

# HOUSE BILL 105

R3  
HB 451/23 – JUD

(PRE-FILED)

4lr1168

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By: **Delegate Atterbeary**  
Requested: October 25, 2023  
Introduced and read first time: January 10, 2024  
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 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 2023 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 2023 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 2023 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 2023 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 16–404.1.

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

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

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

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

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

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

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

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

22 [2. The individual is convicted of a violation of §  
23 21–902(b)(2) of this article and the minor who was transported was under the age of 16  
24 years;]

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

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

1 successfully completes the Program.

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

5 1. Is required to be a participant by a court order under [§  
6 27–107] § 21–902.2 of this article; OR

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

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

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

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

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

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

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

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

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

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

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

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