

HOUSE BILL 1276

R3

(1lr2886)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter, Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey, K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott, Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino-Smith, Vaughn, Waldstreicher, Barkley, Frank, Frick, Hixson, Hucker, Kach, Kaiser, A. Kelly, Krebs, Luedtke, A. Miller, Mizeur, Ready, Reznik, Sophocleus, Stein, and Wilson ~~Wilson~~, Eckardt, Afzali, George, Haddaway-Riccio, McMillan, W. Miller, and Stocksdale**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Vehicle Laws — Expansion of Ignition Interlock System Program~~
3 *Drunk Driving Reduction Act*

4 FOR the purpose of expanding participation in the Ignition Interlock System Program
5 by authorizing certain individuals who have committed a certain
6 alcohol-related administrative offense to be participants under certain
7 circumstances; requiring the Motor Vehicle Administration to establish the
8 Program in accordance with certain statutory provisions; requiring rather than

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.

Italics indicate opposite chamber/conference committee amendments.



1 authorizing the Administration to establish a certain protocol; expanding
 2 participation in the Program by requiring certain individuals who are convicted
 3 of a certain offense and who had a certain alcohol concentration at the time of
 4 testing to participate in the Program for certain periods of time and successfully
 5 complete the Program; expanding participation in the Program by requiring
 6 certain individuals to participate in the Program for certain periods of time and
 7 successfully complete the Program as a condition of modification of a license
 8 suspension or revocation and issuance of a restrictive license; requiring the
 9 Administration to impose a certain license restriction for certain periods of time
 10 under certain circumstances; requiring the Administration to suspend for an
 11 indefinite period, rather than revoke, licenses of certain individuals who are
 12 convicted of a certain offense and had a certain alcohol concentration at the time
 13 of testing and who fail to participate in the Program or successfully complete the
 14 Program; providing that a suspension or revocation of a license that is imposed
 15 as a result of certain circumstances shall be concurrent with any other
 16 suspension or revocation arising out of the same incident; requiring the
 17 Administration to suspend for certain periods of time ~~or revoke~~ the licenses of
 18 certain individuals who refuse to participate in or fail to successfully complete
 19 the Program; providing for reconsideration of entry in the Program under
 20 certain circumstances; requiring the Administration to establish a certain fee;
 21 requiring individuals in the Program to be monitored by the Administration and
 22 to pay a certain fee under certain circumstances; requiring certain service
 23 providers to demonstrate a certain ability under certain circumstances;
 24 providing that certain Program participation under this Act shall be concurrent
 25 with Program participation under any other provision of ~~the Maryland Vehicle~~
 26 ~~Law~~ law; providing that an individual who is removed from the Program may
 27 reenter the Program under certain circumstances; establishing a criminal
 28 prohibition of a participant in the Program driving a vehicle without an ignition
 29 interlock system; providing for certain penalties; providing for certain
 30 administrative procedures; establishing that certain information provided to the
 31 Administration is sufficient for the Administration to exercise its authority to
 32 allow a participant in the Program to operate a motor vehicle owned or provided
 33 by the person's employer in the course of employment without an ignition
 34 interlock system under certain circumstances; requiring the Administration to
 35 provide certain warnings to certain persons; prohibiting a person from raising
 36 the absence of a warning or the failure to receive the warning as a basis for
 37 limiting the authority of the Administration in a certain manner; clarifying
 38 language; ~~defining certain terms;~~ and generally relating to the Ignition
 39 Interlock System Program.

40 BY renumbering

41 Article – Transportation

42 Section 16–205.1(o)

43 to be Section 16–205.1(q)

44 Annotated Code of Maryland

45 (2009 Replacement Volume and 2010 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article – Transportation
3 Section 16–113(b)(1) and (4), 16–205(f)(1), 16–404(c)(3), 21–902(a)(1) and (2) and
4 (b)(1), and 27–107(b)
5 Annotated Code of Maryland
6 (2009 Replacement Volume and 2010 Supplement)

7 BY repealing
8 Article – Transportation
9 Section 16–205.1(n)
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2010 Supplement)

12 BY adding to
13 Article – Transportation
14 Section 16–113(k) and 16–205.1(n), (o), and (p)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 16–205.1(b)(3)(viii)3., 16–404(c)(2), 16–404.1, 27–101(h), and
20 27–107(g)(2)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That Section(s) 16–205.1(o) of Article – Transportation of the Annotated
25 Code of Maryland be renumbered to be Section(s) 16–205.1(q).

