

# SENATE BILL 528

R3  
SB 653/22 – JPR

3lr1195  
CF HB 451

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By: **Senators Waldstreicher, Smith, and West**  
Introduced and read first time: February 3, 2023  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 21, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

8 BY repealing and reenacting, without amendments,  
9 Article – Transportation  
10 Section 16–404.1(a)(1), (4), and (5), (b)(1), and (d)(1)(ii) and (3)  
11 Annotated Code of Maryland  
12 (2020 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 16–404.1(c)(1) and (d)(1)(i)1., (2)(i), and (4)  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing  
19 Article – Transportation  
20 Section 16–404.1(d)(1)(i)2.  
21 Annotated Code of Maryland  
22 (2020 Replacement Volume and 2022 Supplement)

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**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 BY adding to  
 2 Article – Transportation  
 3 Section 16–404.1(d)(1)(i)2.  
 4 Annotated Code of Maryland  
 5 (2020 Replacement Volume and 2022 Supplement)

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

8 **Article – Transportation**

9 16–404.1.

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

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

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

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

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

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

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

24 1. ~~The~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
 25 **THIS PARAGRAPH, THE** individual is convicted of, **OR IS GRANTED PROBATION BEFORE**  
 26 **JUDGMENT UNDER § 6–220 OF THE CRIMINAL PROCEDURE ARTICLE FOR,** a violation  
 27 of § 21–902(a) **OR (B)** of this article;

28 [2. The individual is convicted of a violation of §  
 29 21–902(b)(2) of this article and the minor who was transported was under the age of 16  
 30 years;]

31 2. **THE INDIVIDUAL’S LICENSE IS SUSPENDED OR**  
 32 **REVOKED UNDER § 16–205 OF THIS TITLE FOR A VIOLATION OF § 21–902(B) OF THIS**

1 ARTICLE OR UNDER § 16-404 OF THIS SUBTITLE FOR AN ACCUMULATION OF POINTS  
 2 UNDER § 16-402(A)(29) OF THIS SUBTITLE FOR DRIVING WHILE IMPAIRED BY  
 3 ALCOHOL;

4 (II) 1. FOR AN INDIVIDUAL GRANTED PROBATION BEFORE  
 5 JUDGMENT UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR A  
 6 VIOLATION OF § 21-902(A) OR (B) OF THIS ARTICLE, THE COURT SHALL HOLD A  
 7 HEARING TO DETERMINE WHETHER PARTICIPATION IN THE PROGRAM IS  
 8 NECESSARY FOR THE SAFETY OF THE COMMUNITY.

9 2. IF, AFTER THE HEARING REQUIRED UNDER  
 10 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COURT FINDS THAT  
 11 PARTICIPATION IN THE PROGRAM IS NOT NECESSARY, THE COURT SHALL ENTER  
 12 THE FINDING AND WAIVE THE INDIVIDUAL'S PARTICIPATION IN THE PROGRAM ON  
 13 THE RECORD OF THE COURT.

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

18 [(iii)] (IV) Nothing contained in this paragraph limits the authority  
 19 of the Administration to modify a suspension imposed under this paragraph to allow an  
 20 individual to be a participant in accordance with subsection (e) or (o) of this section.

21 [(iv)] (V) The Administration shall issue a restricted license to an  
 22 individual who is required to participate in the Program under this section and who is  
 23 otherwise eligible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.