

HOUSE BILL 1276

R3

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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, and Wilson**

Introduced and read first time: February 24, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Expansion of Ignition Interlock System Program**

3 FOR the purpose of expanding participation in the Ignition Interlock System Program
4 by authorizing certain individuals who have committed a certain
5 alcohol-related administrative offense to be participants under certain
6 circumstances; requiring the Motor Vehicle Administration to establish the
7 Program in accordance with certain statutory provisions; requiring rather than
8 authorizing the Administration to establish a certain protocol; expanding
9 participation in the Program by requiring certain individuals to participate in
10 the Program for certain periods of time and successfully complete the Program
11 as a condition of modification of a license suspension or revocation and issuance
12 of a restrictive license; requiring the Administration to impose a certain license
13 restriction for certain periods of time under certain circumstances; requiring the
14 Administration to suspend for certain periods of time or revoke the licenses of
15 certain individuals who refuse to participate in or fail to successfully complete
16 the Program; requiring the Administration to establish a certain fee; requiring
17 individuals in the Program to be monitored by the Administration and to pay a
18 certain fee under certain circumstances; requiring certain service providers to
19 demonstrate a certain ability under certain circumstances; providing that
20 certain Program participation under this Act shall be concurrent with Program
21 participation under any other provision of the Maryland Vehicle Law;
22 establishing that certain information provided to the Administration is
23 sufficient for the Administration to exercise its authority to allow a participant
24 in the Program to operate a motor vehicle owned or provided by the person's
25 employer in the course of employment without an ignition interlock system
26 under certain circumstances; clarifying language; defining certain terms; and
27 generally relating to the Ignition Interlock System Program.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY renumbering

2 Article – Transportation

3 Section 16–205.1(o)

4 to be Section 16–205.1(q)

5 Annotated Code of Maryland

6 (2009 Replacement Volume and 2010 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – Transportation

9 Section 16–113(b)(1) and (4), 16–205(f)(1), 16–404(c)(3), 21–902(a)(1) and (2) and
10 (b)(1), and 27–107(b)

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2010 Supplement)

13 BY repealing

14 Article – Transportation

15 Section 16–205.1(n)

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2010 Supplement)

18 BY adding to

19 Article – Transportation

20 Section 16–205.1(n), (o), and (p)

21 Annotated Code of Maryland

22 (2009 Replacement Volume and 2010 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Transportation

25 Section 16–404(c)(2), 16–404.1, and 27–107(g)(2)

26 Annotated Code of Maryland

27 (2009 Replacement Volume and 2010 Supplement)

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

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

33 **Article – Transportation**

34 16–113.

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

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

5 16–205.

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

10 16–205.1.

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

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

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

16 (iii) The licensee has not been convicted under § 21–902 of this
17 article during the past 5 years;

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

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

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

24 3. The Administration finds that the licensee has no
25 alternative means of transportation available to or from the licensee’s place of
26 employment and, without the license, the licensee’s ability to earn a living would be
27 severely impaired; or

28 4. The Administration finds that the license is required
29 for the purpose of obtaining health care treatment, including a prescription, that is
30 necessary for the licensee or a member of the licensee’s immediate family and the
31 licensee and the licensee’s immediate family have no alternative means of
32 transportation available to obtain the health care treatment.

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

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

8 (ii) The licensee has not been convicted under § 21–902 of this
9 article;

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

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

13 1. A noncollegiate educational institution as defined in §
14 2–206(a) of the Education Article; or

15 2. A regular program at an institution of postsecondary
16 education.

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

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

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

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

35 (ii) The Administration shall notify a licensee of a suspension
36 under this paragraph.

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

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

4 (i) WHO TAKES A TEST THAT INDICATES AN ALCOHOL
5 CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15;

6 (ii) WHOSE LICENSE HAS NOT BEEN SUSPENDED UNDER
7 THIS SECTION DURING THE PAST 5 YEARS; AND

8 (iii) WHO HAS NOT BEEN CONVICTED UNDER § 21-902 OF
9 THIS ARTICLE DURING THE PAST 5 YEARS.

