



Maryland's Ignition Interlock Program

Status Report



A Message from the Governor

Dear Fellow Marylanders:

Since the beginning of our administration, we have worked tirelessly to change Maryland for the better. We have worked with leaders across the state to keep Maryland moving, providing families and communities with transportation solutions that provide safe and convenient access to all of life's opportunities. While we have made significant progress, we are still losing too many people each year on our roadways.

Each year, on average, nearly one out of every three traffic fatalities in Maryland involves an impaired driver. Our most important responsibility is to protect Maryland citizens and the only acceptable goal is to reduce the number of traffic crashes, injuries, and fatalities caused by drunk and drug-impaired drivers to zero.



Larry Hogan
Governor

This past November I once again visited with families at the 15th annual *Maryland Remembers* event at the State Capitol. For the last 15 years Maryland families have gathered to ensure that their loved ones, taken from them by the reckless actions of an impaired driver, will never be forgotten. Each year in Maryland, around 160 people are killed in Maryland because of these crimes, and we are fighting back – through the enforcement of our impaired driving laws, through education and outreach campaigns and with programs that give responsible drivers the opportunity to change their behavior while protecting others who share the road with them.

Ignition interlock is an important tool to keep drunk drivers from getting behind the wheel and endangering themselves and others. Thanks in large part to Noah's Law, more drivers are participating in Maryland's Ignition Interlock Program than ever before. This report provides an updated overview of how Maryland's Ignition Interlock Program works to protect everyone who travels our streets and highways.

I will never forget the victims of impaired driving, and we will never stop fighting to prevent more senseless deaths on our roadways. We cannot move toward our goal of zero deaths on Maryland's roads without preventing impaired driving and taking dangerous drivers off the road.

Working together, we can save lives and truly change Maryland for the better.



Introduction

Drunk and drug-impaired drivers shatter the lives of individuals and families in communities across Maryland. From 2013 to 2017, on average, there were more than 6,900 impaired driving crashes each year, resulting in nearly 3,300 injuries and 160 fatalities in Maryland. This loss of life represents nearly one-third (31%) of all traffic fatalities in the state. To combat this threat to public safety, Maryland employs a comprehensive approach, defined in our Strategic Highway Safety Plan¹, that combines strict laws, license sanctions, a robust ignition interlock program, DUI courts, high-visibility law enforcement and outreach to the public.

Maryland's Ignition Interlock Program is an effective tool to help prevent the devastating consequences that can result when an impaired driver gets behind the wheel. Research has shown that drivers who have ignition interlock devices installed are less likely to commit a repeat drunk-driving offense while using ignition interlock than drunk drivers who do not have an interlock device installed², and that all-offender ignition interlock laws can reduce the number of fatal traffic crashes³.



In Fiscal Year (FY) 2018, Maryland's Ignition Interlock Program prevented more than 3,200 attempts to start or operate a vehicle where the driver's blood alcohol concentration⁴ (BAC) was greater than 0.08 grams of alcohol per deciliter of blood (g/dL) – the legal limit in Maryland. Ignition interlock continues to save lives by preventing impaired drivers from driving on Maryland roads.

The Drunk Driving Reduction Act of 2016, also known as Noah's Law, makes Maryland's roadways safer by mandating ignition interlock for impaired drivers who are convicted of certain impaired driving offenses, by increasing administrative driver's license sanctions and strengthening the Ignition Interlock Program. The implementation of Noah's Law has resulted in increased participation in the Ignition Interlock Program, particularly among drivers opting into the program for the first time.

¹ For more information on the Maryland Strategic Highway Safety Plan, visit <https://towardzerodeathsmd.com/about-us/>

² Voas, Robert & Tippetts, A Scott & Grosz, Milton. (2013). Administrative Reinstatement Interlock Programs: Florida, A 10-Year Study. Alcoholism, clinical and experimental research.

³ McGinty, Emma E. American Journal of Preventative Medicine, "Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013," January, 2017.

⁴ Blood/Breath Alcohol Concentration (BAC) is the amount of alcohol in a breath or blood sample. BAC is expressed as the weight of ethanol, in grams, in deciliter of blood (g/dL), or 210 liters of breath. All BAC data presented in this report is expressed in g/dL unless otherwise noted.

Impaired Driving in Maryland

Maryland's impaired driving laws include driver license sanctions administered by the Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA) and criminal sanctions that take effect following conviction or probation before judgment disposition by a Maryland court for criminal impaired driving offenses. The sanctions vary by chemical test result or refusal to submit to a chemical test, and whether the driver has committed prior impaired driving offenses.

An impaired driving arrest begins the process of evaluating, sanctioning, and monitoring drunk and drug-impaired drivers. From 2013 to 2017, more than 108,000 impaired driving arrests were made in Maryland.

Before a chemical test is administered to a suspected impaired driver, the arresting officer advises the driver of their rights and advises them of the administrative sanctions that may result if their BAC is above the legal limit or if they refuse to submit to the chemical test.

A driver whose test results show a BAC that is 0.08 g/dL or higher is considered to be Driving Under the Influence (DUI) by law, or *per se*. If the driver's BAC is below the legal limit, they may still be charged with one or more impaired driving offenses, including driving while impaired (DWI), if there is other evidence of impairment. If convicted, drivers can face both criminal penalties, including fines and incarceration, and additional administrative driver's license sanctions, including license suspension or revocation.

According to Maryland State Police summary report data, more than 80 percent of drivers tested in 2018 had a BAC above the legal limit, and 40% of drivers tested had a BAC of 0.15 or higher. As shown in Table 1, between 2014 and 2018, the total number of drivers tested fell by 13% while the number of drivers who refused a chemical test remained relatively unchanged, raising the rate of test refusal from 32.0% in 2014 to 35.4% in 2018.

