

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 70

(Chair, Judiciary Committee)(By Request - Departmental  
- Transportation)

Judiciary

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**Drunk and Drug-Impaired Driving and Failure to Remain at the Scene -  
Revocation of Driver's License**

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This departmental bill expands the list of circumstances under which the Motor Vehicle Administration (MVA) is required to revoke an individual's driver's license to include convictions and probations before judgment (PBJ) for specified drunk or drugged driving offenses resulting in the death or serious bodily injury of another person and failure to remain at the scene of an accident resulting in death or life-threatening bodily injury. If an individual's license is revoked under such circumstances, the individual is not authorized to file a reinstatement application until five years after the revoked license is surrendered to and received by MVA. Additionally, the bill expands mandatory participation in the Maryland Ignition Interlock System Program (IISP).

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**Fiscal Summary**

**State Effect:** The bill's changes can be handled by MVA with existing budgeted resources. Revenues are not materially affected.

**Local Effect:** None.

**Small Business Effect:** The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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## Analysis

### Bill Summary:

#### *License Revocation*

The bill requires MVA to revoke the license of any individual who has been convicted of, or granted PBJ for, any of the following offenses:

- driving while under the influence of alcohol or alcohol *per se*, impaired by alcohol, impaired by any drug, impaired by any combination of drugs, impaired by a combination of one or more drugs, or impaired by a controlled dangerous substance (CDS), if the person's driving contributed to an accident that resulted in the death or life-threatening injury of another; and
- failing to remain at the scene of an accident that resulted in the death or bodily injury of another.

The bill also requires MVA to revoke the license of any individual who has been *granted PBJ* for homicide by motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by a drug, any combination of drugs, a combination of one or more drugs and alcohol, or a CDS. (Existing law already requires MVA to revoke the license of a person *convicted* of this offense).

#### *License Reinstatement*

An individual whose license is revoked due to committing one of the preceding offenses is prohibited from filing a reinstatement application until *five years* after the revoked license is surrendered and received by MVA. In the case of an individual who does not have a license issued under State law, the individual must wait five years from the effective date of revocation to file a reinstatement application.

If a timely application for reinstatement is filed, MVA is authorized to reinstate an individual's license, unless otherwise prohibited.

#### *Required Ignition Interlock System Use*

In addition to the persons who must participate in IISP under existing law, the bill mandates IISP participation for any individual whose license is revoked for failure to remain at the scene of an accident that results in the death or bodily injury of another person.

## **Current Law:**

### *License Revocation and Suspension (§ 16-205 of the Transportation Article)*

MVA *must* revoke the license of any individual who has been *convicted* of homicide by motor vehicle while under the influence of alcohol, impaired by alcohol, impaired by a drug, any combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a CDS.

MVA *may*, but is not required to, revoke the license of an individual who is convicted of driving or attempting to drive while (1) under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by a CDS or (2) impaired by alcohol or impaired by a drug, any combination of drugs, or a combination of one or more drugs and alcohol and who was previously convicted of two or more specified drunk or drugged driving violations within a three-year period.

MVA may suspend for up to 60 days the license of an individual who is convicted of driving while impaired by alcohol or while impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol. In addition, MVA may impose a suspension for up to one year if an individual is convicted more than once within a five-year period of any combination of drunk or drugged driving offenses; however, a restricted license for the period of suspension may be issued to a person who participates in IISP.

### *Assessment of Points (§ 16-404 of the Transportation Article)*

MVA assesses points against a driver who is convicted of any moving violation, including a drunk or drugged driving crime. A conviction for any drunk or drugged driving homicide or life-threatening injury results in the imposition of 12 points. A conviction for driving under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by a CDS carries with it 12 points. A conviction for failure to remain at the scene of an accident that results in the death of or bodily injury to another person is subject to 12 points. MVA is required to revoke the license of an individual who accumulates 12 points within a two-year period. A revocation continues indefinitely until the driver applies for and is approved by MVA for reinstatement. A conviction for driving while impaired by alcohol, while impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or within 12 hours after an arrest for a drunk or drugged driving offense carries with it eight points. MVA is required to suspend the license of an individual who accumulates eight points within a two-year period. In general, a suspension for an accumulation of points is for a specific period that may not exceed one year.

