

SENATE BILL 803

R3

11r0342
CF HB 1012

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

CHAPTER _____

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;

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 establishing that Program participation that is required under certain
2 circumstances shall run concurrently to participation ordered by a court; and
3 generally relating to participation in the Ignition Interlock System Program.

4 BY repealing and reenacting, with amendments,
5 Article – Transportation
6 Section 16–404.1(b) and (f)
7 Annotated Code of Maryland
8 (2009 Replacement Volume and 2010 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 27–101(h) and 27–107(g)(2)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2010 Supplement)

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

16 **Article – Transportation**

17 16–404.1.

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

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

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

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

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

1 (iv) Any service of notice upon an approved service provider, who
 2 has violated any laws or regulations or whose ignition interlock system has violated
 3 any laws or regulations, be deemed as service upon the manufacturer who certified the
 4 approved service provider.

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

6 (i) The individual's license is suspended or revoked for a
 7 violation of [§ 21-902(a), (b), or (c)] **§ 21-902(C)** of this article or an accumulation of
 8 points under § 16-402(a)(25) or (34) of this subtitle **FOR A VIOLATION OF §**
 9 **21-902(C) OF THIS ARTICLE;**

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

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

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

17 **(4) AN INDIVIDUAL SHALL BE A PARTICIPANT IF THE INDIVIDUAL**
 18 **IS:**

19 ~~(I) CONVICTED~~ **CONVICTED** OF A VIOLATION OF §
 20 **21-902(A) OR (B) OF THIS ARTICLE;** ~~OR~~

21 ~~(II) SUBJECT TO A LICENSE SUSPENSION UNDER §~~
 22 ~~16-205.1(F) OF THIS ARTICLE FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST~~
 23 ~~OF BLOOD OR BREATH.~~

24 [(4)] **(5)** The Administration may:

25 (i) Issue a restrictive license to an individual who is a
 26 participant in the Program during the suspension period as provided under §
 27 16-404(c)(3) of this subtitle;

28 (ii) Reinstate the driver's license of a participant whose license
 29 has been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for
 30 an accumulation of points under § 16-402(a)(34) of this subtitle for a violation of §
 31 21-902(a) of this article; and

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

- 1 1. A violation of § 21-902(a), (b), or (c) of this article; or
- 2 2. An accumulation of points under § 16-402(a)(34) of
- 3 this subtitle for a violation of § 21-902(a) of this article.

4 **[(5)] (6)** A notice of suspension or revocation sent to an individual

5 under this title shall include information about the Program and how the individual

6 can qualify for admission to **OR BE REQUIRED TO PARTICIPATE IN** the Program.

7 **(7) IN THE CASE OF AN INDIVIDUAL WHO IS CONVICTED OF A**

8 **VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE, IN ADDITION TO ANY**

9 **OTHER PENALTIES REQUIRED UNDER THIS ARTICLE, THE ADMINISTRATION**

10 **SHALL:**

11 **(I) UNLESS A COURT ORDERS A LONGER PERIOD OF**

12 **PROGRAM PARTICIPATION UNDER § 27-107 OF THIS ARTICLE, REQUIRE THE**

13 **INDIVIDUAL TO PARTICIPATE IN THE PROGRAM FOR NOT LESS THAN:**

- 14 1. **6 MONTHS FOR A FIRST VIOLATION;**
- 15 2. **1 YEAR FOR A SECOND VIOLATION; AND**
- 16 3. **3 YEARS FOR A THIRD OR SUBSEQUENT**
- 17 **VIOLATION;**

18 **(II) REQUIRE THE INDIVIDUAL TO SUCCESSFULLY**

19 **COMPLETE THE PROGRAM;**

20 **(III) SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, IMPOSE**

21 **A RESTRICTION ON THE INDIVIDUAL'S LICENSE THAT PROHIBITS THE**

22 **INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN**

23 **IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF TIME THAT THE INDIVIDUAL**

24 **IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS PARAGRAPH; AND**

25 **(IV) IF THE INDIVIDUAL FAILS TO SUCCESSFULLY**

26 **COMPLETE THE PROGRAM AS REQUIRED, SUSPEND THE INDIVIDUAL'S DRIVER'S**

27 **LICENSE FOR A PERIOD OF:**

- 28 1. **6 MONTHS FOR A FIRST VIOLATION OF §**
- 29 **21-902(A) OR (B) OF THIS ARTICLE; AND**

- 30 2. **1 YEAR FOR A SECOND OR SUBSEQUENT**
- 31 **VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE.**

1 ~~(8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE~~
 2 ~~CASE OF AN INDIVIDUAL WHO IS SUBJECT TO A LICENSE SUSPENSION UNDER §~~
 3 ~~16-205.1(F) OF THIS TITLE FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST OF~~
 4 ~~BLOOD OR BREATH, THE ADMINISTRATION SHALL:~~

5 ~~(i) SUSPEND THE INDIVIDUAL'S LICENSE FOR A PERIOD OF~~
 6 ~~45 DAYS;~~

7 ~~(ii) AFTER THE 45 DAY SUSPENSION PERIOD, REQUIRE THE~~
 8 ~~INDIVIDUAL TO PARTICIPATE IN THE PROGRAM FOR NOT LESS THAN 1 YEAR;~~

9 ~~(iii) REQUIRE THE INDIVIDUAL TO SUCCESSFULLY~~
 10 ~~COMPLETE THE PROGRAM;~~

11 ~~(iv) SUBJECT TO § 27-107(G)(2) OF THIS ARTICLE, IMPOSE~~
 12 ~~A RESTRICTION ON THE INDIVIDUAL'S LICENSE THAT PROHIBITS THE~~
 13 ~~INDIVIDUAL FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN~~
 14 ~~IGNITION INTERLOCK SYSTEM FOR THE PERIOD OF TIME THAT THE INDIVIDUAL~~
 15 ~~IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS PARAGRAPH; AND~~

16 ~~(v) IF THE INDIVIDUAL FAILS TO SUCCESSFULLY~~
 17 ~~COMPLETE THE PROGRAM AS REQUIRED, SUSPEND THE INDIVIDUAL'S LICENSE~~
 18 ~~IN ACCORDANCE WITH § 16-205.1(F) OF THIS TITLE.~~

19 [(6)] ~~(9)~~ (8) The Administration [may] SHALL establish a fee for the
 20 Program THAT IS SUFFICIENT TO COVER THE COSTS OF THE PROGRAM.

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

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

24 (ii) [Shall] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF
 25 THIS SUBSECTION, SHALL pay the fee required by the Administration under
 26 subsection [(b)(6)] ~~(B)(9)~~ (B)(8) of this section.

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

29 [(2)] (3) A court order that requires the use of an ignition interlock
 30 system is not affected by § 16-404(c)(3) of this subtitle.

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

4 27–101.

5 (h) Any person who is convicted of a violation of any of the provisions of §
6 16–303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving while license is canceled,
7 suspended, refused, or revoked”), § 17–107 of this article (“Prohibitions”), or § 17–110
8 of this article (“Providing false evidence of required security”) is subject to:

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

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

13 27–107.

14 (g) (2) If a person is required, in the course of the person’s employment, to
15 operate a motor vehicle owned or provided by the person’s employer, the person may
16 operate that motor vehicle in the course of the person’s employment without
17 installation of an ignition interlock system if the court or the Administration has
18 expressly permitted the person to operate in the course of the person’s employment a
19 motor vehicle that is not equipped with an ignition interlock system.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.