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

28 **Article – Transportation**

29 16–113.

30 (b) (1) Notwithstanding the licensee’s driving record, the Administration
31 shall impose on each licensee under the age of 21 years an alcohol restriction that
32 prohibits the licensee from driving or attempting to drive a motor vehicle while having
33 alcohol in the licensee’s blood.

34 (4) An individual under the age of 21 years who is convicted of a
35 violation of § 21–902(a), (b), or (c) of this article may be required, for a period of not
36 more than 3 years, to participate in the Ignition Interlock System Program in order to
37 retain the individual’s driver’s license.

1 **(k) A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM**
2 **UNDER § 16-404.1 OF THIS TITLE MAY NOT DRIVE OR ATTEMPT TO DRIVE A**
3 **VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IN**
4 **VIOLATION OF AN IGNITION INTERLOCK SYSTEM RESTRICTION ON A LICENSE**
5 **ISSUED TO THE PARTICIPANT.**

6 16-205.

7 (f) (1) Subject to paragraph (2) of this subsection, the Administration
8 may modify any suspension under this section or any suspension under § 16-205.1 of
9 this subtitle and issue a restrictive license to a licensee who participates in the
10 Ignition Interlock System Program established under § 16-404.1 of this title.

11 16-205.1.

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

15 **(viii) Within 72 hours after the issuance of the order of**
16 **suspension, send any confiscated driver's license, copy of the suspension order, and a**
17 **sworn statement to the Administration, that states:**

18 **3. The person was fully advised of the administrative**
19 **sanctions that shall be imposed, including the fact that a person who refuses to take**
20 **the test or takes a test that indicates an alcohol concentration of 0.15 or more at the**
21 **time of testing is ineligible for modification of a suspension or issuance of a restrictive**
22 **license under subsection [(n)(1) or (2)] (O) of this section.**

23 **[(n) (1) The Administration may modify a suspension under this section or**
24 **issue a restrictive license if:**

25 (i) The licensee did not refuse to take a test;

26 (ii) The licensee has not had a license suspended under this
27 section during the past 5 years;

28 (iii) The licensee has not been convicted under § 21-902 of this
29 article during the past 5 years;

30 (iv) The licensee has a test result indicating an alcohol
31 concentration of less than 0.15; and

32 (v) 1. The licensee is required to drive a motor vehicle in the
33 course of employment;

1 2. The license is required for the purpose of attending an
2 alcoholic prevention or treatment program;

3 3. The Administration finds that the licensee has no
4 alternative means of transportation available to or from the licensee's place of
5 employment and, without the license, the licensee's ability to earn a living would be
6 severely impaired; or

7 4. The Administration finds that the license is required
8 for the purpose of obtaining health care treatment, including a prescription, that is
9 necessary for the licensee or a member of the licensee's immediate family and the
10 licensee and the licensee's immediate family have no alternative means of
11 transportation available to obtain the health care treatment.

12 (2) In addition to the authority to modify a suspension or issue a
13 restrictive license under paragraph (1) or (4) of this subsection, the Administration
14 may modify a suspension under this section or issue a restrictive license, including a
15 restriction that prohibits the licensee from driving or attempting to drive a motor
16 vehicle unless the licensee is a participant in the Ignition Interlock System Program
17 established under § 16-404.1 of this title, if:

18 (i) The licensee did not refuse to take a test;

19 (ii) The licensee has not been convicted under § 21-902 of this
20 article;

21 (iii) The licensee has a test result indicating an alcohol
22 concentration of less than 0.15; and

23 (iv) The license is required for the purpose of attending:

24 1. A noncollegiate educational institution as defined in §
25 2-206(a) of the Education Article; or

26 2. A regular program at an institution of postsecondary
27 education.