MVA may modify a suspension and issue a restrictive license that limits the purposes for which the person may drive, (e.g., for work or education purposes). MVA also is specifically authorized to modify a post-conviction drunk driving license suspension or revocation for purposes of a person's participation in the Ignition Interlock System Program (IISP).

#### *License Reinstatement (§ 16-208 of the Transportation Article)*

An individual whose license or privilege to drive has been revoked may apply for reinstatement according to the following schedule:

- any time after a first revocation;
- one year following a second revocation;
- 18 months following a third revocation; and
- two years following a fourth or subsequent revocation.

In general, MVA is authorized to reinstate an individual's license upon submission of a timely reinstatement application or, in the case of a first revocation, six months after the application. However, if an individual's license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law, the license or privilege may not be reinstated. Under certain circumstances (including some of the circumstances to which the bill applies), MVA may only reinstate a license if, after conducting an investigation of an individual's habits, MVA is satisfied that it would be safe to do so.

#### *Required Ignition Interlock System Use*

An individual *must* participate in IISP if:

- convicted of, or granted PBJ for, driving while under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol;
- convicted of homicide or life-threatening injury by motor vehicle while under the influence of alcohol or under the influence of alcohol *per se*, impaired by alcohol, or impaired by a combination of one or more drugs and alcohol; or
- convicted of driving while impaired by alcohol or while impaired by a drug, combination of drugs, or combination of one or more drugs and alcohol, if the trier of fact finds beyond a reasonable doubt that the driver refused a test.

An IISP participant is considered to have begun participation in the program on the day the

ignition interlock system is installed in the participant's vehicle. If an individual required to enroll in IISP fails to participate in or successfully complete the program, MVA must suspend the individual's license until the individual successfully completes the program.

In addition to any other penalty, a court *may* prohibit an individual from driving a motor vehicle without an ignition interlock device for up to three years if the person is convicted of or granted PBJ for driving under the influence of alcohol, driving under the influence of alcohol *per se*, or driving while impaired by alcohol.

An individual who is not otherwise required to participate in IISP may participate under specified circumstances, including if the individual's license is suspended or revoked for driving while impaired by drug(s) or a combination of drug(s) and alcohol, if the individual's license has an alcohol restriction, or if MVA modifies a license suspension or issues the individual a restricted license.

For a more detailed discussion of the implementation of IISP in Maryland, please see the **Appendix – Ignition Interlock System Programs**.

**Background:** According to data from the National Highway Traffic Safety Administration, nationally, the percentage of highway fatalities associated with alcohol impairment has hovered around 30% from 1995 through 2021. In 2022, the latest year for which national data is available, there were 42,514 traffic fatalities nationally, of which 13,524 of those fatalities, or 32%, involved a driver with a blood alcohol concentration (BAC) of 0.08 or higher. For the same period in Maryland, out of a total of 564 traffic fatalities, 207, or 37%, involved a driver with a BAC of 0.08 or higher.

According to MVA, extending the length of revocation in the circumstances addressed by the bill takes into consideration the nature of and safety issues associated with vehicular offenses that result in fatalities or life-threatening injuries.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 207 (Chair, Judicial Proceedings Committee)(By Request - Departmental - Transportation) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland Department of Transportation; Office

of Administrative Hearings; National Highway Traffic Safety Administration; Department  
of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2025  
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## Appendix – Ignition Interlock System Programs

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An ignition interlock device connects a motor vehicle's ignition system to a breath analyzer that measures a driver's blood alcohol concentration (BAC). The device prevents the car from starting if the driver's BAC exceeds a certain level and periodically retests the driver after the motor vehicle has been started. According to the National Conference of State Legislatures (NCSL), all 50 states and the District of Columbia authorize or mandate the use of an ignition interlock device to deter alcohol-impaired driving. The Maryland Ignition Interlock System Program (IISP) was established through regulation in 1989 and codified by Chapter 648 of 1996. The Motor Vehicle Administration (MVA) in the Maryland Department of Transportation is responsible for administering IISP.

Drivers may elect to participate in IISP or may be referred to the program by a court, the administration, and administrative law judges. Since 2011, IISP has undergone various changes that have increased the number of drivers who are either mandated or authorized to participate in the program.

A driver who had a BAC test result of 0.15 or more or who refused to take a test is only eligible for a modification of a license suspension if the driver participates in the program for one year.

