

HOUSE BILL 105

R3
HB 451/23 – JUD

(PRE-FILED)

4r1168
CF SB 421

By: **Delegate Atterbeary**

Requested: October 25, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

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 drunk driving offenses
5 to participate in the Ignition Interlock System Program for certain periods of time;
6 altering the time at which a participant is considered to have begun participation in
7 the Program to be the day the ignition interlock system is installed in the
8 participant's vehicle; requiring the Administration to collect and report certain
9 information; and generally relating to participation in the Ignition Interlock System
10 Program.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 16–404.1(a)(1), (4), and (5), (b)(1), and (d)(1)(ii) and (3)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–404.1(c)(1) ~~and~~, (d)(1)(i) 1., (2)(i), and (4), and (h)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing

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 Article – Transportation
 2 Section 16–404.1(d)(1)(i)2.
 3 Annotated Code of Maryland
 4 (2020 Replacement Volume and 2023 Supplement)

5 BY adding to
 6 Article – Transportation
 7 Section 16–404.1(d)(1)(i)2. and (s)
 8 Annotated Code of Maryland
 9 (2020 Replacement Volume and 2023 Supplement)

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

12 **Article – Transportation**

13 16–404.1.

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

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

17 (5) “Program” means the Ignition Interlock System Program.

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

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

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

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

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

31 [2. The individual is convicted of a violation of §
 32 21–902(b)(2) of this article and the minor who was transported was under the age of 16
 33 years;]

1 **2. THE INDIVIDUAL'S LICENSE IS SUSPENDED OR**
2 **REVOKED UNDER § 16-205 OF THIS TITLE FOR A VIOLATION OF § 21-902(B) OF THIS**
3 **ARTICLE OR UNDER § 16-404 OF THIS SUBTITLE FOR AN ACCUMULATION OF POINTS**
4 **UNDER § 16-402(A)(29) OF THIS SUBTITLE FOR DRIVING WHILE IMPAIRED BY**
5 **ALCOHOL;**

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

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

13 1. Is required to be a participant by a court order under [§
14 27-107] **§ 21-902.2** of this article; **OR**

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

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

20 A. An alcohol restriction imposed under § 16-113(b)(1) of this
21 title; or

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

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

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

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

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

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

- 1 (i) A court order under [§ 27-107] § 21-902.2 of this article; or
2 (ii) The Administration in accordance with another provision of this
3 title.

4 (h) A participant is considered to [begin] HAVE BEGUN participation in the
5 Program [when the participant provides evidence of the installation of an ignition interlock
6 system by an approved service provider in a manner required by the Administration] ON
7 THE DAY THE IGNITION INTERLOCK SYSTEM IS INSTALLED IN THE PARTICIPANT'S
8 VEHICLE.

9 (S) (1) THE ADMINISTRATION SHALL COLLECT THE FOLLOWING
10 INFORMATION ABOUT THE INDIVIDUALS REQUIRED TO PARTICIPATE IN THE
11 PROGRAM UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION:

12 (I) THE NUMBER OF INDIVIDUALS WHO WERE CONVICTED OF A
13 VIOLATION OF § 21-902 OF THIS ARTICLE;

14 (II) THE NUMBER OF INDIVIDUALS WHO WERE GRANTED A
15 PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE
16 ARTICLE FOR A VIOLATION OF § 21-902 OF THIS ARTICLE; AND

17 (III) THE NUMBER OF INDIVIDUALS WHO WERE GRANTED A
18 PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE
19 ARTICLE FOR A VIOLATION OF § 21-902 OF THIS ARTICLE AND WERE
20 SUBSEQUENTLY CHARGED WITH OR CONVICTED OF A FURTHER VIOLATION OF §
21 21-902 OF THIS ARTICLE.

22 (2) ON OR BEFORE DECEMBER 1, 2028, AND EACH DECEMBER 1
23 THEREAFTER, THE ADMINISTRATION SHALL REPORT THE INFORMATION
24 COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR AND,
25 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE
26 GENERAL ASSEMBLY.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2024.