28 (3) If the licensee refused to take a test or took a test that indicated an
29 alcohol concentration of 0.15 or more at the time of testing, the Administration may
30 not modify a suspension under this section or issue a restrictive license except as
31 provided under paragraph (4) of this subsection.

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

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

5 (5) (i) If the Administration modifies a suspension or issues a
6 restrictive license under subsection (b)(3)(vii) of this section or paragraph (4) of this
7 subsection and the licensee does not successfully complete the licensee's required
8 participation in the Ignition Interlock System Program, the Administration shall
9 summarily suspend the licensee's driver's license or driving privilege for the full period
10 of suspension specified in this section for the applicable administrative offense.

11 (ii) The Administration shall notify a licensee of a suspension
12 under this paragraph.

13 (iii) A licensee may request an administrative hearing on a
14 suspension imposed under this paragraph.]

15 **(N) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSEE:**

16 **(I) WHO TAKES A TEST THAT INDICATES AN ALCOHOL**
17 **CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15;**

18 **(II) WHOSE LICENSE HAS NOT BEEN SUSPENDED UNDER**
19 **THIS SECTION DURING THE PAST 5 YEARS; AND**

20 **(III) WHO HAS NOT BEEN CONVICTED UNDER § 21-902 OF**
21 **THIS ARTICLE DURING THE PAST 5 YEARS.**

22 **(2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER**
23 **THIS SECTION OR ISSUE A RESTRICTIVE LICENSE IF THE ADMINISTRATION**
24 **FINDS THAT:**

25 **(I) THE LICENSEE IS REQUIRED TO DRIVE A MOTOR**
26 **VEHICLE IN THE COURSE OF EMPLOYMENT;**

27 **(II) THE LICENSE IS REQUIRED FOR THE PURPOSE OF**
28 **ATTENDING AN ALCOHOL PREVENTION OR TREATMENT PROGRAM;**

29 **(III) THE LICENSEE HAS NO ALTERNATIVE MEANS OF**
30 **TRANSPORTATION AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF**
31 **EMPLOYMENT AND, WITHOUT THE LICENSE, THE LICENSEE'S ABILITY TO EARN A**
32 **LIVING WOULD BE SEVERELY IMPAIRED;**

1 (IV) THE LICENSE IS REQUIRED FOR THE PURPOSE OF
2 OBTAINING HEALTH CARE TREATMENT, INCLUDING A PRESCRIPTION, THAT IS
3 NECESSARY FOR THE LICENSEE OR A MEMBER OF THE LICENSEE'S IMMEDIATE
4 FAMILY AND THE LICENSEE AND THE LICENSEE'S IMMEDIATE FAMILY HAVE NO
5 ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE TO OBTAIN THE HEALTH
6 CARE TREATMENT; OR

7 (V) THE LICENSE IS REQUIRED FOR THE PURPOSE OF
8 ATTENDING A NONCOLLEGIATE EDUCATIONAL INSTITUTION AS DEFINED IN §
9 2-206(A) OF THE EDUCATION ARTICLE OR A REGULAR PROGRAM AT AN
10 INSTITUTION OF POSTSECONDARY EDUCATION.

11 (O) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSEE WHO:

12 (I) REFUSED TO TAKE A TEST;

13 (II) TOOK A TEST THAT INDICATED AN ALCOHOL
14 CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING; OR

15 (III) TOOK A TEST THAT INDICATED AN ALCOHOL
16 CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15 AT THE TIME OF
17 TESTING AND WHO IS INELIGIBLE FOR A MODIFICATION OF A SUSPENSION OR
18 ISSUANCE OF A RESTRICTIVE LICENSE UNDER SUBSECTION (N) OF THIS
19 SECTION.

20 (2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER
21 THIS SECTION OR ISSUE A RESTRICTIVE LICENSE ONLY IF THE LICENSEE
22 PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.