TABLE 1: IMPAIRED DRIVING ARREST ALCOHOL TESTING, 2014 - 2018

| Testing for §21-902 (a) and (b) Offenses | | | | | |
|--|---------------|---------------|---------------|---------------|---------------|
| | 2014 | 2015 | 2016 | 2017 | 2018 |
| Drivers Offered Test | 20,518 | 20,089 | 19,326 | 18,954 | 18,762 |
| <i>Drivers Tested</i> | <i>13,959</i> | <i>13,440</i> | <i>12,661</i> | <i>12,421</i> | <i>12,123</i> |
| <i>Drivers Refused Test</i> | <i>6,559</i> | <i>6,649</i> | <i>6,665</i> | <i>6,537</i> | <i>6,639</i> |
| Refusal Rate | 32.0% | 33.1% | 34.5% | 34.5% | 35.4% |

Source: Compiled from Maryland State Police, *Alcohol Influence and PBT Use Summary Reports*

Drivers who consent to a chemical test and whose test results indicate a BAC of 0.08 or higher, or who refuse a chemical test are issued an administrative *Order of Suspension* and a copy is sent to MDOT MVA. The driver will also be issued criminal citations for one or more impaired driving offenses, depending on the circumstances.

As shown in Figure 1, among drivers tested between 2014 and 2018, the number of drivers testing between 0.08 and 0.14 BAC and drivers testing at 0.15 BAC or higher (considered high BAC) both decreased, while the number of drivers refusing a chemical test remained relatively unchanged.

Drivers who consent to a chemical test but whose test results are less than 0.08% BAC are not issued an administrative *Order of Suspension* but may be cited for impaired driving offenses, depending on the circumstances. Drivers with an alcohol restriction or were operating a commercial vehicle with a BAC of 0.04 or higher also face additional sanctions.

As shown in Figure 2, among drivers tested between 2014 and 2018, drivers testing below 0.02 BAC increased, while drivers testing between 0.05 and 0.07 decreased.

Administrative Sanctions

On average, MDOT MVA receives nearly 20,000 Orders of Suspension each year. Each Order of Suspension indicates whether the driver refused a chemical test, was tested with a BAC of 0.08 to 0.14, or was tested with a BAC of 0.15 or greater.

Figure 3 summarizes the numbers of Orders of Suspension received by MDOT MVA between 2013 and 2017 by violation type. The number of Orders of Suspensions received by MDOT MVA for BAC violations (test results of 0.08-0.14 or 0.15 or higher)

Figure 1: Driver Chemical Test Results 0.08 BAC or Higher, 2014 - 2018

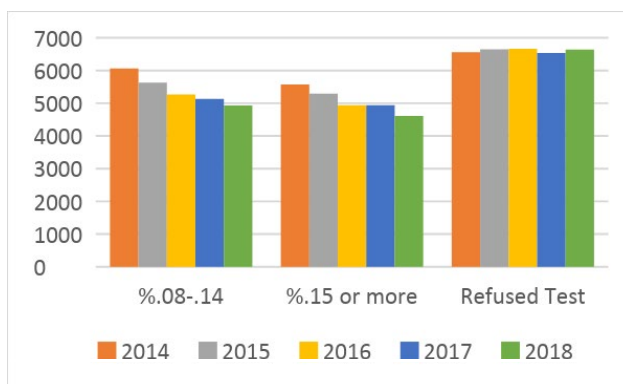
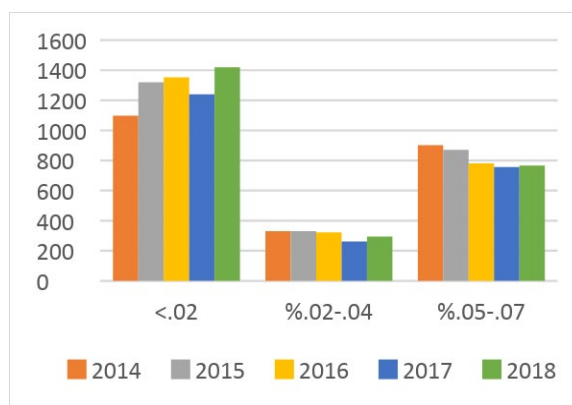
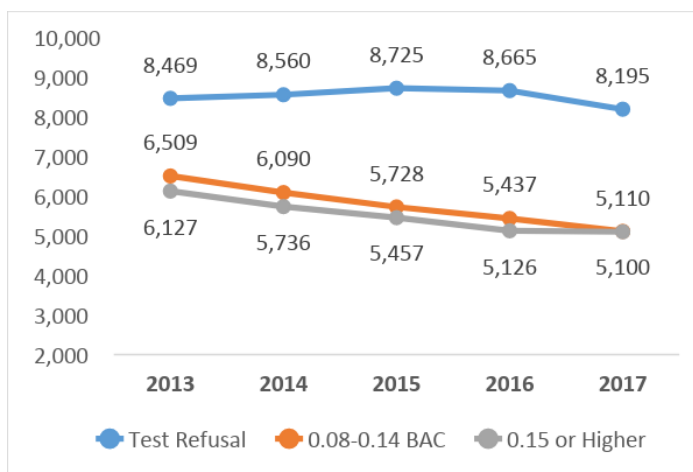


FIGURE 2: DRIVER CHEMICAL TEST RESULTS BELOW 0.08 BAC, 2014 - 2018



Source: Compiled from Maryland State Police, Alcohol Influence and PBT Use Summary Reports

FIGURE 3: ORDERS OF SUSPENSION RECEIVED BY MDOT MVA FROM ALL LAW ENFORCEMENT AGENCIES, 2013 – 2017, BY VIOLATION TYPE



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

decreased each year from 21,104 in 2013 to 18,388 in 2017, with a total decrease of approximately 13 percent. By contrast, the number of Orders of Suspension received for test refusals increased from 2013 to 2016, before falling slightly in 2017.

The possible sanctions for drivers issued an Order of Suspension vary by both the type of violation and whether the driver has a prior administrative per se violation. The Drunk Driving Reduction Act of 2016, also known as Noah’s Law, which took effect October 1, 2017, significantly increased license suspension periods for administrative per se violations, shown in Table 2. Drivers who are issued an Order of Suspension for refusing a chemical test or having a BAC of 0.015 or higher face enhanced penalties if it is not their first administrative per se violation.