10 (2) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER
11 THIS SECTION OR ISSUE A RESTRICTIVE LICENSE IF THE ADMINISTRATION
12 FINDS THAT:

13 (i) THE LICENSEE IS REQUIRED TO DRIVE A MOTOR
14 VEHICLE IN THE COURSE OF EMPLOYMENT;

15 (ii) THE LICENSE IS REQUIRED FOR THE PURPOSE OF
16 ATTENDING AN ALCOHOL PREVENTION OR TREATMENT PROGRAM;

17 (iii) THE LICENSEE HAS NO ALTERNATIVE MEANS OF
18 TRANSPORTATION AVAILABLE TO OR FROM THE LICENSEE'S PLACE OF
19 EMPLOYMENT AND, WITHOUT THE LICENSE, THE LICENSEE'S ABILITY TO EARN A
20 LIVING WOULD BE SEVERELY IMPAIRED;

21 (iv) THE LICENSE IS REQUIRED FOR THE PURPOSE OF
22 OBTAINING HEALTH CARE TREATMENT, INCLUDING A PRESCRIPTION, THAT IS
23 NECESSARY FOR THE LICENSEE OR A MEMBER OF THE LICENSEE'S IMMEDIATE
24 FAMILY AND THE LICENSEE AND THE LICENSEE'S IMMEDIATE FAMILY HAVE NO
25 ALTERNATIVE MEANS OF TRANSPORTATION AVAILABLE TO OBTAIN THE HEALTH
26 CARE TREATMENT; OR

27 (v) THE LICENSE IS REQUIRED FOR THE PURPOSE OF
28 ATTENDING A NONCOLLEGIATE EDUCATIONAL INSTITUTION AS DEFINED IN §
29 2-206(A) OF THE EDUCATION ARTICLE OR A REGULAR PROGRAM AT AN
30 INSTITUTION OF POSTSECONDARY EDUCATION.

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

32 (i) REFUSED TO TAKE A TEST;

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

3 **(III) TOOK A TEST THAT INDICATED AN ALCOHOL**
 4 **CONCENTRATION OF AT LEAST 0.08 BUT LESS THAN 0.15 AT THE TIME OF**
 5 **TESTING AND WHO IS INELIGIBLE FOR A MODIFICATION OF A SUSPENSION OR**
 6 **ISSUANCE OF A RESTRICTIVE LICENSE UNDER SUBSECTION (N) OF THIS**
 7 **SECTION.**

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

11 **(P) (1) IF THE ADMINISTRATION MODIFIES A SUSPENSION UNDER**
 12 **THIS SECTION OR ISSUES A RESTRICTIVE LICENSE ON CONDITION THAT THE**
 13 **LICENSEE PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM AND**
 14 **THE LICENSEE DOES NOT SUCCESSFULLY COMPLETE THE PROGRAM, THE**
 15 **ADMINISTRATION SHALL SUMMARILY SUSPEND THE LICENSEE'S DRIVER'S**
 16 **LICENSE OR DRIVING PRIVILEGE FOR THE FULL PERIOD OF SUSPENSION**
 17 **SPECIFIED IN THIS SECTION FOR THE APPLICABLE VIOLATION.**

18 **(2) THE ADMINISTRATION SHALL NOTIFY A LICENSEE OF A**
 19 **SUSPENSION UNDER THIS SUBSECTION.**

20 **(3) A LICENSEE MAY REQUEST AN ADMINISTRATIVE HEARING ON**
 21 **A SUSPENSION IMPOSED UNDER THIS SUBSECTION.**

22 16-404.

23 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the
 24 following suspension periods may apply to a suspension for an accumulation of points
 25 under § 16-402(a)(25) of this subtitle for a violation of § 21-902(b) or (c) of this article
 26 or a suspension imposed under [§ 16-404.1(b)(4)(iii)] **§ 16-404.1(E)(1)(III)** of this
 27 subtitle:

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

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

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

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

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

6 16-404.1.

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

8 (2) "Approved service provider" means a person who is certified by:

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

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

13 (3) "Manufacturer" means a person who manufactures ignition
14 interlock systems and who certifies that approved service providers are qualified to
15 service, install, monitor, calibrate, and provide information on ignition interlock
16 systems.

17 (4) "Participant" means a participant in the Ignition Interlock System
18 Program.