23 (P) (1) IF THE ADMINISTRATION MODIFIES A SUSPENSION UNDER
24 THIS SECTION OR ISSUES A RESTRICTIVE LICENSE ON CONDITION THAT THE
25 LICENSEE PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM AND
26 THE LICENSEE DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE
27 ADMINISTRATION SHALL ~~SUMMARILY~~ SUSPEND THE LICENSEE'S DRIVER'S
28 LICENSE OR DRIVING PRIVILEGE FOR THE FULL PERIOD OF SUSPENSION
29 SPECIFIED IN THIS SECTION FOR THE APPLICABLE VIOLATION.

30 (2) THE ADMINISTRATION SHALL NOTIFY A LICENSEE OF A
31 SUSPENSION UNDER THIS SUBSECTION.

32 (3) A LICENSEE MAY REQUEST AN ADMINISTRATIVE HEARING ON
33 A SUSPENSION IMPOSED UNDER THIS SUBSECTION.

1 **(4) IF A LICENSEE REQUESTS A HEARING UNDER THIS**
 2 **PARAGRAPH SUBSECTION, THE SUSPENSION SHALL BE STAYED PENDING THE**
 3 **DECISION AT THE ADMINISTRATIVE HEARING.**

4 16-404.

5 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the
 6 following suspension periods may apply to a suspension for an accumulation of points
 7 under § 16-402(a)(25) of this subtitle for a violation of § 21-902(b) or (c) of this article
 8 or a suspension imposed under ~~【§ 16-404.1(b)(4)(iii)】~~ ~~§ 16-404.1(E)(1)(III)~~
 9 **§ 16-404.1(F)(1)(III)** of this subtitle:

10 (i) For a first conviction, not more than 6 months;

11 (ii) For a second conviction at least 5 years after the date of the
 12 first conviction, not more than 9 months;

13 (iii) For a second conviction less than 5 years after the date of
 14 the first conviction or for a third conviction, not more than 12 months; and

15 (iv) For a fourth or subsequent conviction, not more than 24
 16 months.

17 (3) The Administration may issue a restrictive license for the period of
 18 the suspension to an individual who participates in the Administration's Ignition
 19 Interlock System Program under § 16-404.1 of this subtitle.

20 16-404.1.

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

22 (2) “Approved service provider” means a person who is certified by:

23 (i) The Administration to service, install, monitor, calibrate,
 24 and provide information on ignition interlock systems; and

25 (ii) A manufacturer to be qualified to service, install, monitor,
 26 calibrate, and provide information on ignition interlock systems.

27 (3) “Manufacturer” means a person who manufactures ignition
 28 interlock systems and who certifies that approved service providers are qualified to
 29 service, install, monitor, calibrate, and provide information on ignition interlock
 30 systems.

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

1 (5) "Program" means the Ignition Interlock System Program.

2 ~~(6) "TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS~~
3 ~~TITLE.~~

4 ~~(7) "TEST REFUSAL" MEANS A REFUSAL TO TAKE A TEST TO~~
5 ~~DETERMINE ALCOHOL CONCENTRATION UNDER § 16-205.1 OF THIS TITLE.~~

6 (b) (1) The Administration [may] **SHALL** establish an Ignition Interlock
7 System Program **IN ACCORDANCE WITH THIS SECTION.**

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

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

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

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

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

28 **[(3)] (C)** An individual may be a participant if:

29 **[(i)] (1)** The individual's license is suspended or revoked
30 **UNDER § 16-205 OF THIS TITLE** for a violation of § 21-902(a), (b), or (c) of this article
31 or **§ 16-404 OF THIS SUBTITLE FOR** an accumulation of points under § 16-402(a)(25)
32 or (34) of this subtitle;

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

1 (iii)] (2) The individual's license has an alcohol restriction
2 imposed under ~~§ 16-113(b) or (e)~~ **§ 16-113(G)(1)** of this title; or

3 [(iv)] (3) The Administration modifies a suspension or issues a
4 restrictive license to the individual under [§ 16-205.1(b)(3)(vii) or (n)(2) or (4)] **§**
5 **16-205.1** of this title.