TABLE 2: LICENSE SUSPENSION LENGTHS FOR ADMINISTRATIVE PER SE VIOLATIONS BY VIOLATION TYPE

| Offense Number | 0.08 -0.14 BAC | 0.15 BAC or higher | Test Refusal |
|----------------------|----------------|--------------------|--------------|
| First | 180 Days | 180 Days | 270 Days |
| Second or Subsequent | 180 Days | 270 Days | 2 Years |

Source: MDOT MVA Document Imaging and Workflow System (DIWS)

First Violations

Among *first* administrative per se violations, total BAC violations (test results of 0.08-0.14 or 0.15 or higher) declined from 11,137 in 2013 to 8,945 in 2017, a decrease of 19.7 percent. First test refusal violations increased slightly, from 6,804 in 2013 to 6,935 in 2016, before falling to 6,432 in 2017, as shown in Figure 4.

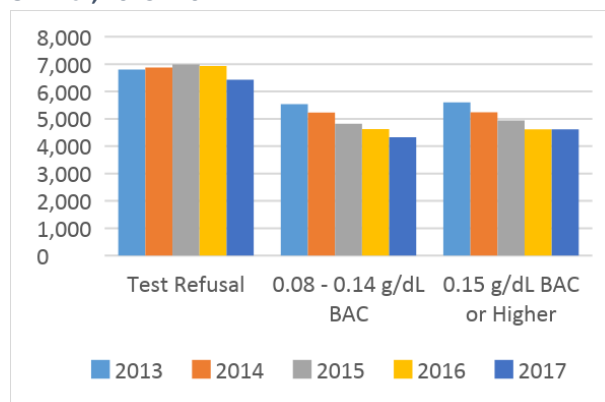
It should be noted that 2017 was the first full year that the enhanced penalties for test refusal under Noah’s Law were in effect.

Second or Subsequent Violations

Among administrative per se violations that were *second or subsequent* offenses, BAC violations decreased from 1,498 in 2013 to 1,255 in 2017, a decrease of more than 16 percent. During the same period, the number of test refusal violations increased, from 1,665 in 2013 to 1,756 in 2017, an increase of 5.5%, as shown in Figure 5.

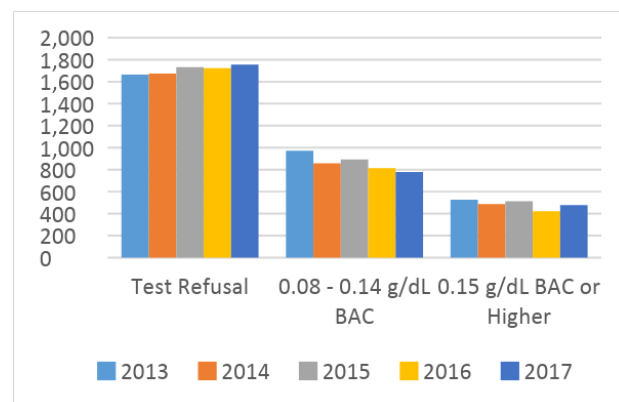
Test refusal violations that were a second or subsequent offense were the *only* administrative per se case type to increase from 2013 to 2017.

FIGURE 4: ORDERS OF SUSPENSION RECEIVED BY TYPE, AS A FIRST OFFENSE, 2013 - 2017



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

FIGURE 5: ORDERS OF SUSPENSION RECEIVED BY TYPE, AS A SECOND OR SUBSEQUENT OFFENSE, 2013 - 2017



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

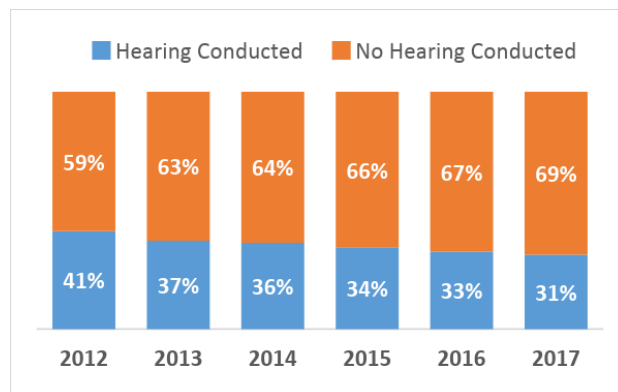
Administrative Hearings

Administrative per se suspensions take effect on the 46th day after an Order of Suspension is issued. Within 30 days of date of the Order, drivers may request a hearing before the Office of Administrative Hearings (OAH) to contest the Order of Suspension or seek an alternative to a license suspension. If a hearing is requested within 10 days, a suspension is not imposed, pending the outcome of the administrative hearing. In 2017, the average time from arrest to OAH hearing for a BAC violation was 89 days, while the average time for hearings for a test refusal violation was 107 days. In test refusal cases, testimony from the arresting officer is often required to confirm that proper arrest and advice of rights procedures were followed. This additional coordination can result in delays in scheduling hearings.

In cases where the driver had a BAC between 0.08 and 0.14, the Administrative Law Judge may modify the driver license suspension to allow the offender to drive to work, school, alcohol treatment, and medical appointments with no requirement to install an ignition interlock device. Drivers who refused the chemical test or whose test result was 0.15 BAC or higher at the time of the arrest are not eligible for this type of restrictive license and the only suspension modification that is normally available is participation in the Ignition Interlock Program.

Changes to administrative regulations in the last several years allowed drivers to enroll in the Ignition Interlock program without a hearing and Noah's Law significantly increased the length of suspensions for most administrative per se offenses. Combined, these changes increased the incentive to participate in the Ignition Interlock program and allowed drivers to regain their ability to drive—with an interlock device—without delay. As a result of these changes, the percentage of drivers requesting hearings in per se cases declined from 41% in 2012 to 31% in 2017, as shown in Figure 6.

