

HOUSE BILL 1447

R3

8lr0322

By: **Delegates Vallario, Anderson, Angel, Atterbeary, Barkley, Conaway, Kelly, Krimm, J. Lewis, Sanchez, and Sydnor**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

CHAPTER _____

1 AN ACT concerning

2 **Ignition Interlock System Program – Administrative Offenses – Out-of-State**
3 **Licensed Drivers**

4 FOR the purpose of authorizing a person who is licensed to drive by another state to
5 participate in the Ignition Interlock System Program under certain circumstances;
6 prohibiting a nonresident participant in the Program from driving or attempting to
7 drive certain vehicles; modifying certain procedures used by police officers and the
8 Motor Vehicle Administration concerning certain administrative offenses; making
9 stylistic and technical changes; and generally relating to authorizing a person who
10 is licensed to drive by another state to participate in the Ignition Interlock System
11 Program under certain circumstances.

12 BY repealing and reenacting, without amendments,

13 Article – Transportation

14 Section 11–116, 11–140, 16–205.1(a)(2), (b)(1)(ii), and (f)(1), and 16–404.1(a)(1), (4),
15 and (5) and (b)(1)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 16–113(k), 16–205.1(b)(2)(iv) and (vi) and (3), (f)(4)(i), (5)(i), (6)(i) and (v), and
21 (8)(i), (iv)1., and (v), (g), (p), and (q), 16–404(c)(3) and (4), and 16–404.1(c)(3),
22 (f), (g), and (o)

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 Annotated Code of Maryland
2 (2012 Replacement Volume and 2017 Supplement)

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

5 **Article – Transportation**

6 11–116.

7 “Driver’s license” means any license or permit to drive a motor vehicle that is issued
8 under Title 16 of this article.

9 11–140.

10 “Nonresident’s privilege to drive” means the privilege granted to a nonresident by
11 the laws of this State to drive a motor vehicle in this State or to use in this State a vehicle
12 owned by the nonresident.

13 16–113.

14 (k) A participant in the Ignition Interlock System Program under § 16–404.1 of
15 this title may not drive or attempt to drive a vehicle that is not equipped with an ignition
16 interlock system in violation of an ignition interlock system restriction on a license issued
17 to the participant **OR ON A NONRESIDENT’S PRIVILEGE TO DRIVE.**

18 16–205.1.

19 (a) (2) Any person who drives or attempts to drive a motor vehicle on a
20 highway or on any private property that is used by the public in general in this State is
21 deemed to have consented, subject to the provisions of §§ 10–302 through 10–309, inclusive,
22 of the Courts and Judicial Proceedings Article, to take a test if the person should be
23 detained on suspicion of driving or attempting to drive while under the influence of alcohol,
24 while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or
25 a combination of one or more drugs and alcohol that the person could not drive a vehicle
26 safely, while impaired by a controlled dangerous substance, in violation of an alcohol
27 restriction, or in violation of § 16–813 of this title.

28 (b) (1) Except as provided in subsection (c) of this section, a person may not be
29 compelled to take a test. However, the detaining officer shall advise the person that, on
30 receipt of a sworn statement from the officer that the person was so charged and refused to
31 take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more,
32 the Administration shall:

33 (ii) In the case of a nonresident or unlicensed person:

- 1 1. Except as provided in items 2, 3, and 4 of this item, for a
2 test result indicating an alcohol concentration of 0.08 or more at the time of testing:
- 3 A. For a first offense, suspend the person's driving privilege
4 for 180 days; or
- 5 B. For a second or subsequent offense, suspend the person's
6 driving privilege for 180 days;
- 7 2. Except as provided in item 4 of this item, for a test result
8 indicating an alcohol concentration of 0.15 or more at the time of testing:
- 9 A. For a first offense, suspend the person's driving privilege
10 for 180 days; or
- 11 B. For a second or subsequent offense, suspend the person's
12 driving privilege for 270 days;
- 13 3. Except as provided in item 4 of this item, for a test result
14 indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was
15 involved in a motor vehicle accident that resulted in the death of another person:
- 16 A. For a first offense, suspend the person's driving privilege
17 for 6 months; or
- 18 B. For a second or subsequent offense, suspend the person's
19 driving privilege for 1 year;
- 20 4. For a test result indicating an alcohol concentration of 0.15
21 or more at the time of testing, if the person was involved in a motor vehicle accident that
22 resulted in the death of another person:
- 23 A. For a first offense, suspend the person's driving privilege
24 for 1 year; or
- 25 B. For a second or subsequent offense, revoke the person's
26 driving privilege; or
- 27 5. For a test refusal:
- 28 A. For a first offense, suspend the person's driving privilege
29 for 270 days; or
- 30 B. For a second or subsequent offense, suspend the person's
31 driving privilege for 2 years; and