6 (D) (1) (I) **NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION,**
7 **AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL IS CONVICTED OF**
8 **A VIOLATION OF § 21-902(A) OF THIS ARTICLE AND HAD AN ALCOHOL**
9 **CONCENTRATION AT THE TIME OF TESTING OF 0.15 OR MORE.**

10 (II) **IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND**
11 **FAILS TO PARTICIPATE IN THE PROGRAM OR SUCCESSFULLY COMPLETE THE**
12 **PROGRAM, THE ADMINISTRATION SHALL SUSPEND, NOTWITHSTANDING**
13 **§ 16-208 OF THIS TITLE, THE INDIVIDUAL'S LICENSE UNTIL THE INDIVIDUAL**
14 **SUCCESSFULLY COMPLETES THE PROGRAM.**

15 (III) **NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE**
16 **AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED**
17 **UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN**
18 **ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.**

19 (2) (I) **NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION,**
20 **AN INDIVIDUAL SHALL BE A PARTICIPANT AS A CONDITION OF MODIFICATION**
21 **OF A SUSPENSION OR REVOCATION OF A LICENSE OR ISSUANCE OF A**
22 **RESTRICTIVE LICENSE IF THE INDIVIDUAL:**

23 ~~(I)~~ 1. **IS REQUIRED TO BE A PARTICIPANT BY A COURT**
24 **ORDER UNDER ~~§ 27-101~~ § 27-107 OF THIS ARTICLE;**

25 ~~(II)~~ **~~IS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS~~**
26 **~~ARTICLE AND HAD AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF~~**
27 **~~0.15 OR MORE;~~**

28 ~~(III)~~ 2. **IS CONVICTED OF A VIOLATION OF § 21-902(A) OR**
29 **(B) OF THIS ARTICLE AND WITHIN THE PRECEDING 5 YEARS THE INDIVIDUAL**
30 **HAS BEEN CONVICTED OF ANY VIOLATION OF § 21-902 OF THIS ARTICLE; OR**

31 ~~(IV)~~ 3. **WAS UNDER THE AGE OF 21 YEARS ON THE DATE**
32 **OF A VIOLATION BY THE INDIVIDUAL OF:**

1 ~~1.~~ A. AN ALCOHOL RESTRICTION IMPOSED UNDER §
2 16-113(B)(1) OF THIS TITLE; OR

3 ~~2.~~ B. § 21-902(A), (B), OR (C) OF THIS ARTICLE.

4 (II) IF AN INDIVIDUAL IS SUBJECT TO THIS PARAGRAPH AND
5 THE INDIVIDUAL FAILS TO PARTICIPATE IN THE PROGRAM OR DOES NOT
6 SUCCESSFULLY COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL
7 SUSPEND THE INDIVIDUAL'S LICENSE FOR 1 YEAR.

8 (III) NOTHING CONTAINED IN THIS PARAGRAPH LIMITS THE
9 AUTHORITY OF THE ADMINISTRATION TO MODIFY A SUSPENSION IMPOSED
10 UNDER THIS PARAGRAPH TO ALLOW AN INDIVIDUAL TO BE A PARTICIPANT IN
11 ACCORDANCE WITH SUBSECTION (E) OR (O) OF THIS SECTION.

12 ~~(2)~~ (3) AN INDIVIDUAL WHO IS SUBJECT TO THIS SUBSECTION
13 SHALL PARTICIPATE IN THE PROGRAM FOR:

14 (I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS
15 REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM;

16 (II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS
17 REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE PROGRAM; AND

18 (III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE
19 INDIVIDUAL IS REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE
20 PROGRAM.

21 ~~(3)~~ (4) PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION DOES NOT
22 LIMIT A LONGER PERIOD OF PROGRAM PARTICIPATION THAT IS REQUIRED BY:

23 (I) A COURT ORDER UNDER § 27-107 OF THIS ARTICLE; OR

24 (II) THE ADMINISTRATION IN ACCORDANCE WITH ANOTHER
25 PROVISION OF THIS TITLE.

