7 of this title.

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