(2) Except as provided in subsection (c) of this section, if a police officer stops or detains any person who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title, and who is not unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(iv) Advise the person of the administrative sanctions, including ineligibility for modification of a suspension [or], issuance of a restricted license **OR RESTRICTED NONRESIDENT’S PRIVILEGE TO DRIVE** unless the person participates in the Ignition Interlock System Program under § 16–404.1 of this title, that shall be imposed for refusal to take the test and for test results indicating an alcohol concentration of 0.15 or more at the time of testing;

(vi) Advise the person that a court shall impose participation in the Ignition Interlock System Program as part of the sentence in accordance with [§ 27–107.1] **§ 21–902.3** of this article.

(3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(i) [Confiscate] **IF THE PERSON HAS A DRIVER’S LICENSE ISSUED BY THIS STATE, CONFISCATE** the person’s driver’s license [issued by this State];

(ii) Acting on behalf of the Administration, personally serve an order of suspension **OF THE PERSON’S DRIVER’S LICENSE OR NONRESIDENT’S PRIVILEGE TO DRIVE** on the person;

(iii) [Issue] **IF THE PERSON HAS A DRIVER’S LICENSE ISSUED BY THIS STATE, ISSUE** a temporary license to drive;

(iv) Inform the person that [the]:

1. **THE** temporary license allows the person to continue driving for 45 days if the person is licensed under this title; **OR**

2. **THE PERSON MAY CONTINUE DRIVING IN THIS STATE FOR 45 DAYS IF THE PERSON HAS A NONRESIDENT’S DRIVING PRIVILEGE;**

(v) Inform the person that:

1. The person has a right to request, at that time or within 10 days, a hearing to show cause why the driver’s license, **PRIVILEGE TO DRIVE, OR NONRESIDENT’S PRIVILEGE TO DRIVE** should not be suspended concerning the refusal

1 to take the test or for test results indicating an alcohol concentration of 0.08 or more at the
2 time of testing, and the hearing will be scheduled within 45 days; and

3 2. If a hearing request is not made at that time or within 10
4 days, but within 30 days the person requests a hearing, a hearing to show cause why the
5 driver's license **ISSUED BY THE STATE, PRIVILEGE TO DRIVE, OR NONRESIDENT'S**
6 **PRIVILEGE TO DRIVE** should not be suspended concerning the refusal to take the test or
7 for test results indicating an alcohol concentration of 0.08 or more at the time of testing will
8 be scheduled, but a request made after 10 days does not extend a temporary license issued
9 by the police officer **OR A TEMPORARY NONRESIDENT'S PRIVILEGE TO DRIVE** that
10 allows the person to continue driving for 45 days;

11 (vi) Advise the person of the administrative sanctions that shall be
12 imposed in the event of failure to request a hearing, failure to attend a requested hearing,
13 or **[upon] ON** an adverse finding by the hearing officer;

14 (vii) Inform the person that, if the person refuses a test or takes a test
15 that indicates an alcohol concentration of 0.08 or more at the time of testing, the person
16 may participate in the Ignition Interlock System Program under § 16-404.1 of this title
17 instead of requesting a hearing under this paragraph, if the following conditions are met:

18 1. The person's driver's license **OR NONRESIDENT'S**
19 **PRIVILEGE TO DRIVE** is not currently suspended, revoked, canceled, or refused; and