26 ~~(4) IF AN INDIVIDUAL IS SUBJECT TO THIS SUBSECTION BASED~~
27 ~~ON A PROPOSED LICENSE SUSPENSION UNDER THIS TITLE AND THE INDIVIDUAL~~
28 ~~FAILS TO PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY~~
29 ~~COMPLETE THE PROGRAM, THE ADMINISTRATION SHALL SUSPEND THE~~
30 ~~INDIVIDUAL'S LICENSE FOR 1 YEAR.~~

31 ~~(5) NOTWITHSTANDING PARAGRAPH (4) OF THIS SUBSECTION, IF~~
32 ~~AN INDIVIDUAL IS SUBJECT TO THIS SUBSECTION BASED ON A PROPOSED~~

~~1 LICENSE REVOCATION UNDER THIS TITLE AND THE INDIVIDUAL FAILS TO
2 PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY COMPLETE THE
3 PROGRAM, THE ADMINISTRATION SHALL REVOKE THE INDIVIDUAL'S LICENSE.~~

4 (E) IF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS
5 SECTION DOES NOT INITIALLY BECOME A PARTICIPANT:

6 (1) THE INDIVIDUAL MAY APPLY LATER TO THE ADMINISTRATION
7 TO BE A PARTICIPANT; AND

8 (2) THE ADMINISTRATION MAY RECONSIDER ANY SUSPENSION
9 OR REVOCATION OF THE DRIVER'S LICENSE OF THE INDIVIDUAL ARISING OUT
10 OF THE SAME CIRCUMSTANCES AND ALLOW THE INDIVIDUAL TO PARTICIPATE
11 IN THE PROGRAM.

12 ~~[(4)]~~ ~~(E)~~ **(F) (1)** The Administration may:

13 (i) Issue a restrictive license to an individual who is a
14 participant in the Program during the suspension period as provided under [§
15 16-404(c)(3)] ~~§ 16-205 OR § 16-205.1 OF THIS TITLE OR § 16-404~~ of this subtitle;

16 (ii) Reinstate the driver's license of a participant whose license
17 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
18 an accumulation of points under § 16-402(a)(34) of this subtitle for a violation of §
19 21-902(a) of this article; and

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

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

24 2. An accumulation of points under § 16-402(a)(34) of
25 this subtitle for a violation of § 21-902(a) of this article.

26 ~~[(5)]~~ **(2)** A notice of suspension or revocation sent to an individual
27 under this title shall include information about the Program and how [the individual
28 can qualify for admission to] **INDIVIDUALS PARTICIPATE IN** the Program.

29 ~~[(6)]~~ **(3)** The Administration [may] **SHALL** establish a fee for the
30 Program **THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.**

31 ~~(F)~~ **(G)** **SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, THE**
32 **ADMINISTRATION SHALL IMPOSE A RESTRICTION ON THE INDIVIDUAL'S**
33 **LICENSE THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE**

1 THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE
 2 PERIOD OF TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE
 3 PROGRAM UNDER THIS SECTION.

4 [(c)] ~~(G)~~ (H) [For purposes of § 16–404(c)(3) of this subtitle and subsection (d) of
 5 this section, a] A participant is considered to begin participation in the Program when
 6 the participant provides evidence of the installation of an ignition interlock system by
 7 an approved service provider in a manner required by the Administration.

8 [(d)] ~~(H)~~ (I) An individual whose license is suspended under §
 9 16–404(c)(2)(iv) of this subtitle is a habitual offender whose license may not be
 10 reinstated unless the individual participates in the Program for at least 24 months.

11 [(e)] ~~(J)~~ (J) (1) For purposes of an ignition interlock system used under §
 12 16–205(f) of this title, this section, or a court order under § 27–107 of this article, the
 13 Administration shall permit only the use of an ignition interlock system that meets or
 14 exceeds the technical standards for breath alcohol ignition interlock devices published
 15 in the Federal Register from time to time.

16 (2) For purposes of an ignition interlock system used under this
 17 section, the Administration shall require the Program protocol adopted by the
 18 Administration.

19 [(f)] ~~(K)~~ (K) (1) An individual required to use an ignition interlock system
 20 under a court order **OR THIS SECTION:**

21 (i) Shall be monitored by the Administration; and

22 (ii) [Shall] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF**
 23 **THIS SUBSECTION, SHALL** pay the fee required by the Administration under
 24 subsection [(b)(6)] ~~(E)(2)~~ (F)(3) of this section.