FIGURE 6: PERCENTAGE OF ADMINISTRATIVE PER SE CASE HEARINGS, 2012 - 2017



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

Citations and Court Dispositions

Parallel to the sanctioning process for administrative per se violations, under Maryland law, drivers are subject to adjudication before the District Court of Maryland for *criminal* impaired driving citations issued for violations of Transportation Article §21-902⁵. Table 3 shows the total number of arrests and citations received by the District Court of Maryland from 2013 to 2017.

In the past five years, nearly 300,000 impaired driving citations have been issued in Maryland. Overall, impaired driving arrests declined 17.8% and citations issued declined by 21.4% from 2013 to 2017.

TABLE 3: IMPAIRED DRIVING ARRESTS AND §21-902 CITATIONS, CY 2013 - 2017

| | 2013 | 2014 | 2015 | 2016 | 2017 | Total |
|------------------|--------|--------|--------|--------|--------|---------|
| Arrests | 23,491 | 22,909 | 22,753 | 20,439 | 19,302 | 108,894 |
| Citations | 66,030 | 64,128 | 61,900 | 54,040 | 51,881 | 297,979 |

Source: National Study Center for Trauma and Emergency Medical Systems at the University of Maryland School of Medicine, based on District Court of Maryland Data.

During one impaired driving arrest, an officer may issue multiple citations for violations of multiple sections of Maryland’s impaired driving law. For example, a driver arrested with a test result of 0.08 BAC may be issued citations for violations of §21-902(a)(i) – *Driving Under the Influence*; §21-902(a)(i) – *Driving Under the Influence Per Se*; and §21-902(a)(i) – *Driving While Impaired by Alcohol*.

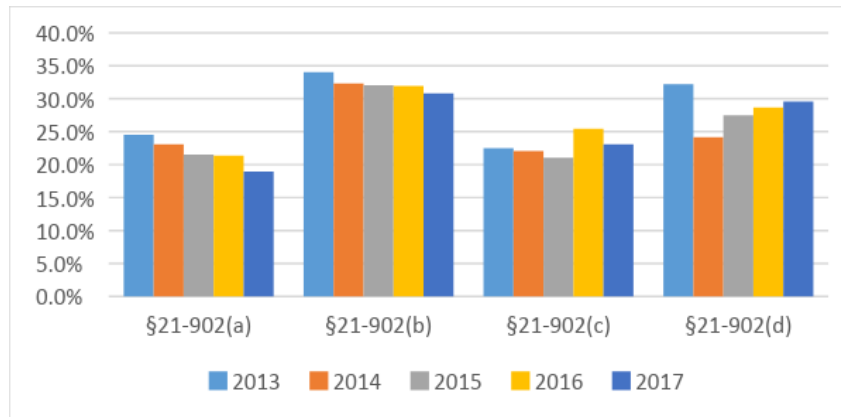
All impaired driving citations are “must appear” offenses; the driver does not have the option to pay a fine in lieu of appearing for a hearing in District Court. At a hearing, it is common for a driver to be found Guilty or receive a Probation Before Judgment (PBJ) disposition for one violation, while all other citations issued at the time of arrest, including other impaired driving citations, are not prosecuted.

To evaluate the outcome of a single arrest, the final disposition imposed for each citation issued is categorized by the most severe outcome among citations issued: Guilty; PBJ, or Other (dispositions that do not result in criminal or administrative sanctions, such as Not Guilty and Nolle Prosequi).

Figure 7 illustrates the proportion of all §21-902 offenses from 2013 through 2017 that result in a Guilty disposition. During this period, the percentage of §21-902 cases overall resulting in Guilty dispositions declined from 28% in 2013 to less than 24% in 2017. The percentage of §21-902(a) offenses that resulted in a Guilty disposition fell from 24.5% in 2013 to 19% in 2017.

⁵ All references to §21-902 refer to Md. TRANSPORTATION Code Annotated § 21-902 (through 2018 regular session)

FIGURE 7: PERCENTAGE OF CRIMINAL CASES RESULTING IN GUILTY DISPOSITION, BY VIOLATION TYPE 2013 - 2017



Source: National Study Center for Trauma and Emergency Medical Systems at the University of Maryland School of Medicine, based on District Court of Maryland Data.

Table 4 shows final case dispositions from 2013 to 2017* for each type of §21-902 violation by year. The combined effect of fewer arrests and citations issued, as shown in Table 3, and the decreased conviction rate for §21-902(a) violations resulted in a decrease in the total number of §21-902(a) convictions from 3,241 in 2013 to just 2,297 in 2016, a decrease of nearly 30 percent.

TABLE 4: IMPAIRED DRIVING CITATION DISPOSITIONS BY OFFENSE TYPE AND YEAR, CY 2013-2017

| | 2013 | 2014 | 2015 | 2016 | 2017* |
|--|-------|-------|-------|-------|-------|
| §21-902(a) Driving Under the Influence of Alcohol | | | | | |
| Guilty | 3,241 | 2,944 | 2,519 | 2,297 | 1,729 |
| PBJ | 5,625 | 5,215 | 4,442 | 4,410 | 3,509 |
| Other Disposition | 4,345 | 4,605 | 4,736 | 4,057 | 3,879 |
| §21-902(b) Driving While Impaired by Alcohol | | | | | |
| Guilty | 3,176 | 2,969 | 2,636 | 2,395 | 1,899 |
| PBJ | 5,398 | 5,368 | 5,010 | 4,624 | 3,810 |
| Other Disposition | 756 | 851 | 581 | 482 | 451 |
| §21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol | | | | | |
| Guilty | 211 | 212 | 207 | 299 | 205 |
| PBJ | 227 | 237 | 252 | 288 | 246 |
| Other Disposition | 500 | 513 | 526 | 588 | 438 |
| §21-902(d) Driving While Impaired by Controlled Dangerous Substance | | | | | |
| Guilty | 144 | 97 | 110 | 130 | 136 |
| PBJ | 102 | 80 | 67 | 105 | 97 |
| Other Disposition | 201 | 225 | 223 | 219 | 227 |

Source: National Study Center for Trauma and Emergency Medical Systems at the University of Maryland School of Medicine, based on District Court of Maryland Data. Year reflects the dates the citations were issued, not the dates of disposition. *Due to long timelines between arrest and disposition, some citations issued in 2017 may not yet be disposed and so not reflected in these data.

