

# SENATE BILL 803

R3

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CF 11r1776

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By: **Senators Raskin, Astle, Benson, Brochin, Colburn, Currie, Forehand, Frosh, Jacobs, King, Madaleno, Manno, Middleton, Montgomery, Muse, Peters, Pinsky, Robey, Shank, Simonaire, Stone, Young, and Zirkin**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving Elimination Act**

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; altering the circumstances  
7 under which individuals may participate in the Program; requiring the  
8 Administration to require an individual convicted of certain alcohol-related  
9 driving offenses to participate in the Program for certain minimum amounts of  
10 time; requiring the Administration, under certain circumstances, to suspend the  
11 license of an individual who refuses to submit to a chemical test of blood or  
12 breath for a certain period of time and to require the individual to participate in  
13 the Program for a certain minimum period of time after the period of  
14 suspension; requiring the Administration to require a certain individual to  
15 successfully complete the Program; requiring the Administration to impose a  
16 certain license restriction for a certain minimum amount of time; requiring the  
17 Administration to suspend for certain amounts of time the drivers' licenses of  
18 certain individuals who fail to successfully complete the Program; requiring the  
19 Administration to establish a certain fee; requiring individuals who are in the  
20 Program to be monitored by the Administration and to pay a certain fee under  
21 certain circumstances; requiring certain service providers to demonstrate a  
22 certain ability under certain circumstances; altering the authority of the  
23 Administration to require certain individuals to participate in the Program;  
24 establishing that Program participation that is required under certain  
25 circumstances shall run concurrently to participation ordered by a court; and  
26 generally relating to participation in the Ignition Interlock System Program.

27 BY repealing and reenacting, with amendments,  
28 Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–404.1(b) and (f)  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2010 Supplement)

4 BY repealing and reenacting, without amendments,  
5 Article – Transportation  
6 Section 27–101(h) and 27–107(g)(2)  
7 Annotated Code of Maryland  
8 (2009 Replacement Volume and 2010 Supplement)

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

11 **Article – Transportation**

12 16–404.1.

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

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

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

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

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

31 (iv) Any service of notice upon an approved service provider, who  
32 has violated any laws or regulations or whose ignition interlock system has violated  
33 any laws or regulations, be deemed as service upon the manufacturer who certified the  
34 approved service provider.

35 (3) An individual may be a participant if:

1 (i) The individual's license is suspended or revoked for a  
2 violation of [§ 21-902(a), (b), or (c)] **§ 21-902(C)** of this article or an accumulation of  
3 points under § 16-402(a)(25) or (34) of this subtitle **FOR A VIOLATION OF §**  
4 **21-902(C) OF THIS ARTICLE;**

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

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

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

12 **(4) AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL**  
13 **IS:**

14 **(I) CONVICTED OF A VIOLATION OF § 21-902(A) OR (B) OF**  
15 **THIS ARTICLE; OR**

16 **(II) SUBJECT TO A LICENSE SUSPENSION UNDER §**  
17 **16-205.1(F) OF THIS ARTICLE FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST**  
18 **OF BLOOD OR BREATH.**

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)(34) 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)(34) 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  
2 under this title shall include information about the Program and how the individual  
3 can qualify for admission to **OR BE REQUIRED TO PARTICIPATE IN** the Program.

4            **(7)**     **IN THE CASE OF AN INDIVIDUAL WHO IS CONVICTED OF A**  
5 **VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE, IN ADDITION TO ANY**  
6 **OTHER PENALTIES REQUIRED UNDER THIS ARTICLE, THE ADMINISTRATION**  
7 **SHALL:**

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

- 11                            1.     **6 MONTHS FOR A FIRST VIOLATION;**  
12                            2.     **1 YEAR FOR A SECOND VIOLATION; AND**  
13                            3.     **3 YEARS FOR A THIRD OR SUBSEQUENT**  
14 **VIOLATION;**