The following drivers are required to participate in IISP and face an indefinite mandatory license suspension if they fail to participate or successfully complete the program:

- a person convicted of, or granted probation before judgment (PBJ) for, driving or attempting to drive under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol (including a person whose license is suspended or revoked for a conviction of these offenses under a specified provision or for an accumulation of points for these violations);
- a person required to participate by court order due to a conviction for driving while impaired by alcohol or while impaired by a drug, any combination of drugs, or a combination of one or more drugs and alcohol, and the trier of fact found beyond a reasonable doubt that the person refused a requested test;
- a person convicted of homicide by motor vehicle while under the influence of alcohol or under the influence of alcohol *per se*; impaired by alcohol; or impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol; and
- a person convicted of life-threatening injury by motor vehicle while under the influence of alcohol or under the influence of alcohol *per se*; impaired by alcohol;

or impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol.

The following drivers are required to participate in IISP as a condition of modification of a suspension or revocation of a license or issuance of a restricted license and face a one-year mandatory license suspension if they fail to participate or successfully complete participation in the program:

- a driver ordered by a criminal court to participate in the program for a drunk driving offense; or
- a driver younger than age 21 who violated the alcohol restriction on the driver's license or violated the prohibition on driving while impaired by drug(s) or a combination of drug(s) and alcohol.

**Exhibit 1** summarizes the categories of offenders required to participate in IISP and their minimum participation periods.

A participant is considered to have successfully completed IISP when the service provider certifies to MVA that during the three consecutive months preceding the participant's date of release there was not:

- an attempt to start a vehicle with a BAC of 0.04 or higher, unless a subsequent test performed within 10 minutes registered a BAC lower than 0.04;
- a failure to take or pass a random test with a BAC of 0.025 or lower, unless a subsequent test performed within 10 minutes registered a BAC lower than 0.025; or
- a failure of the participant to appear at the approved service provider for required maintenance, repair, calibration, monitoring, inspection, or device replacement.

Chapters 65 and 66 of 2019 modified the definition of "ignition interlock system" to mean, among other things, that the device has a camera (1) with the capability of recording still images of the person taking the test of the person's blood alcohol level; (2) without the capability to record sound; (3) without the capability to record video; and (4) that records images only while the device is testing the blood alcohol level of the person taking the test or if the device is being tampered with.

**Exhibit 2** provides an overview of IISP participation since enactment of Chapter 557 of 2011, up through fiscal 2021. MVA advises that, between October 1, 2011, and September 30, 2021, 3,924 drivers who were removed from IISP for noncompliance reentered the program at a later time. MVA advises that in fiscal 2021 there were 15,185 unique drivers in IISP and 4,858 first-time referrals.



**Exhibit 1**  
**Mandatory Participation in the Ignition Interlock System Program**

<b>Category of Participant</b>	<b>Participation Period</b>
<b>Driver who committed administrative <i>per se</i> offense of refusing to take a test or took a test with a BAC result of 0.15 or more<sup>1</sup></b>	One year
<b>Driver convicted of, or granted PBJ for, driving while under the influence of alcohol, under the influence of alcohol <i>per se</i>, or while impaired by alcohol<sup>2</sup></b>  <b>Driver convicted of either (1) homicide by motor vehicle or (2) life-threatening injury by motor vehicle while under the influence of alcohol or under the influence of alcohol <i>per se</i>; impaired by alcohol; or impaired by a drug, a combination of drugs, or a combination of drugs and alcohol<sup>2</sup></b>	Six months for the first time the driver is required to participate  One year for the second time the driver is required to participate  Three years for the third or subsequent time the driver is required to participate
<b>Driver younger than age 21 who violated the license alcohol restriction or violated the prohibitions on driving while impaired by drug(s) or a combination of drugs and alcohol<sup>3</sup></b>	Six months for the first time the driver is required to participate  One year for the second time the driver is required to participate  Three years for the third or subsequent time the driver is required to participate

BAC: blood alcohol concentration

<sup>1</sup> Participation is considered “mandatory” because a driver who commits these offenses is only eligible for a modification of a license suspension if the driver participates for one year.

<sup>2</sup> Chapter 512 of 2016 and Chapter 715 of 2024.

<sup>3</sup> Chapter 557 of 2011, Chapter 512 of 2016, and Chapter 715 of 2024.

Note: A driver ordered by a criminal court to participate in the program because of a drunk driving offense is subject to the general length of participation described above (*i.e.*, six months, one year, or three years). However, a court may order the driver to participate for a longer period of time, not to exceed three years.