20 2. Within the same time limits set forth in item (v) of this
21 paragraph, the person:

22 A. ~~[Surrenders] IF THE PERSON IS A MARYLAND~~
23 ~~RESIDENT, SURRENDERS~~ a valid Maryland driver's license or signs a statement certifying
24 that the driver's license is no longer in the person's possession, **IF THE PERSON IS A**
25 **MARYLAND RESIDENT**; and

26 B. Elects in writing to participate in the Ignition Interlock
27 System Program for 1 year;

28 (viii) Provide information about the Ignition Interlock System
29 Program and how a person participates in the Program under § 16-404.1 of this title; and

30 (ix) Within 72 hours after the issuance of the order of suspension,
31 send any confiscated driver's license, copy of the suspension order, and a sworn statement
32 to the Administration, that states:

33 1. The officer had reasonable grounds to believe that the
34 person had been driving or attempting to drive a motor vehicle on a highway or on any
35 private property that is used by the public in general in this State while under the influence
36 of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination

1 of drugs, or a combination of one or more drugs and alcohol that the person could not drive
 2 a vehicle safely, while impaired by a controlled dangerous substance, in violation of an
 3 alcohol restriction, or in violation of § 16–813 of this title;

4 2. The person refused to take a test when requested by the
 5 police officer, the person submitted to the test which indicated an alcohol concentration of
 6 0.08 or more at the time of testing, or the person submitted to the test which indicated an
 7 alcohol concentration of 0.15 or more at the time of testing; and

8 3. The person was fully advised of the administrative
 9 sanctions that shall be imposed, including the fact that a person who refuses to take the
 10 test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of
 11 testing is eligible for modification of a suspension or issuance of a restricted license **OR**
 12 **RESTRICTED NONRESIDENT’S PRIVILEGE TO DRIVE.**

13 (f) (1) Subject to the provisions of this subsection, at the time of, or within 30
 14 days from the date of, the issuance of an order of suspension, a person may submit a written
 15 request for a hearing before an officer of the Administration if:

16 (i) The person is arrested for driving or attempting to drive a motor
 17 vehicle while under the influence of alcohol, while impaired by alcohol, while so far
 18 impaired by any drug, any combination of drugs, or a combination of one or more drugs and
 19 alcohol that the person could not drive a vehicle safely, while impaired by a controlled
 20 dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this
 21 title; and

22 (ii) 1. There is an alcohol concentration of 0.08 or more at the
 23 time of testing; or

24 2. The person refused to take a test.

25 (4) If a hearing request is not made at the time of or within 10 days after
 26 the issuance of the order of suspension or revocation, the Administration shall:

27 (i) Make the order effective and shall:

28 1. Except as provided in items 2, 3, and 4 of this item, for a
 29 test result indicating an alcohol concentration of 0.08 or more at the time of testing:

30 A. For a first offense, suspend the driver’s license,
 31 **PRIVILEGE TO DRIVE, OR NONRESIDENT’S PRIVILEGE TO DRIVE** for 180 days; or

32 B. For a second or subsequent offense, suspend the driver’s
 33 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT’S PRIVILEGE TO DRIVE** for 180 days;

34 2. Except as provided in item 4 of this item, for a test result
 35 indicating an alcohol concentration of 0.15 or more at the time of testing:

1 A. For a first offense, suspend the driver's license,
2 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 180 days; or

3 B. For a second or subsequent offense, suspend the driver's
4 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 270 days;

5 3. Except as provided in item 4 of this item, for a test result
6 indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was
7 involved in a motor vehicle accident that resulted in the death of another person:

8 A. For a first offense, suspend the driver's license,
9 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 6 months; or

10 B. For a second or subsequent offense, suspend the driver's
11 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year;

12 4. For a test result indicating an alcohol concentration of 0.15
13 or more at the time of testing, if the person was involved in a motor vehicle accident that
14 resulted in the death of another person:

15 A. For a first offense, suspend the driver's license,
16 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year; or

17 B. For a second or subsequent offense, revoke the driver's
18 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE**; or

19 5. For a test refusal:

20 A. For a first offense, suspend the driver's license,
21 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 270 days; or

22 B. For a second offense or subsequent offense, suspend the
23 driver's license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 2
24 years; and

25 (5) (i) If the person requests a hearing at the time of or within 10 days
26 after the issuance of the order of suspension and surrenders, **IF APPLICABLE**, the driver's
27 license or[, if applicable,] the person's commercial instructional permit or commercial
28 driver's license, the Administration shall set a hearing for a date within 30 days of the
29 receipt of the request.

