

HOUSE BILL 1447

R3

8lr0322

By: **Delegates Vallario, Anderson, Angel, Atterbeary, Barkley, Conaway, Kelly, Krimm, J. Lewis, Sanchez, and Sydnor**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Ignition Interlock System Program – Administrative Offenses – Out-of-State**
3 **Licensed Drivers**

4 FOR the purpose of authorizing a person who is licensed to drive by another state to
5 participate in the Ignition Interlock System Program under certain circumstances;
6 prohibiting a nonresident participant in the Program from driving or attempting to
7 drive certain vehicles; modifying certain procedures used by police officers and the
8 Motor Vehicle Administration concerning certain administrative offenses; making
9 stylistic and technical changes; and generally relating to authorizing a person who
10 is licensed to drive by another state to participate in the Ignition Interlock System
11 Program under certain circumstances.

12 BY repealing and reenacting, without amendments,

13 Article – Transportation

14 Section 11–116, 11–140, 16–205.1(a)(2), (b)(1)(ii), and (f)(1), and 16–404.1(a)(1), (4),
15 and (5) and (b)(1)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 16–113(k), 16–205.1(b)(2)(iv) and (vi) and (3), (f)(4)(i), (5)(i), (6)(i) and (v), and
21 (8)(i), (iv)1., and (v), (g), (p), and (q), 16–404(c)(3) and (4), and 16–404.1(c)(3),

22 (f), (g), and (o)

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2017 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 11–116.

3 “Driver’s license” means any license or permit to drive a motor vehicle that is issued
4 under Title 16 of this article.

5 11–140.

6 “Nonresident’s privilege to drive” means the privilege granted to a nonresident by
7 the laws of this State to drive a motor vehicle in this State or to use in this State a vehicle
8 owned by the nonresident.

9 16–113.

10 (k) A participant in the Ignition Interlock System Program under § 16–404.1 of
11 this title may not drive or attempt to drive a vehicle that is not equipped with an ignition
12 interlock system in violation of an ignition interlock system restriction on a license issued
13 to the participant **OR ON A NONRESIDENT’S PRIVILEGE TO DRIVE.**

14 16–205.1.

15 (a) (2) Any person who drives or attempts to drive a motor vehicle on a
16 highway or on any private property that is used by the public in general in this State is
17 deemed to have consented, subject to the provisions of §§ 10–302 through 10–309, inclusive,
18 of the Courts and Judicial Proceedings Article, to take a test if the person should be
19 detained on suspicion of driving or attempting to drive while under the influence of alcohol,
20 while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or
21 a combination of one or more drugs and alcohol that the person could not drive a vehicle
22 safely, while impaired by a controlled dangerous substance, in violation of an alcohol
23 restriction, or in violation of § 16–813 of this title.

24 (b) (1) Except as provided in subsection (c) of this section, a person may not be
25 compelled to take a test. However, the detaining officer shall advise the person that, on
26 receipt of a sworn statement from the officer that the person was so charged and refused to
27 take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more,
28 the Administration shall:

29 (ii) In the case of a nonresident or unlicensed person:

30 1. Except as provided in items 2, 3, and 4 of this item, for a
31 test result indicating an alcohol concentration of 0.08 or more at the time of testing:

32 A. For a first offense, suspend the person’s driving privilege
33 for 180 days; or

34 B. For a second or subsequent offense, suspend the person’s

1 driving privilege for 180 days;

2 2. Except as provided in item 4 of this item, for a test result
3 indicating an alcohol concentration of 0.15 or more at the time of testing:

4 A. For a first offense, suspend the person's driving privilege
5 for 180 days; or

6 B. For a second or subsequent offense, suspend the person's
7 driving privilege for 270 days;

8 3. Except as provided in item 4 of this item, for a test result
9 indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was
10 involved in a motor vehicle accident that resulted in the death of another person:

11 A. For a first offense, suspend the person's driving privilege
12 for 6 months; or

13 B. For a second or subsequent offense, suspend the person's
14 driving privilege for 1 year;

15 4. For a test result indicating an alcohol concentration of 0.15
16 or more at the time of testing, if the person was involved in a motor vehicle accident that
17 resulted in the death of another person:

18 A. For a first offense, suspend the person's driving privilege
19 for 1 year; or

20 B. For a second or subsequent offense, revoke the person's
21 driving privilege; or

22 5. For a test refusal:

23 A. For a first offense, suspend the person's driving privilege
24 for 270 days; or

25 B. For a second or subsequent offense, suspend the person's
26 driving privilege for 2 years; and

27 (2) Except as provided in subsection (c) of this section, if a police officer
28 stops or detains any person who the police officer has reasonable grounds to believe is or
29 has been driving or attempting to drive a motor vehicle while under the influence of alcohol,
30 while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or
31 a combination of one or more drugs and alcohol that the person could not drive a vehicle
32 safely, while impaired by a controlled dangerous substance, in violation of an alcohol
33 restriction, or in violation of § 16–813 of this title, and who is not unconscious or otherwise
34 incapable of refusing to take a test, the police officer shall:

1 (iv) Advise the person of the administrative sanctions, including
2 ineligibility for modification of a suspension [or], issuance of a restricted license **OR**
3 **RESTRICTED NONRESIDENT'S PRIVILEGE TO DRIVE** unless the person participates in
4 the Ignition Interlock System Program under § 16–404.1 of this title, that shall be imposed
5 for refusal to take the test and for test results indicating an alcohol concentration of 0.15
6 or more at the time of testing;

7 (vi) Advise the person that a court shall impose participation in the
8 Ignition Interlock System Program as part of the sentence in accordance with [§ 27–107.1]
9 **§ 21–902.3** of this article.

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

12 (i) [Confiscate] **IF THE PERSON HAS A DRIVER'S LICENSE**
13 **ISSUED BY THIS STATE, CONFISCATE** the person's driver's license [issued by this State];

14 (ii) Acting on behalf of the Administration, personally serve an order
15 of suspension **OF THE PERSON'S DRIVER'S LICENSE OR NONRESIDENT'S PRIVILEGE**
16 **TO DRIVE** on the person;

17 (iii) [Issue] **IF THE PERSON HAS A DRIVER'S LICENSE ISSUED BY**
18 **THIS STATE, ISSUE** a temporary license to drive;

19 (iv) Inform the person that [the]:

20 1. **THE** temporary license allows the person to continue
21 driving for 45 days if the person is licensed under this title; **OR**

22 2. **THE PERSON MAY CONTINUE DRIVING IN THIS STATE**
23 **FOR 45 DAYS IF THE PERSON HAS A NONRESIDENT'S DRIVING PRIVILEGE;**

24 (v) Inform the person that:

25 1. The person has a right to request, at that time or within
26 10 days, a hearing to show cause why the driver's license, **PRIVILEGE TO DRIVE, OR**
27 **NONRESIDENT'S PRIVILEGE TO DRIVE** should not be suspended concerning the refusal
28 to take the test or for test results indicating an alcohol concentration of 0.08 or more at the
29 time of testing, and the hearing will be scheduled within 45 days; and

30 2. If a hearing request is not made at that time or within 10
31 days, but within 30 days the person requests a hearing, a hearing to show cause why the
32 driver's license **ISSUED BY THE STATE, PRIVILEGE TO DRIVE, OR NONRESIDENT'S**
33 **PRIVILEGE TO DRIVE** should not be suspended concerning the refusal to take the test or

1 for test results indicating an alcohol concentration of 0.08 or more at the time of testing will
2 be scheduled, but a request made after 10 days does not extend a temporary license issued
3 by the police officer **OR A TEMPORARY NONRESIDENT'S PRIVILEGE TO DRIVE** that
4 allows the person to continue driving for 45 days;

5 (vi) Advise the person of the administrative sanctions that shall be
6 imposed in the event of failure to request a hearing, failure to attend a requested hearing,
7 or [upon] **ON** an adverse finding by the hearing officer;