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

20 (6) **"TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS**
21 **TITLE.**

22 (7) **"TEST REFUSAL" MEANS A REFUSAL TO TAKE A TEST TO**
23 **DETERMINE ALCOHOL CONCENTRATION UNDER § 16-205.1 OF THIS TITLE.**

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

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

30 (i) A service provider who applies to the Administration for
31 certification as an approved service provider shall demonstrate that the service
32 provider is able to competently service, install, monitor, calibrate, and provide

1 information **TO THE ADMINISTRATION AT LEAST EVERY 30 DAYS** on **INDIVIDUALS**
2 **REQUIRED TO USE** ignition interlock systems;

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

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

10 (iv) Any service of notice upon an approved service provider, who
11 has violated any laws or regulations or whose ignition interlock system has violated
12 any laws or regulations, be deemed as service upon the manufacturer who certified the
13 approved service provider.

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

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

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

21 **[(iii)] (2)** The individual's license has an alcohol restriction
22 imposed under § 16-113(b) or (g) of this title; or

23 **[(iv)] (3)** The Administration modifies a suspension or issues a
24 restrictive license to the individual under **[\$ 16-205.1(b)(3)(vii) or (n)(2) or (4)] §**
25 **16-205.1** of this title.

26 **(D) (1) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, AN**
27 **INDIVIDUAL SHALL BE A PARTICIPANT AS A CONDITION OF MODIFICATION OF A**
28 **SUSPENSION OR REVOCATION OF A LICENSE OR ISSUANCE OF A RESTRICTIVE**
29 **LICENSE IF THE INDIVIDUAL:**

30 **(I) IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER**
31 **UNDER § 27-101 OF THIS ARTICLE;**

32 **(II) IS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS**
33 **ARTICLE AND HAD AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF**
34 **0.15 OR MORE;**

1 (III) IS CONVICTED OF A VIOLATION OF § 21-902(A) OR (B)
2 OF THIS ARTICLE AND WITHIN THE PRECEDING 5 YEARS THE INDIVIDUAL HAS
3 BEEN CONVICTED OF ANY VIOLATION OF § 21-902 OF THIS ARTICLE; OR

4 (IV) WAS UNDER THE AGE OF 21 YEARS ON THE DATE OF A
5 VIOLATION BY THE INDIVIDUAL OF:

6 1. AN ALCOHOL RESTRICTION IMPOSED UNDER §
7 16-113(B)(1) OF THIS TITLE; OR

8 2. § 21-902(A), (B), OR (C) OF THIS ARTICLE.

9 (2) AN INDIVIDUAL WHO IS SUBJECT TO THIS SUBSECTION SHALL
10 PARTICIPATE IN THE PROGRAM FOR:

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

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

15 (III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE
16 INDIVIDUAL IS REQUIRED UNDER THIS SUBSECTION TO PARTICIPATE IN THE
17 PROGRAM.

18 (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT LIMIT A
19 LONGER PERIOD OF PROGRAM PARTICIPATION THAT IS REQUIRED BY:

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

21 (II) THE ADMINISTRATION IN ACCORDANCE WITH ANOTHER
22 PROVISION OF THIS TITLE.

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

28 (5) NOTWITHSTANDING PARAGRAPH (4) OF THIS SUBSECTION, IF
29 AN INDIVIDUAL IS SUBJECT TO THIS SUBSECTION BASED ON A PROPOSED
30 LICENSE REVOCATION UNDER THIS TITLE AND THE INDIVIDUAL FAILS TO
31 PARTICIPATE IN THE PROGRAM OR DOES NOT SUCCESSFULLY COMPLETE THE
32 PROGRAM, THE ADMINISTRATION SHALL REVOKE THE INDIVIDUAL'S LICENSE.

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

2 (i) Issue a restrictive license to an individual who is a
3 participant in the Program during the suspension period as provided under [§
4 16-404(c)(3)] **§ 16-205 OR § 16-205.1 OF THIS TITLE OR § 16-404** of this subtitle;

5 (ii) Reinstatement the driver's license of a participant whose license
6 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
7 an accumulation of points under § 16-402(a)(34) of this subtitle for a violation of §
8 21-902(a) of this article; and

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

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

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

15 **[(5)] (2)** A notice of suspension or revocation sent to an individual
16 under this title shall include information about the Program and how [the individual
17 can qualify for admission to] **INDIVIDUALS PARTICIPATE IN** the Program.