30 (6) (i) If a hearing request is not made at the time of, or within 10 days
31 from the date of the issuance of an order of suspension, but within 30 days of the date of
32 the issuance of an order of suspension, the person requests a hearing and surrenders, **IF**

1 **APPLICABLE**, the driver's license or [if applicable,] the person's commercial instructional
2 permit or commercial driver's license, the Administration shall:

3 1. A. Make a suspension order effective suspending the
4 license for the applicable period of time described under paragraph (4)(i) of this subsection;
5 and

6 B. In the case of a person operating a commercial motor
7 vehicle or who holds a commercial instructional permit or a commercial driver's license who
8 refuses to take a test, disqualify the person's commercial instructional permit or
9 commercial driver's license, or privilege to operate a commercial motor vehicle in this State,
10 for the applicable period of time described under paragraph (4)(ii) of this subsection; and

11 2. Set a hearing for a date within 45 days of the receipt of a
12 request for a hearing under this paragraph.

13 (v) If a hearing is postponed beyond the 45-day period that begins
14 on the date of the request for a hearing under this paragraph under circumstances
15 described in subparagraph (iii) of this paragraph, the Administration shall stay the
16 suspension and [issue]:

17 1. **ISSUE** a temporary license that authorizes the person to
18 drive only until the date of the rescheduled hearing; **OR**

19 2. **INFORM A PERSON WHO HAS A NONRESIDENT'S**
20 **PRIVILEGE TO DRIVE THAT THE PERSON MAY DRIVE ONLY UNTIL THE DATE OF THE**
21 **RESCHEDULED HEARING.**

22 (8) (i) After a hearing, the Administration shall suspend or revoke the
23 person's **DRIVER'S** license, **PRIVILEGE TO DRIVE**, or **NONRESIDENT'S** privilege to drive
24 if:

25 1. The police officer who stopped or detained the person had
26 reasonable grounds to believe the person was driving or attempting to drive while under
27 the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any
28 combination of drugs, or a combination of one or more drugs and alcohol that the person
29 could not drive a vehicle safely, while impaired by a controlled dangerous substance, in
30 violation of an alcohol restriction, or in violation of § 16-813 of this title;

31 2. There was evidence of the use by the person of alcohol, any
32 drug, any combination of drugs, a combination of one or more drugs and alcohol, or a
33 controlled dangerous substance;

34 3. The police officer requested a test after the person was
35 fully advised, as required under subsection (b)(2) of this section, of the administrative
36 sanctions that shall be imposed;

1 4. A. The person refused to take the test; or

2 B. A test to determine alcohol concentration was taken and
3 the test result indicated an alcohol concentration of 0.08 or more at the time of testing; and

4 5. When applicable, the person was involved in a motor
5 vehicle accident that resulted in the death of another person.

6 (iv) In the absence of a compelling reason for failure to attend a
7 hearing, failure of a person to attend a hearing is prima facie evidence of the person's
8 inability to answer the sworn statement of the police officer or the test technician or
9 analyst, and the Administration summarily shall:

10 1. Suspend the driver's license, **PRIVILEGE TO DRIVE**, or
11 **NONRESIDENT'S** privilege to drive; and

12 (v) The suspension imposed shall be:

13 1. Except as provided in items 2 and 3 of this subparagraph,
14 for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

15 A. For a first offense, a suspension for 180 days; or

16 B. For a second or subsequent offense, a suspension for 180
17 days;

18 2. Except as provided in item 3 of this subparagraph, for a
19 test result indicating an alcohol concentration of 0.15 or more at the time of testing:

20 A. For a first offense, a suspension of 180 days; or

21 B. For a second or subsequent offense, a suspension of 270
22 days;

23 3. Except as provided in item 4 of this subparagraph, for a
24 test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the
25 person was involved in a motor vehicle accident that resulted in the death of another
26 person:

27 A. For a first offense, suspend the driver's license,
28 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 6 months; or

29 B. For a second or subsequent offense, suspend the driver's
30 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year;

1 4. For a test result indicating an alcohol concentration of 0.15
2 or more at the time of testing, if the person was involved in a motor vehicle accident that
3 resulted in the death of another person:

4 A. For a first offense, suspend the driver's license,
5 **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE** for 1 year; or

6 B. For a second or subsequent offense, revoke the driver's
7 license, **PRIVILEGE TO DRIVE, OR NONRESIDENT'S PRIVILEGE TO DRIVE**; or

8 5. For a test refusal:

9 A. For a first offense, a suspension for 270 days; or

10 B. For a second or subsequent offense, a suspension for 2
11 years.

12 (g) Instead of requesting a hearing or on a suspension or revocation under
13 subsection (f) of this section, a person may request to participate in the Ignition Interlock
14 System Program under § 16-404.1 of this title if:

15 (1) The person's driver's license, **PRIVILEGE TO DRIVE, OR**
16 **NONRESIDENT'S PRIVILEGE TO DRIVE** is not currently suspended, revoked, canceled, or
17 refused; and

18 (2) Within the same time limits set forth in subsection (f) of this section,
19 the person:

20 (i) **1.** Surrenders a valid Maryland driver's license or signs a
21 statement certifying that the driver's license is no longer in the person's possession; **OR**

22 **2.** **PROVIDES PROOF THAT THE PERSON HAS A VALID**
23 **DRIVER'S LICENSE ISSUED BY ANOTHER STATE**; and

24 (ii) Elects in writing to participate in the Ignition Interlock System
25 Program for:

26 1. 180 days for an offense of a test result indicating an
27 alcohol concentration of at least 0.08 but not more than 0.14;

28 2. 1 year for an offense of a test result indicating an alcohol
29 concentration of 0.15 or more; or

30 3. 1 year for an offense of a test refusal.

31 (p) (1) This subsection applies only to a [licensee] **PERSON** who:

1 (i) Refused to take a test; or

2 (ii) Took a test that indicated an alcohol concentration of 0.15 or
3 more at the time of testing.

4 (2) The Administration may modify a suspension **OR REVOCATION** under
5 this section or issue a restricted license only if the [licensee] **PERSON** participates in the
6 Ignition Interlock System Program for 1 year.

7 (q) (1) If the Administration modifies a suspension **OR REVOCATION** under
8 this section or issues a restricted license on condition that the [licensee] **PERSON**
9 participate in the Ignition Interlock System Program and the [licensee] **PERSON** does not
10 successfully complete the Program, the Administration shall suspend **OR REVOKE** the
11 [licensee's] **PERSON'S** driver's license or [driving] **NONRESIDENT'S** privilege **TO DRIVE**
12 for the full period [of suspension] specified in this section for the applicable violation.

13 (2) The Administration shall notify a [licensee] **PERSON** of a suspension
14 **OR REVOCATION** under this subsection.

15 (3) A [licensee] **PERSON** may request an administrative hearing on a
16 suspension **OR REVOCATION** imposed under this subsection.

17 (4) If a [licensee] **PERSON** requests a hearing under this subsection, the
18 suspension **OR REVOCATION** shall be stayed pending the decision at the administrative
19 hearing.

20 16-404.

21 (c) (3) The Administration may issue a [restrictive] **RESTRICTED** license **OR**
22 **RESTRICT A NONRESIDENT'S DRIVING PRIVILEGE** for the period of the suspension to an
23 individual who participates in the Administration's Ignition Interlock System Program
24 under § 16-404.1 of this subtitle.

25 (4) This subsection does not limit the authority of the Administration to
26 issue a [restrictive] **RESTRICTED** license or modify a suspension imposed under this
27 subsection.

28 16-404.1.