8 (vii) Inform the person that, if the person refuses a test or takes a test
9 that indicates an alcohol concentration of 0.08 or more at the time of testing, the person
10 may participate in the Ignition Interlock System Program under § 16–404.1 of this title
11 instead of requesting a hearing under this paragraph, if the following conditions are met:

12 1. The person's driver's license **OR NONRESIDENT'S**
13 **PRIVILEGE TO DRIVE** is not currently suspended, revoked, canceled, or refused; and

14 2. Within the same time limits set forth in item (v) of this
15 paragraph, the person:

16 A. [Surrenders] **IF THE PERSON IS A MARYLAND**
17 **RESIDENT, SURRENDERS** a valid Maryland driver's license or signs a statement certifying
18 that the driver's license is no longer in the person's possession, **IF THE PERSON IS A**
19 **MARYLAND RESIDENT**; and

20 B. Elects in writing to participate in the Ignition Interlock
21 System Program for 1 year;

22 (viii) Provide information about the Ignition Interlock System
23 Program and how a person participates in the Program under § 16–404.1 of this title; and

24 (ix) Within 72 hours after the issuance of the order of suspension,
25 send any confiscated driver's license, copy of the suspension order, and a sworn statement
26 to the Administration, that states:

27 1. The officer had reasonable grounds to believe that the
28 person had been driving or attempting to drive a motor vehicle on a highway or on any
29 private property that is used by the public in general in this State while under the influence
30 of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination
31 of drugs, or a combination of one or more drugs and alcohol that the person could not drive
32 a vehicle safely, while impaired by a controlled dangerous substance, in violation of an
33 alcohol restriction, or in violation of § 16–813 of this title;

34 2. The person refused to take a test when requested by the
35 police officer, the person submitted to the test which indicated an alcohol concentration of
36 0.08 or more at the time of testing, or the person submitted to the test which indicated an

1 alcohol concentration of 0.15 or more at the time of testing; and

2 3. The person was fully advised of the administrative
3 sanctions that shall be imposed, including the fact that a person who refuses to take the
4 test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of
5 testing is eligible for modification of a suspension or issuance of a restricted license **OR**
6 **RESTRICTED NONRESIDENT'S PRIVILEGE TO DRIVE.**

7 (f) (1) Subject to the provisions of this subsection, at the time of, or within 30
8 days from the date of, the issuance of an order of suspension, a person may submit a written
9 request for a hearing before an officer of the Administration if:

10 (i) The person is arrested for driving or attempting to drive a motor
11 vehicle while under the influence of alcohol, while impaired by alcohol, while so far
12 impaired by any drug, any combination of drugs, or a combination of one or more drugs and
13 alcohol that the person could not drive a vehicle safely, while impaired by a controlled
14 dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this
15 title; and

16 (ii) 1. There is an alcohol concentration of 0.08 or more at the
17 time of testing; or

18 2. The person refused to take a test.

19 (4) If a hearing request is not made at the time of or within 10 days after
20 the issuance of the order of suspension or revocation, the Administration shall:

21 (i) Make the order effective and shall:

22 1. Except as provided in items 2, 3, and 4 of this item, for a
23 test result indicating an alcohol concentration of 0.08 or more at the time of testing:

24 A. For a first offense, suspend the driver's license,
25 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 180 days; or

26 B. For a second or subsequent offense, suspend the driver's
27 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 180 days;

28 2. Except as provided in item 4 of this item, for a test result
29 indicating an alcohol concentration of 0.15 or more at the time of testing:

30 A. For a first offense, suspend the driver's license,
31 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 180 days; or

32 B. For a second or subsequent offense, suspend the driver's
33 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 270 days;

1 3. Except as provided in item 4 of this item, for a test result
2 indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was
3 involved in a motor vehicle accident that resulted in the death of another person:

4 A. For a first offense, suspend the driver's license,
5 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 6 months; or

6 B. For a second or subsequent offense, suspend the driver's
7 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year;

8 4. For a test result indicating an alcohol concentration of 0.15
9 or more at the time of testing, if the person was involved in a motor vehicle accident that
10 resulted in the death of another person:

11 A. For a first offense, suspend the driver's license,
12 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year; or

13 B. For a second or subsequent offense, revoke the driver's
14 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE**; or

15 5. For a test refusal:

16 A. For a first offense, suspend the driver's license,
17 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 270 days; or

18 B. For a second offense or subsequent offense, suspend the
19 driver's license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 2
20 years; and

21 (5) (i) If the person requests a hearing at the time of or within 10 days
22 after the issuance of the order of suspension and surrenders, **IF APPLICABLE**, the driver's
23 license or[, if applicable,] the person's commercial instructional permit or commercial
24 driver's license, the Administration shall set a hearing for a date within 30 days of the
25 receipt of the request.

26 (6) (i) If a hearing request is not made at the time of, or within 10 days
27 from the date of the issuance of an order of suspension, but within 30 days of the date of
28 the issuance of an order of suspension, the person requests a hearing and surrenders, **IF**
29 **APPLICABLE**, the driver's license or [, if applicable,] the person's commercial instructional
30 permit or commercial driver's license, the Administration shall:

31 1. A. Make a suspension order effective suspending the
32 license for the applicable period of time described under paragraph (4)(i) of this subsection;
33 and

1 B. In the case of a person operating a commercial motor
2 vehicle or who holds a commercial instructional permit or a commercial driver's license who
3 refuses to take a test, disqualify the person's commercial instructional permit or
4 commercial driver's license, or privilege to operate a commercial motor vehicle in this State,
5 for the applicable period of time described under paragraph (4)(ii) of this subsection; and

6 2. Set a hearing for a date within 45 days of the receipt of a
7 request for a hearing under this paragraph.

8 (v) If a hearing is postponed beyond the 45-day period that begins
9 on the date of the request for a hearing under this paragraph under circumstances
10 described in subparagraph (iii) of this paragraph, the Administration shall stay the
11 suspension and [issue]:

12 1. **ISSUE** a temporary license that authorizes the person to
13 drive only until the date of the rescheduled hearing; **OR**

14 2. **INFORM A PERSON WHO HAS A NONRESIDENT'S**
15 **PRIVILEGE TO DRIVE THAT THE PERSON MAY DRIVE ONLY UNTIL THE DATE OF THE**
16 **RESCHEDULED HEARING.**

17 (8) (i) After a hearing, the Administration shall suspend or revoke the
18 person's **DRIVER'S** license, **PRIVILEGE TO DRIVE**, or **NONRESIDENT'S** privilege to drive
19 if:

20 1. The police officer who stopped or detained the person had
21 reasonable grounds to believe the person was driving or attempting to drive while under
22 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any
23 combination of drugs, or a combination of one or more drugs and alcohol that the person
24 could not drive a vehicle safely, while impaired by a controlled dangerous substance, in
25 violation of an alcohol restriction, or in violation of § 16-813 of this title;

26 2. There was evidence of the use by the person of alcohol, any
27 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
28 controlled dangerous substance;

29 3. The police officer requested a test after the person was
30 fully advised, as required under subsection (b)(2) of this section, of the administrative
31 sanctions that shall be imposed;

32 4. A. The person refused to take the test; or

33 B. A test to determine alcohol concentration was taken and
34 the test result indicated an alcohol concentration of 0.08 or more at the time of testing; and

35 5. When applicable, the person was involved in a motor

1 vehicle accident that resulted in the death of another person.

2 (iv) In the absence of a compelling reason for failure to attend a
3 hearing, failure of a person to attend a hearing is prima facie evidence of the person's
4 inability to answer the sworn statement of the police officer or the test technician or
5 analyst, and the Administration summarily shall:

6 1. Suspend the driver's license, **PRIVILEGE TO DRIVE**, or
7 **NONRESIDENT'S** privilege to drive; and

8 (v) The suspension imposed shall be:

9 1. Except as provided in items 2 and 3 of this subparagraph,
10 for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

