

HOUSE BILL 451

R3
HB 557/22 – JUD

3lr1724
CF 3lr1195

By: **Delegate Atterbeary**

Introduced and read first time: January 30, 2023

Assigned to: Judiciary

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 drunk driving offenses
5 to participate in the Ignition Interlock System Program for certain periods of time;
6 and 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 2022 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 16–404.1(c)(1) and (d)(1)(i)1., (2)(i), and (4)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2022 Supplement)

17 BY repealing
18 Article – Transportation
19 Section 16–404.1(d)(1)(i)2.
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2022 Supplement)

22 BY adding to
23 Article – Transportation
24 Section 16–404.1(d)(1)(i)2.
25 Annotated Code of Maryland
26 (2020 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Transportation

16–404.1.

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

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

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

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

(c) An individual may be a participant if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.