18 **[(6)] (3)** The Administration [may] **SHALL** establish a fee for the
19 Program **THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.**

20 **(F) SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, THE**
21 **ADMINISTRATION SHALL IMPOSE A RESTRICTION ON THE INDIVIDUAL'S**
22 **LICENSE THAT PROHIBITS THE INDIVIDUAL FROM DRIVING A MOTOR VEHICLE**
23 **THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE**
24 **PERIOD OF TIME THAT THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE**
25 **PROGRAM UNDER THIS SECTION.**

26 **[(c)] (G)** [For purposes of § 16-404(c)(3) of this subtitle and subsection (d) of
27 this section, a] **A** participant is considered to begin participation in the Program when
28 the participant provides evidence of the installation of an ignition interlock system by
29 an approved service provider in a manner required by the Administration.

30 **[(d)] (H)** An individual whose license is suspended under § 16-404(c)(2)(iv) of
31 this subtitle is a habitual offender whose license may not be reinstated unless the
32 individual participates in the Program for at least 24 months.

33 **[(e)] (I)** (1) For purposes of an ignition interlock system used under §
34 16-205(f) of this title, this section, or a court order under § 27-107 of this article, the

1 Administration shall permit only the use of an ignition interlock system that meets or
2 exceeds the technical standards for breath alcohol ignition interlock devices published
3 in the Federal Register from time to time.

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

7 **[(f)] (J)** (1) An individual required to use an ignition interlock system under
8 a court order **OR THIS SECTION**:

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

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

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

15 **[(2)] (K)** A court order that requires the use of an ignition interlock
16 system is not affected by § 16-404(c)(3) of this subtitle.

17 **(L) IF AN INDIVIDUAL PARTICIPATES IN THE PROGRAM UNDER**
18 **SUBSECTION (D) OF THIS SECTION AND PARTICIPATES IN THE PROGRAM IN**
19 **ACCORDANCE WITH ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW**
20 **ARISING OUT OF THE SAME INCIDENT, THE PERIODS OF PARTICIPATION IN THE**
21 **PROGRAM SHALL BE CONCURRENT.**

22 **(M) IF AN INDIVIDUAL SUCCESSFULLY COMPLETES THE PROGRAM AND**
23 **THE INDIVIDUAL'S LICENSE IS NOT REFUSED, REVOKED, SUSPENDED, OR**
24 **CANCELED UNDER ANOTHER PROVISION OF THIS ARTICLE, THE**
25 **ADMINISTRATION SHALL IMMEDIATELY RETURN THE LICENSE TO THE**
26 **LICENSEE.**

27 21-902.

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

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

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

1 27-107.

2 (b) In addition to any other penalties provided in this title for a violation of
3 any of the provisions of § 21-902(a) of this article (“Driving while under the influence
4 of alcohol or under the influence of alcohol per se”), or § 21-902(b) of this article
5 (“Driving while impaired by alcohol”), or in addition to any other condition of
6 probation, a court may prohibit a person who is convicted of, or granted probation
7 under § 6-220 of the Criminal Procedure Article for, a violation of § 21-902(a) or §
8 21-902(b) of this article from operating for not more than 3 years a motor vehicle that
9 is not equipped with an ignition interlock system.

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

13 **(II)** If a person is required, in the course of the person’s
14 employment, to operate a motor vehicle owned or provided by the person’s employer,
15 the person may operate that motor vehicle in the course of the person’s employment
16 without installation of an ignition interlock system if the court or the Administration
17 has expressly permitted the person to operate in the course of the person’s
18 employment a motor vehicle that is not equipped with an ignition interlock system.

19 **(III) THE ADMINISTRATION MAY ALLOW A PARTICIPANT IN**
20 **THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS**
21 **ARTICLE TO OPERATE IN THE COURSE OF THE PERSON’S EMPLOYMENT A**
22 **MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON’S EMPLOYER THAT IS**
23 **NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF THE PERSON**
24 **PROVIDES INFORMATION ACCEPTABLE TO THE ADMINISTRATION REGARDING**
25 **THE PERSON’S CURRENT EMPLOYMENT AND THE NEED FOR THE PERSON TO**
26 **OPERATE THE MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT.**

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