Sanctions after Conviction

Convicted impaired drivers face both criminal sanctions, including fines and incarceration, and additional administrative licensing sanctions, such as points on their driving record that may result in a license suspension or revocation. Prior to October 1, 2016, only drivers convicted of a §21-902(a) violation within five years of a §21-902(a) or (d) violation were mandated to participate in the Ignition Interlock Program. Also, prior to October 1, 2016, drivers convicted of §21-902(a) with a high BAC and drivers convicted of §21-902(a) while under the age of 21 could only have their license suspensions modified if they agreed to participation in the Ignition Interlock Program.

Mandates for Interlock Participation

Noah's Law expanded the mandates requiring participation in the Ignition Interlock Program for Maryland to include all drivers convicted of §21-902(a). It also mandates participation in the program for conviction for §21-902(b) and (c) violations, if the offense involved certain conditions, such as having refused the chemical test or while transporting a minor under the age of 16. Ignition Interlock Program participation is now also required for drivers who are convicted of homicide or life-threatening injury by motor vehicle while DUI or DWI. The law also mandates participation in the program for Maryland drivers convicted in other states of equivalent charges.

Drivers that are required to participate in the Ignition Interlock Program must hold a valid Driver's License and successfully complete their program assignment before becoming eligible for a non-interlock-restricted license. Drivers must participate in the program for six months if it is the first time the driver's participation is mandated. The duration that the driver is required to participate increases if the driver is required to participate in the program for a subsequent violation to one year for the second mandatory referral and three years for the third mandatory referral.

Maryland's Ignition Interlock Program

Maryland's Ignition Interlock Program, one of the nation's first, is managed by MDOT MVA and provides Maryland drivers with an alternative to license suspension or revocation and allows them to continue driving while reducing the likelihood they will drive impaired by alcohol. Ignition interlock devices connect a motor vehicle's ignition system to a breath testing unit that measures a driver's breath alcohol level. The driver must blow into the device, allowing it to capture a breath sample and calculate the driver's BAC. If the device detects a BAC greater than 0.025, it will prevent the vehicle from starting. After a driver has passed this initial test and the car has been started, random rolling retests are required to be certain the driver has not consumed alcohol.

Ignition interlock devices installed in participants' vehicles store the results of breath tests and other data which is downloaded by the ignition interlock service provider when the driver brings the vehicle in for monthly service and calibration. These data are securely transferred to MDOT MVA's computer system, which automatically reviews the data and identifies potential violations. These potential violations are forwarded to Ignition Interlock Program staff for review and appropriate action. This automated process allows MDOT MVA to efficiently monitor participants and provide ongoing feedback to program violators.

Ignition interlock devices incorporate safeguards against circumvention of starting and retesting procedures. Attempts to bypass the device are recorded and marked as violations. To detect if persons other than the driver provide the required breath sample, Maryland ignition interlock vendors now offer devices with integrated digital cameras. These devices store a digital image each time a breath sample is collected; these images are available for later retrieval to confirm that the participant provided the required breath sample.

Currently, there are eight service providers authorized to install and monitor ignition interlock devices in Maryland.

| | | |
|-----------------------|---------------------------|-------------|
| Draeger Interlock | Alcohol Detection Systems | Intoxalock |
| Alcolock | Guardian Interlock | Sens-O-Lock |
| Smart Start Interlock | LifeSafer | |

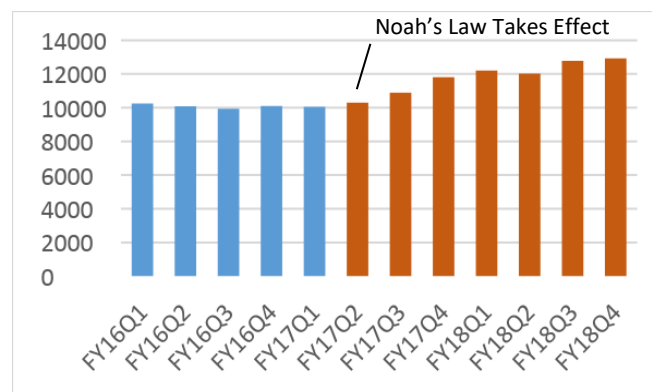
By regulation, all service providers must install a device for eligible participants within 10 days of a request and provide a toll-free 24-hour emergency response number for participants. The cost to install an ignition interlock device ranges from \$150 to \$200, depending on the provider. Average cost for monthly monitoring ranges from \$65 to \$90; these costs are comparable to fees charged by providers in other states. Participants can request an administrative program fee waiver and/or reduced provider fees if they meet certain eligibility requirements.

Program Participation

Maryland’s Ignition Interlock Program monitors thousands of participating drivers each year. The total number of drivers in the program fluctuates daily, as new drivers enter the program and others complete the program or are removed from the program for noncompliance. The numbers of unique drivers with one or more active Ignition Interlock Program referrals are tracked on a quarterly basis as well as annually.

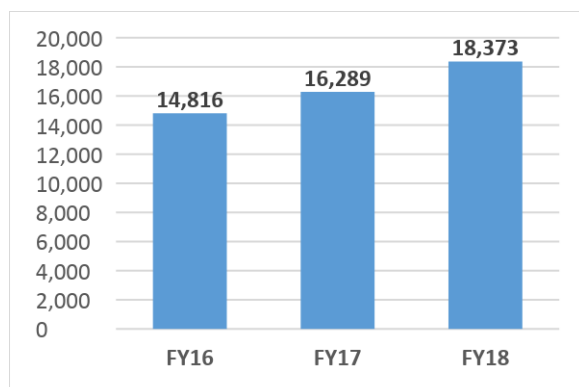
As shown in Figure 8, the number of participants (by quarter) increased following the implementation of Noah’s Law in Quarter 2 of FY 2017. As shown in Figure 9, the total number of program participants increased by 12.8 percent in FY 2018 to 18,383, up from 16,289 in FY 2017. These increases in participation occur during a period when the total number of Orders of Suspension received by MDOT MVA actually decreased, from 19,887 in FY 2016 to 19,130 in FY 2017.