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

30 (4) "Participant" means a participant in the Ignition Interlock System
31 Program.

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

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

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

4 (3) The Administration modifies [a]:

5 (I) A suspension OR REVOCATION; or [issues]

6 (II) ISSUES a restricted DRIVER'S license to the individual OR
7 RESTRICTS A NONRESIDENT'S DRIVING PRIVILEGE under § 16-205.1 of this title.

8 (f) (1) The Administration may:

9 (i) Modify a suspension and issue a restricted license to an
10 individual who is a participant in the Program as provided under § 16-205 or § 16-205.1 of
11 this title or § 16-404 of this subtitle;

12 (ii) Reinstate the driver's license of a participant whose license has
13 been revoked:

14 1. For a violation of § 21-902(b) or (c) of this article;

15 2. For an accumulation of points under § 16-402(a)(28) of
16 this subtitle for a violation of § 21-902(b) or (c) of this article; or

17 3. Under § 16-205.1(b) or (f) of this title; and

18 (iii) Notwithstanding any other provision of law, impose on a
19 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this subtitle
20 in lieu of a license revocation:

21 1. For a violation of § 21-902(b) or (c) of this article;

22 2. For an accumulation of points under § 16-402(a)(28) of
23 this subtitle for a violation of § 21-902(b) or (c) of this article; or

24 3. Under § 16-205.1(b) or (f) of this title.

25 (2) Notwithstanding paragraph (1) of this subsection, the Administration
26 shall:

27 (i) Modify a suspension and issue a restricted license to an
28 individual who is a participant in the Program as provided under § 16-205 or § 16-205.1 of
29 this title or § 16-404 of this subtitle;

1 (ii) Reinstatement of the driver's license of a participant whose license has
2 been revoked:

- 3 1. For a violation of § 21-902(a) of this article;
- 4 2. For an accumulation of points under § 16-402(a)(37) of
5 this subtitle for a violation of § 21-902(a) of this article; or
- 6 3. Under § 16-205.1(b) or (f) of this title.

7 (iii) Notwithstanding any other provision of law, impose on a
8 participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this subtitle
9 in lieu of a license revocation:

- 10 1. For a violation of § 21-902(a) of this article;
- 11 2. For an accumulation of points under § 16-402(a)(37) of
12 this subtitle for a violation of § 21-902(a) of this article; or
- 13 3. Under § 16-205.1(b) or (f) of this title.

14 **(3) THE ADMINISTRATION MAY MODIFY A SUSPENSION OR**
15 **REVOCAION OF A NONRESIDENT'S PRIVILEGE TO DRIVE AS PROVIDED UNDER §**
16 **16-205.1 OF THIS TITLE AND RESTRICT THE NONRESIDENT'S DRIVING PRIVILEGE**
17 **FOR AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM.**

18 ~~[(3)]~~ **(4)** A notice of suspension or revocation sent to an individual under
19 this title shall include information about the Program and how individuals participate in
20 the Program.

21 ~~[(4)]~~ **(5)** The Administration shall establish a fee for the Program that is
22 sufficient to cover the costs of the Program.

23 (g) Subject to ~~[§ 27-107(g)(2)]~~ **§ 21-902.2** of this article, the Administration shall
24 impose a restriction on the individual's license that prohibits the individual from driving a
25 motor vehicle that is not equipped with an ignition interlock system for the period of time
26 that the individual is required to participate in the Program under this section.

27 (o) **(1)** If an individual successfully completes the Program and the
28 individual's license is not refused, revoked, suspended, or canceled under another provision
29 of this article, the Administration shall immediately issue a license to the licensee.

30 **(2) IF A NONRESIDENT SUCCESSFULLY COMPLETES THE PROGRAM**
31 **AND THE NONRESIDENT'S LICENSE IS NOT REFUSED, REVOKED, SUSPENDED, OR**
32 **CANCELED UNDER THE LAWS OF THE NONRESIDENT'S STATE, THE ADMINISTRATION**
33 **SHALL IMMEDIATELY REINSTATE THE NONRESIDENT'S PRIVILEGE TO DRIVE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.