Source: Department of Legislative Services

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**Exhibit 2**  
**Ignition Interlock System Program Participation**  
**Fiscal 2014-2023**

<u>Fiscal Year</u>	<u>Total Annual Participation</u>	<u>Successful Completions</u>	<u>Unsuccessful Participants</u>
2014	15,299	4,648	2,569
2015	15,171	4,842	2,634
2016	14,816	4,901	1,153
2017	16,289	4,307	1,293
2018	18,373	5,575	1,797
2019	18,998	6,521	2,078
2020	17,854	6,815	2,450
2021	15,185	5,818	2,172
2022	13,655	4,523	1,716
2023	12,679	4,758	1,939

Source: Maryland Department of Transportation

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*National Safety Trends*

According to data from the National Highway Traffic Safety Administration (NHTSA), nationally, the percentage of highway fatalities associated with alcohol impairment has hovered around 30% from 1995 through 2021. In 2022, the latest year for which national data is available, there were 42,514 traffic fatalities nationally, of which 13,524 of those fatalities, or 32%, involved a driver with a BAC of 0.08 or higher. For the same period in Maryland, out of a total of 564 traffic fatalities, 207, or 37%, involved a driver with a BAC of 0.08 or higher.

*Model Guidelines for State Ignition Interlock Programs and Maryland Task Force Recommendations*

Traffic safety advocates are concerned about the proportion of traffic fatalities due to alcohol impairment, which has decreased only slightly in recent decades. Accordingly, NHTSA has recommended that states increase the use of ignition interlock devices to address alcohol-impaired driving. In November 2013, NHTSA released *Model Guidelines for State Ignition Interlock Programs*. The document, which still represents the most current model guidelines, contains recommendations for legislation and administrative changes to improve program administration, vendor oversight, data security and privacy,

device reliability, and driver notification and licensing. According to the 2008 final report of the Maryland Task Force to Combat Driving Under the Influence of Drugs and Alcohol, the use of ignition interlock devices has been shown to lead to long-lasting changes in driver behavior and reduced recidivism. The task force advised that a minimum of six months of failure-free use is needed to significantly reduce recidivism. The task force reported that, when offenders are required to use ignition interlock devices, recidivism is reduced by at least 60% and as much as 95%.

### *Use of Ignition Interlock in Other States*

According to NCSL, all 50 states and the District of Columbia authorize or mandate the use of an ignition interlock device to deter alcohol-impaired driving, and 31 states (Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia) and the District of Columbia mandate the use of ignition interlock for any drunk driving conviction. Eight states (Florida, Michigan, Minnesota, North Carolina, Pennsylvania, Rhode Island, Wisconsin, and Wyoming) require the use of ignition interlock for high BAC (0.10 or higher) offenders and repeat offenders, and five states (Georgia, Maine, Massachusetts, Missouri, and Ohio) require only repeat offenders to use ignition interlock. In the remaining states, judges have the discretion to order installation as part of sentencing for convicted drunk drivers.

States are also experimenting with ways to improve participant accountability and program compliance. As of October 2021, NCSL reports that 21 states (Arizona, Colorado, Florida, Hawaii, Idaho, Illinois, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Oregon, South Dakota, Tennessee, Texas, Vermont, Virginia, and Washington) require ignition interlock devices to contain a camera. The captured images are intended to ensure that the correct person is using the device to start the vehicle. Some states have also implemented “24/7 Sobriety Monitoring” programs, which combine treatment and punitive sanctions such as breath and urine testing, ankle bracelets, transdermal drug patches, and incarceration. NCSL reports that, as of September 2021, 14 states have 24/7 sobriety monitoring programs or pilot programs at the state or county level (Alaska, Florida, Hawaii, Idaho, Iowa, Montana, Nebraska, Nevada, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming).

## **ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**TITLE OF BILL:** Drunk and Drug-Impaired Driving and Failure to Remain at the Scene - Revocation of Driver's License

**BILL NUMBER:** HB 70

**PREPARED BY:** Maryland Department of Transportation

### **PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

**OR**

       WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### **PART B. ECONOMIC IMPACT ANALYSIS**

This bill will have no or minimal economic impact on small businesses. The number of individuals whose ability to request to reinstate their license would be extended is small, but this bill could limit the ability of small businesses to employ these individuals because of the individual's potential transportation issues.