FIGURE 8: INTERLOCK PROGRAM QUARTERLY PARTICIPATION, FY2016 - FY2018



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

FIGURE 9: INTERLOCK PROGRAM ANNUAL PARTICIPATION (UNIQUE PARTICIPANTS), FY2016 - FY2018



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

Program Referral Sources

Individuals are referred to the Ignition Interlock Program for a range of reasons – for administrative per se violations, as a result of an impaired driving conviction, or as a requirement of the reinstatement of driving privileges that have been revoked. Many drivers are referred to the program from more than one source and it is common for drivers to have multiple referrals that are active at the same time. For example, a driver can have an active referral after opting into the program for an administrative per se offense and have a second or third active referral arising from a conviction arising from the same incident, or points assigned to their driving record as a result of the conviction.

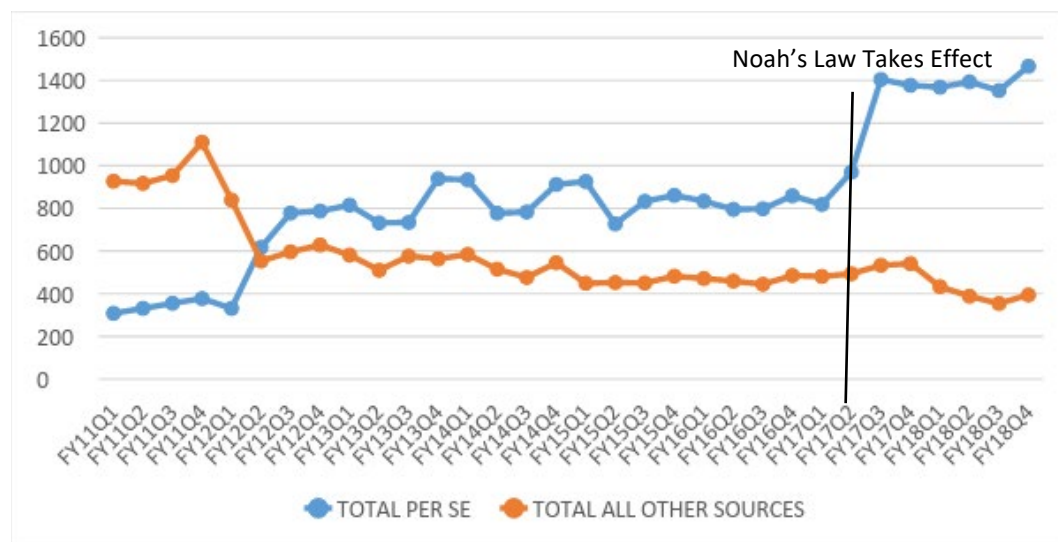
Administrative Per Se Program Referrals

A major change under Noah’s law was the significant strengthening of administrative suspensions for per se violations, making participating in the Ignition Interlock Program a more attractive alternative to serving a longer suspension period. Sanctions for per se violations take effect on the 46th day after the date of violation, unless the customer requests a hearing or opts into the Ignition Interlock Program. By contrast, on average, convictions for impaired driving citations occur 190 days after arrest. Customers that opt in for a per se violation typically enter the program significantly sooner than if they enter only after a conviction.

In FY 2018, 7,152 drivers participated in the Ignition Interlock Program for the first time, up from 6,579 in FY 2016, an increase of 8.7 percent. This follows a nearly 40% increase in FY 2017 over FY16 levels. Evaluating how drivers first enter the Ignition Interlock Program provides insight into how changes under Noah’s Law influence their decision whether to participate in the program and when.

Figure 10 shows the levels of first-time participation, comparing administrative per se referrals to referrals from all other sources (e.g. court referral or as a requirement of license reinstatement) from FY 2013 to FY 2018. The number of first-time Ignition Interlock Program customers entered with a per se referral increased 40 percent in FY 2018 over FY 2017 levels. The greatest increase occurred after the implementation of Noah’s Law.

FIGURE 10: FIRST REFERRAL SOURCE OF NEW PARTICIPANTS BY FISCAL QUARTER, FY 2013 – FY 2018



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

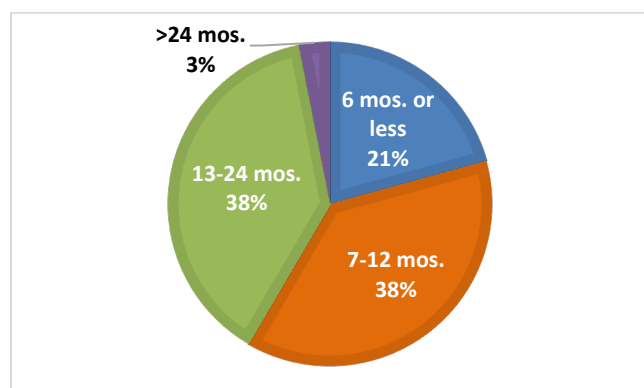
Post-Conviction Program Referrals

In addition to the increase in administrative per se sanctions, Noah’s Law expanded the mandates for program participation by drivers convicted of: Driving Under the Influence (DUI); Driving While Intoxicated (DWI) while transporting a minor under the age of 16; DWI with an initial breathalyzer refusal; or homicide or life-threatening injury by motor vehicle while DUI or DWI. The decline in numbers of impaired driving arrests, citations issued, and the percentage of drivers found guilty of those offenses has resulted in fewer drivers being subject to these mandates.