15            **(II)**     **REQUIRE THE INDIVIDUAL TO SUCCESSFULLY**  
16 **COMPLETE THE PROGRAM;**

17            **(III)**     **SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, IMPOSE**  
18 **A RESTRICTION ON THE INDIVIDUAL'S LICENSE THAT PROHIBITS THE**  
19 **INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN**  
20 **IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF TIME THAT THE INDIVIDUAL**  
21 **IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS PARAGRAPH; AND**

22            **(IV)**     **IF THE INDIVIDUAL FAILS TO SUCCESSFULLY**  
23 **COMPLETE THE PROGRAM AS REQUIRED, SUSPEND THE INDIVIDUAL'S DRIVER'S**  
24 **LICENSE FOR A PERIOD OF:**

- 25                            1.     **6 MONTHS FOR A FIRST VIOLATION OF §**  
26 **21-902(A) OR (B) OF THIS ARTICLE; AND**  
27                            2.     **1 YEAR FOR A SECOND OR SUBSEQUENT**  
28 **VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE.**

29            **(8)**     **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE**  
30 **CASE OF AN INDIVIDUAL WHO IS SUBJECT TO A LICENSE SUSPENSION UNDER §**  
31 **16-205.1(F) OF THIS TITLE FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST OF**  
32 **BLOOD OR BREATH, THE ADMINISTRATION SHALL:**

1                   (I)    **SUSPEND THE INDIVIDUAL’S LICENSE FOR A PERIOD OF**  
2 **45 DAYS;**

3                   (II) **AFTER THE 45-DAY SUSPENSION PERIOD, REQUIRE THE**  
4 **INDIVIDUAL TO PARTICIPATE IN THE PROGRAM FOR NOT LESS THAN 1 YEAR;**

5                   (III) **REQUIRE THE INDIVIDUAL TO SUCCESSFULLY**  
6 **COMPLETE THE PROGRAM;**

7                   (IV) **SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, IMPOSE**  
8 **A RESTRICTION ON THE INDIVIDUAL’S LICENSE THAT PROHIBITS THE**  
9 **INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN**  
10 **IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF TIME THAT THE INDIVIDUAL**  
11 **IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS PARAGRAPH; AND**

12                   (V) **IF THE INDIVIDUAL FAILS TO SUCCESSFULLY**  
13 **COMPLETE THE PROGRAM AS REQUIRED, SUSPEND THE INDIVIDUAL’S LICENSE**  
14 **IN ACCORDANCE WITH § 16-205.1(F) OF THIS TITLE.**

15                   **[(6)] (9)**    The Administration [may] **SHALL** establish a fee for the  
16 Program **THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.**

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

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

20                           (ii) **[Shall] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF**  
21 **THIS SUBSECTION, SHALL** pay the fee required by the Administration under  
22 subsection **[(b)(6)] (B)(9)** of this section.

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

25                   **[(2)] (3)**    A court order that requires the use of an ignition interlock  
26 system is not affected by § 16-404(c)(3) of this subtitle.

27                   **(4) IF PROGRAM PARTICIPATION IS REQUIRED UNDER A COURT**  
28 **ORDER AND UNDER THIS SECTION, AS A RESULT OF THE SAME INCIDENT, THE**  
29 **PERIODS OF PARTICIPATION SHALL RUN CONCURRENTLY.**

30 27-101.

31                   (h)    Any person who is convicted of a violation of any of the provisions of §  
32 16-303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled,

1 suspended, refused, or revoked”), § 17–107 of this article (“Prohibitions”), or § 17–110  
2 of this article (“Providing false evidence of required security”) is subject to:

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

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

7 27–107.

8 (g) (2) If a person is required, in the course of the person’s employment, to  
9 operate a motor vehicle owned or provided by the person’s employer, the person may  
10 operate that motor vehicle in the course of the person’s employment without  
11 installation of an ignition interlock system if the court or the Administration has  
12 expressly permitted the person to operate in the course of the person’s employment a  
13 motor vehicle that is not equipped with an ignition interlock system.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2011.