25 **(2) THE ADMINISTRATION SHALL WAIVE THE FEE REQUIRED**
 26 **UNDER THIS SUBSECTION FOR AN INDIVIDUAL WHO IS INDIGENT.**

27 [(2)] ~~(K)~~ (L) A court order that requires the use of an ignition interlock
 28 system is not affected by § 16–404(c)(3) of this subtitle.

29 ~~(L)~~ (M) **IF AN INDIVIDUAL PARTICIPATES IN THE PROGRAM UNDER**
 30 **SUBSECTION (D) OF THIS SECTION AND PARTICIPATES IN THE PROGRAM IN**
 31 **ACCORDANCE WITH ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW**
 32 **LAW ARISING OUT OF THE SAME INCIDENT, THE PERIODS OF PARTICIPATION IN**
 33 **THE PROGRAM SHALL BE CONCURRENT.**

1 ~~(M)~~ (N) IF AN INDIVIDUAL SUCCESSFULLY COMPLETES THE
2 PROGRAM AND THE INDIVIDUAL'S LICENSE IS NOT REFUSED, REVOKED,
3 SUSPENDED, OR CANCELED UNDER ANOTHER PROVISION OF THIS ARTICLE, THE
4 ADMINISTRATION SHALL IMMEDIATELY ~~RETURN THE~~ ISSUE A LICENSE TO THE
5 LICENSEE.

6 (O) (1) ~~IF~~ NOTWITHSTANDING § 16-208 OF THIS TITLE, IF THE
7 ADMINISTRATION REMOVES AN INDIVIDUAL FROM THE PROGRAM BECAUSE
8 THE INDIVIDUAL VIOLATED REQUIREMENTS OF THE PROGRAM, THE
9 ADMINISTRATION MAY ALLOW THE INDIVIDUAL TO REENTER THE PROGRAM
10 AFTER A PERIOD OF 30 DAYS FROM THE DATE OF REMOVAL.

11 (2) IF AN INDIVIDUAL REENTERS THE PROGRAM UNDER THIS
12 SUBSECTION, THE INDIVIDUAL SHALL PARTICIPATE IN THE PROGRAM FOR THE
13 ENTIRE PERIOD OF TIME THAT WAS INITIALLY NECESSARY FOR SUCCESSFUL
14 COMPLETION OF THE PROGRAM WITHOUT ANY CREDIT FOR THE PERIOD OF
15 PARTICIPATION BEFORE THE INDIVIDUAL WAS REMOVED FROM THE PROGRAM.

16 (3) NOTHING CONTAINED IN PARAGRAPH (2) OF THIS
17 SUBSECTION LIMITS A PERIOD OF PARTICIPATION IN THE PROGRAM REQUIRED
18 UNDER ANY OTHER PROVISION OF THIS TITLE OR § 27-107 OF THIS ARTICLE.

19 (P) A SUSPENSION OR REVOCATION OF A LICENSE OF AN INDIVIDUAL
20 SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION THAT IS IMPOSED AS A
21 RESULT OF THE FAILURE OF THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM
22 OR SUCCESSFULLY COMPLETE THE PROGRAM SHALL BE CONCURRENT WITH ANY
23 OTHER SUSPENSION OR REVOCATION ARISING OUT OF THE SAME INCIDENT FOR
24 WHICH THE INDIVIDUAL IS SUBJECT TO SUBSECTION (C) OR (D) OF THIS
25 SECTION.

26 (Q) (1) IF A PERSON IS CONVICTED OF ANY VIOLATION OF § 21-902 OF
27 THIS ARTICLE, THE ADMINISTRATION SHALL INCLUDE IN THE NOTICE OF
28 PROPOSED SUSPENSION OR REVOCATION A WARNING IN BOLD CONSPICUOUS
29 TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE PERSON
30 IS SUBSEQUENTLY CONVICTED OF A VIOLATION OF § 21-902(A) OR (B) OF THIS
31 ARTICLE AS DESCRIBED IN THIS SECTION.