Length of Participation

Figure 11 shows the length of time participants were enrolled in the Ignition Interlock Program. More than half of the participants spent one year or less in the program. Forty-four percent of drivers were either assigned to the program for more than one year or had their original assignment period extended beyond one year due to program violations or subsequent impaired driving offenses. Repeat offenders can be referred to the Ignition Interlock Program for terms of up to three years.

FIGURE 11: LENGTH OF COMPLETED IGNITION INTERLOCK ASSIGNMENTS, FY 2018

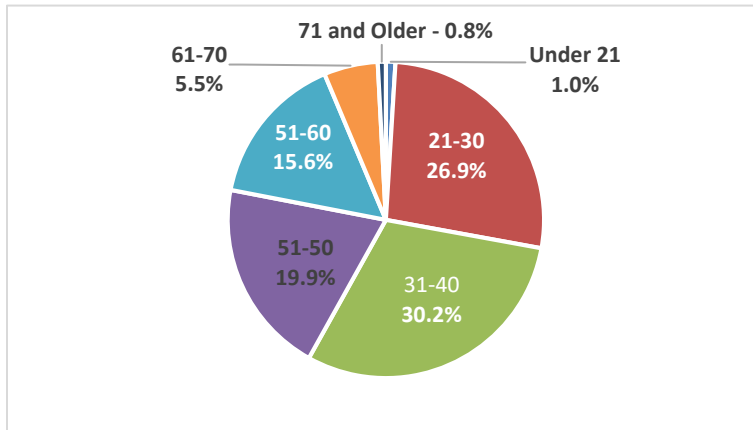


Source: MDOT MVA Document Imaging and Workflow System

Participant Demographics

More than half of the individuals who participated in the Ignition Interlock Program in FY 2018 were between the ages of 21 and 39 and more than three-quarters of program participants were age 59 years or younger, as shown in Figure 12. Among all age categories, most participants were male. Individuals who are arrested and enrolled in the Ignition Interlock Program are more likely to be 30 years of age or older, compared to drivers who were arrested but who did not enroll in the program.

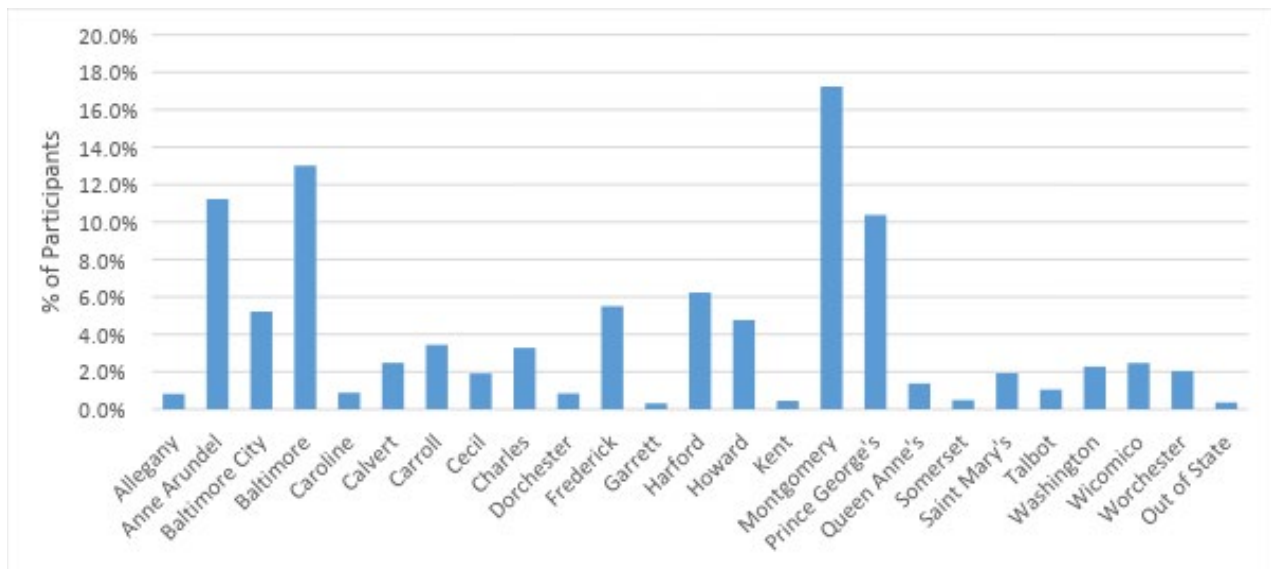
FIGURE 12: AGE OF INTERLOCK PARTICIPANTS, FY 2018



Source: MDOT MVA Document Imaging and Workflow System and Mainframe data

Figure 13 shows the jurisdiction of residence of Ignition Interlock Program participants. More than 50 percent of the participants in the program in FY 2018 resided in Anne Arundel, Baltimore, Montgomery, and Prince George's counties.

FIGURE 13: JURISDICTION OF RESIDENCE FOR IGNITION INTERLOCK PROGRAM PARTICIPANTS, FY 2018



Source: MDOT MVA Document Imaging and Workflow System

Participation Requirements

Once enrolled in the Ignition Interlock Program, drivers are required to report to their service provider every 30 days to have the ignition interlock device calibrated and so that data captured from the device can be downloaded. Failure to report for calibration and service, as required, can result in removal from the program and suspension of the driver's license.

Violations of the Ignition Interlock Program rules and requirements include, but are not limited to the following:

- Failure to have the ignition interlock device installed and obtain a Maryland driver's license restricted to the operation of vehicles equipped with an ignition interlock device;
- Failure to appear for the required monthly monitoring visit;
- Operating a motor vehicle not equipped with a functioning ignition interlock device approved for use in the program;
- Failure to abide by the terms and conditions of the service agreement with the ignition interlock service provider, including payment of all costs and fees associated with the program;
- Tampering with, bypassing, or otherwise removing or rendering inoperable the ignition interlock device, or allowing someone else to do the same;
- Attempting to start or operate the vehicle with BAC greater than 0.025;
- Failure to submit to retests after starting the car; and
- Any license suspension or revocation imposed while participating in the program.