11 A. For a first offense, a suspension for 180 days; or

12 B. For a second or subsequent offense, a suspension for 180
13 days;

14 2. Except as provided in item 3 of this subparagraph, for a
15 test result indicating an alcohol concentration of 0.15 or more at the time of testing:

16 A. For a first offense, a suspension of 180 days; or

17 B. For a second or subsequent offense, a suspension of 270
18 days;

19 3. Except as provided in item 4 of this subparagraph, for a
20 test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the
21 person was involved in a motor vehicle accident that resulted in the death of another
22 person:

23 A. For a first offense, suspend the driver's license,
24 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 6 months; or

25 B. For a second or subsequent offense, suspend the driver's
26 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year;

27 4. For a test result indicating an alcohol concentration of 0.15
28 or more at the time of testing, if the person was involved in a motor vehicle accident that
29 resulted in the death of another person:

30 A. For a first offense, suspend the driver's license,
31 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year; or

1 B. For a second or subsequent offense, revoke the driver's
2 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE**; or

3 5. For a test refusal:

4 A. For a first offense, a suspension for 270 days; or

5 B. For a second or subsequent offense, a suspension for 2
6 years.

7 (g) Instead of requesting a hearing or on a suspension or revocation under
8 subsection (f) of this section, a person may request to participate in the Ignition Interlock
9 System Program under § 16-404.1 of this title if:

10 (1) The person's driver's license, **PRIVILEGE TO DRIVE, OR**
11 **NONRESIDENT'S PRIVILEGE TO DRIVE** is not currently suspended, revoked, canceled, or
12 refused; and

13 (2) Within the same time limits set forth in subsection (f) of this section,
14 the person:

15 (i) 1. Surrenders a valid Maryland driver's license or signs a
16 statement certifying that the driver's license is no longer in the person's possession; **OR**

17 2. **PROVIDES PROOF THAT THE PERSON HAS A VALID**
18 **DRIVER'S LICENSE ISSUED BY ANOTHER STATE**; and

19 (ii) Elects in writing to participate in the Ignition Interlock System
20 Program for:

21 1. 180 days for an offense of a test result indicating an
22 alcohol concentration of at least 0.08 but not more than 0.14;

23 2. 1 year for an offense of a test result indicating an alcohol
24 concentration of 0.15 or more; or

25 3. 1 year for an offense of a test refusal.

26 (p) (1) This subsection applies only to a [licensee] **PERSON** who:

27 (i) Refused to take a test; or

28 (ii) Took a test that indicated an alcohol concentration of 0.15 or
29 more at the time of testing.

30 (2) The Administration may modify a suspension **OR REVOCATION** under

1 this section or issue a restricted license only if the [licensee] PERSON participates in the
2 Ignition Interlock System Program for 1 year.

3 (q) (1) If the Administration modifies a suspension **OR REVOCATION** under
4 this section or issues a restricted license on condition that the [licensee] PERSON
5 participate in the Ignition Interlock System Program and the [licensee] PERSON does not
6 successfully complete the Program, the Administration shall suspend **OR REVOKE** the
7 [licensee's] PERSON'S driver's license or [driving] NONRESIDENT'S privilege **TO DRIVE**
8 for the full period [of suspension] specified in this section for the applicable violation.

9 (2) The Administration shall notify a [licensee] PERSON of a suspension
10 **OR REVOCATION** under this subsection.

11 (3) A [licensee] PERSON may request an administrative hearing on a
12 suspension **OR REVOCATION** imposed under this subsection.

13 (4) If a [licensee] PERSON requests a hearing under this subsection, the
14 suspension **OR REVOCATION** shall be stayed pending the decision at the administrative
15 hearing.

16 16-404.

17 (c) (3) The Administration may issue a [restrictive] **RESTRICTED** license **OR**
18 **RESTRICT A NONRESIDENT'S DRIVING PRIVILEGE** for the period of the suspension to an
19 individual who participates in the Administration's Ignition Interlock System Program
20 under § 16-404.1 of this subtitle.

21 (4) This subsection does not limit the authority of the Administration to
22 issue a [restrictive] **RESTRICTED** license or modify a suspension imposed under this
23 subsection.