32 (2) AT THE TIME THAT THE ADMINISTRATION ISSUES A LICENSE
33 TO A PERSON WHO IS UNDER THE AGE OF 21 YEARS, THE ADMINISTRATION
34 SHALL PROVIDE TO THE PERSON A WRITTEN WARNING IN BOLD CONSPICUOUS
35 TYPE THAT THE PERSON SHALL PARTICIPATE IN THE PROGRAM IF THE
36 ADMINISTRATION FINDS THE PERSON VIOLATED THE ALCOHOL RESTRICTION
37 ON A DRIVER UNDER THE AGE OF 21 YEARS OR THE PERSON VIOLATED ANY
38 PROVISION OF § 21-902 OF THIS ARTICLE.

1 **(3) A PERSON MAY NOT RAISE THE ABSENCE OF THE WARNING**
2 **DESCRIBED UNDER THIS SUBSECTION OR THE FAILURE TO RECEIVE THAT**
3 **WARNING AS A BASIS FOR LIMITING THE AUTHORITY OF THE ADMINISTRATION**
4 **TO REQUIRE THAT THE PERSON PARTICIPATE IN THE PROGRAM IN ACCORDANCE**
5 **WITH THIS SECTION.**

6 21-902.

7 (a) (1) A person may not drive or attempt to drive any vehicle while under
8 the influence of alcohol.

9 (2) A person may not drive or attempt to drive any vehicle while the
10 person is under the influence of alcohol per se.

11 (b) (1) A person may not drive or attempt to drive any vehicle while
12 impaired by alcohol.

13 27-101.

14 (h) Any person who is convicted of a violation of any of the provisions of §
15 **16-113(K) OF THIS ARTICLE (“IGNITION INTERLOCK SYSTEM PROGRAM**
16 **PARTICIPANT DRIVING VEHICLE WITHOUT IGNITION INTERLOCK”)**, § 16-303(a),
17 (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled, suspended,
18 refused, or revoked”), § 17-107 of this article (“Prohibitions”), or § 17-110 of this
19 article (“Providing false evidence of required security”) is subject to:

20 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
21 for not more than 1 year, or both; and

22 (2) For any subsequent offense, a fine of not more than \$1,000, or
23 imprisonment for not more than 2 years, or both.

24 27-107.

25 (b) In addition to any other penalties provided in this title for a violation of
26 any of the provisions of § 21-902(a) of this article (“Driving while under the influence
27 of alcohol or under the influence of alcohol per se”), or § 21-902(b) of this article
28 (“Driving while impaired by alcohol”), or in addition to any other condition of
29 probation, a court may prohibit a person who is convicted of, or granted probation
30 under § 6-220 of the Criminal Procedure Article for, a violation of § 21-902(a) or §
31 21-902(b) of this article from operating for not more than 3 years a motor vehicle that
32 is not equipped with an ignition interlock system.

1 (g) (2) (I) **THIS PARAGRAPH DOES NOT LIMIT OR OTHERWISE**
2 **AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER**
3 **OF A COMMERCIAL DRIVER'S LICENSE.**

4 (II) If a person is required, in the course of the person's
5 employment, to operate a motor vehicle owned or provided by the person's employer,
6 the person may operate that motor vehicle in the course of the person's employment
7 without installation of an ignition interlock system if the court or the Administration
8 has expressly permitted the person to operate in the course of the person's
9 employment a motor vehicle that is not equipped with an ignition interlock system.

10 (III) **THE ADMINISTRATION MAY ALLOW A PARTICIPANT IN**
11 **THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS**
12 **ARTICLE TO OPERATE IN THE COURSE OF THE PERSON'S EMPLOYMENT A**
13 **MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER THAT IS**
14 **NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF THE PERSON**
15 **PROVIDES INFORMATION ACCEPTABLE TO THE ADMINISTRATION REGARDING**
16 **THE PERSON'S CURRENT EMPLOYMENT AND THE NEED FOR THE PERSON TO**
17 **OPERATE THE MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT.**

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.