

# HOUSE BILL 557

R3  
HB 749/21 – JUD

2lr1342  
CF 2lr1343

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By: **Delegate Atterbeary**

Introduced and read first time: January 31, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drunk Driving Offenses – Ignition Interlock System Program**

3 FOR the purpose of requiring the Motor Vehicle Administration to require certain persons  
4 who are convicted of, or granted certain probation for, certain criminal offenses to  
5 participate in the Ignition Interlock System Program for certain periods of time; and  
6 generally relating to participation in the Ignition Interlock System Program.

7 BY repealing and reenacting, without amendments,

8 Article – Transportation

9 Section 16–404.1(a)(1), (4), and (5), (b)(1), and (d)(1)(ii) and (3)

10 Annotated Code of Maryland

11 (2020 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Transportation

14 Section 16–404.1(c)(1) and (d)(1)(i)1. and 2., (2)(i), and (4)

15 Annotated Code of Maryland

16 (2020 Replacement Volume and 2021 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 16–404.1.

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

22 (4) “Participant” means a participant in the Ignition Interlock System  
23 Program.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

5 (1) The individual's license is suspended or revoked under § 16-205 of this  
6 title for a violation of [§ 21-902(b) or (c)] **§ 21-902(C)** of this article or § 16-404 of this  
7 subtitle for an accumulation of points under § 16-402(a)(29) of this subtitle **FOR DRIVING**  
8 **WHILE IMPAIRED BY A DRUG, A COMBINATION OF DRUGS, OR A COMBINATION OF**  
9 **ONE OR MORE DRUGS AND ALCOHOL;**

10 (d) (1) (i) Notwithstanding subsection (c) of this section, an individual  
11 shall be a participant if:

12 1. The individual is convicted of, **OR IS GRANTED**  
13 **PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE**  
14 **ARTICLE FOR,** a violation of § 21-902(a) **OR (B)** of this article;

15 2. [The individual is convicted of a violation of § 21-902(b)(2)  
16 of this article and the minor who was transported was under the age of 16 years] **THE**  
17 **INDIVIDUAL'S LICENSE IS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE**  
18 **FOR A VIOLATION OF § 21-902(B) OF THIS ARTICLE OR UNDER § 16-404 OF THIS**  
19 **SUBTITLE FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(29) OF THIS**  
20 **SUBTITLE FOR DRIVING WHILE IMPAIRED BY ALCOHOL;**

21 (ii) If an individual is subject to this paragraph and fails to  
22 participate in the Program or successfully complete the Program, the Administration shall  
23 suspend, notwithstanding § 16-208 of this title, the individual's license until the individual  
24 successfully completes the Program.

25 (2) (i) Notwithstanding subsection (c) of this section, an individual  
26 shall be a participant as a condition of modification of a suspension or revocation of a license  
27 or issuance of a restricted license if the individual:

28 1. Is required to be a participant by a court order under [§  
29 27-107] **§ 21-902.2** of this article; **OR**

30 2. [Is convicted of a violation of § 21-902(b) of this article and  
31 within the preceding 5 years the individual has been convicted of any violation of § 21-902  
32 of this article; or

33 3.] Was under the age of 21 years on the date of a violation by  
34 the individual of:

1                                   A.     An alcohol restriction imposed under § 16–113(b)(1) of this  
2 title; or

3                                   B.     [§ 21–902(b) or (c)] **§ 21–902(C)** of this article.

4                   (3)     Except as provided in § 16–205 of this title, an individual who is subject  
5 to this subsection shall participate in the Program for:

6                                   (i)     6 months the first time the individual is required under this  
7 subsection to participate in the Program;

8                                   (ii)    1 year the second time the individual is required under this  
9 subsection to participate in the Program; and

10                                  (iii)   3 years the third or any subsequent time the individual is  
11 required under this subsection to participate in the Program.

12                   (4)     Paragraph (3) of this subsection does not limit a longer period of  
13 Program participation that is required by:

14                                   (i)     A court order under [§ 27–107] **§ 21–902.2** of this article; or

15                                   (ii)    The Administration in accordance with another provision of this  
16 title.

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2022.