24 16-404.1.

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

26 (4) "Participant" means a participant in the Ignition Interlock System
27 Program.

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

29 (b) (1) The Administration shall establish an Ignition Interlock System
30 Program in accordance with this section.

31 (c) An individual may be a participant if:

32 (3) The Administration modifies [a]:

1 **(I) A suspension OR REVOCATION; or [issues]**

2 **(II) ISSUES** a restricted **DRIVER'S** license to the individual **OR**
3 **RESTRICTS A NONRESIDENT'S DRIVING PRIVILEGE** under § 16–205.1 of this title.

4 (f) (1) The Administration may:

5 (i) Modify a suspension and issue a restricted license to an
6 individual who is a participant in the Program as provided under § 16–205 or § 16–205.1 of
7 this title or § 16–404 of this subtitle;

8 (ii) Reinstate the driver's license of a participant whose license has
9 been revoked:

10 1. For a violation of § 21–902(b) or (c) of this article;

11 2. For an accumulation of points under § 16–402(a)(28) of
12 this subtitle for a violation of § 21–902(b) or (c) of this article; or

13 3. Under § 16–205.1(b) or (f) of this title; and

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

17 1. For a violation of § 21–902(b) or (c) of this article;

18 2. For an accumulation of points under § 16–402(a)(28) of
19 this subtitle for a violation of § 21–902(b) or (c) of this article; or

20 3. Under § 16–205.1(b) or (f) of this title.

21 (2) Notwithstanding paragraph (1) of this subsection, the Administration
22 shall:

23 (i) Modify a suspension and issue a restricted license to an
24 individual who is a participant in the Program as provided under § 16–205 or § 16–205.1 of
25 this title or § 16–404 of this subtitle;

26 (ii) Reinstate the driver's license of a participant whose license has
27 been revoked:

28 1. For a violation of § 21–902(a) of this article;

29 2. For an accumulation of points under § 16–402(a)(37) of
30 this subtitle for a violation of § 21–902(a) of this article; or

1 3. Under § 16–205.1(b) or (f) of this title.

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

5 1. For a violation of § 21–902(a) of this article;

6 2. For an accumulation of points under § 16–402(a)(37) of
7 this subtitle for a violation of § 21–902(a) of this article; or

8 3. Under § 16–205.1(b) or (f) of this title.

9 **(3) THE ADMINISTRATION MAY MODIFY A SUSPENSION OR**
10 **REVOCAION OF A NONRESIDENT’S PRIVILEGE TO DRIVE AS PROVIDED UNDER §**
11 **16–205.1 OF THIS TITLE AND RESTRICT THE NONRESIDENT’S DRIVING PRIVILEGE**
12 **FOR AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM.**

13 ~~[(3)]~~ **(4)** A notice of suspension or revocation sent to an individual under
14 this title shall include information about the Program and how individuals participate in
15 the Program.

16 ~~[(4)]~~ **(5)** The Administration shall establish a fee for the Program that is
17 sufficient to cover the costs of the Program.

18 (g) Subject to ~~[§ 27–107(g)(2)]~~ **§ 21–902.2** of this article, the Administration shall
19 impose a restriction on the individual’s license that prohibits the individual from driving a
20 motor vehicle that is not equipped with an ignition interlock system for the period of time
21 that the individual is required to participate in the Program under this section.

22 (o) **(1)** If an individual successfully completes the Program and the
23 individual’s license is not refused, revoked, suspended, or canceled under another provision
24 of this article, the Administration shall immediately issue a license to the licensee.

25 **(2) IF A NONRESIDENT SUCCESSFULLY COMPLETES THE PROGRAM**
26 **AND THE NONRESIDENT’S LICENSE IS NOT REFUSED, REVOKED, SUSPENDED, OR**
27 **CANCELED UNDER THE LAWS OF THE NONRESIDENT’S STATE, THE ADMINISTRATION**
28 **SHALL IMMEDIATELY REINSTATE THE NONRESIDENT’S PRIVILEGE TO DRIVE.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2018.