Consequences of Program Violations

Each time a driver has one or more violations during a monitoring period, after review by Ignition Interlock Program staff, they are notified of the violation and their participation period is extended by one month. If there is a fourth monitoring period with a violation, the driver is removed from the program and the original licensing sanction is imposed.

In FY 2018 1,797 drivers were removed from the Ignition Interlock Program for noncompliance, up from 1,293 in FY 2017. If a driver is removed from the program, they may re-enter the program for the duration initially assigned after a minimum suspension period of 30 days. In FY 2017, 478 drivers re-entered the program after having been removed for noncompliance.

The Ignition Interlock Program continues to stop customers from driving after consuming alcohol. In 2017, more than 3,200 drunk driving trips were prevented when an ignition interlock device stopped a driver from starting their vehicle when their breath alcohol concentration was above the legal limit. Also, in 2017, more than 7,000 drivers had ignition interlock violations where the breath sample was collected and the value was greater than 0.025 BAC.

Completing the Program

A participant is considered to have successfully completed the program when MDOT MVA receives certification from the service provider that there were no violations in the final three months of their

assignment. To successfully complete the program, participants may not have any of the following violations in the three months prior to completion:

- An attempt to start the vehicle with a BAC of 0.04 or more unless a subsequent test is performed within 10 minutes that registers a BAC lower than 0.04 g/dL;
- Failure to take or pass a random test with a BAC of 0.025 or lower unless a subsequent retest performed within 10 minutes registers a BAC lower than 0.025 g/dL; or
- Failure to appear at the approved service provider when required for maintenance, repair, calibration monitoring, inspection or replacement of the device causing the device to cease to function.

Any violations meeting these criteria in the last three months of an assignment extends the participation end date to three months from the date of the violation.

Once the driver has successfully completed the required participation period, including any extensions, the driver must bring their vehicle to their ignition interlock service center for a final data download. If no violations are noted, MDOT MVA mails a letter of successful completion to the driver. The driver can take this completion letter to any MDOT MVA branch office to receive a new, unrestricted license; the driver can then have the ignition interlock device removed from their vehicle.

In FY 2018, 5,575 drivers successfully completed their assignments to the program with no new assignments in the fiscal year, up from 4,307 in FY 2017, an increase of nearly 30 percent.

Credit for Successful Completion

Under the provisions of Noah's Law, a driver can receive credit for successful participation in the Ignition Interlock Program for an administrative per se offense. If the driver is subsequently convicted of an impaired driving offense and, as a result, is required to participate in the Ignition Interlock Program, the driver receives credit for participation for the administrative per se offense, if they successfully completed their referral. This offers additional incentive for drivers to voluntarily participate in lieu of serving an administrative per se suspension. More than 3,505 Interlock customers have received credit for successful per se participation.

Post-Interlock Outcomes

Table 5 identifies the type and frequency of citations that were issued to Ignition Interlock Program participants (enrolled 2012 to 2017) after their exit from the program, either upon successful completion or for removal for noncompliance. The most common violations were for impaired driving, speeding and driving while suspended or revoked.

TABLE 5: MOST COMMON CITATIONS ISSUED AFTER EXITING THE IGNITION INTERLOCK PROGRAM (ENROLLEES FROM 2013-2017)

| Offense | Number of Citations Issued | Percentage of All Citations Issued |
|------------------------------------|----------------------------|------------------------------------|
| Impaired Driving | 9,224 | 15.04% |
| Speeding | 7,726 | 12.59% |
| Driving while Suspended or Revoked | 6,117 | 9.97% |
| Red Light Violation | 2,414 | 3.93% |
| Safety Belt Use | 2,031 | 3.31% |
| Handheld Cell Phone | 1,387 | 2.26% |

The 9,224 impaired driving citations in Table 5 were issued during 3,586 arrests from 2012-2017. The timelines for those arrests are shown in Table 6. Slightly more than one-third of the arrests occurred in the first year after the driver exited the Ignition Interlock program. The majority of subsequent impaired driving arrests occurred more than one year after the participant exited the program.


TABLE 6: IMPAIRED DRIVING ARRESTS AFTER EXITING THE IGNITION INTERLOCK PROGRAM (ENROLLEES FROM 2012-2017)

| | | |
|--|------------------|-------------------|
| Impaired Arrests | 3,586 | |
| Impaired Citations Issued | 9,224 | |
| Time to Arrest | Frequency | Percentage |
| Less than 1 month (0-30 days) | 79 | 2.20% |
| 1-6 months (31-180 days) | 517 | 14.42% |
| 6-12 months (181-365 days) | 629 | 17.54% |
| 1-2 years (366-730 days) | 972 | 27.11% |
| 2-4 years | 1,114 | 31.07% |
| 4-6 years | 275 | 7.67% |
| Source: National Study Center for Trauma and Emergency Medical Systems at the University of Maryland School of Medicine, based on District Court of Maryland Data. | | |

Conclusion

Drug- and alcohol-impaired driving continues to be a threat to the health and safety of Marylanders. From 2013 to 2017, there were an average of 160 fatalities and 356 serious injuries related to impaired driving crashes in Maryland each year. These figures represent an increase in fatalities from the 2012 to 2016 average of 156 fatalities, but a decrease in serious injuries, down from 424 serious injuries on average between 2012 to 2016.

Impaired drivers continue to shatter the lives of innocent people and their families, causing irreparable damage and death. Noah's Law continues to have an impact on Maryland's Ignition Interlock Program and is helping to keep drunk drivers off the road. Ignition interlock is one of Maryland's most important tools to keep known drunk drivers from getting behind the wheel and operating a motor vehicle.



Research continues to show that ignition interlock is effective in reducing the likelihood of subsequent drunk driving arrest and impaired driving crashes while ignition interlock is installed. However, once the ignition interlock device is removed, drivers are again at risk for repeated drunk driving. Maryland continues to identify and implement new and more effective means to combat impaired driving, especially by repeat offenders, to reduce the harm caused by these crimes on Maryland communities and families.