



Maryland's Ignition Interlock Program

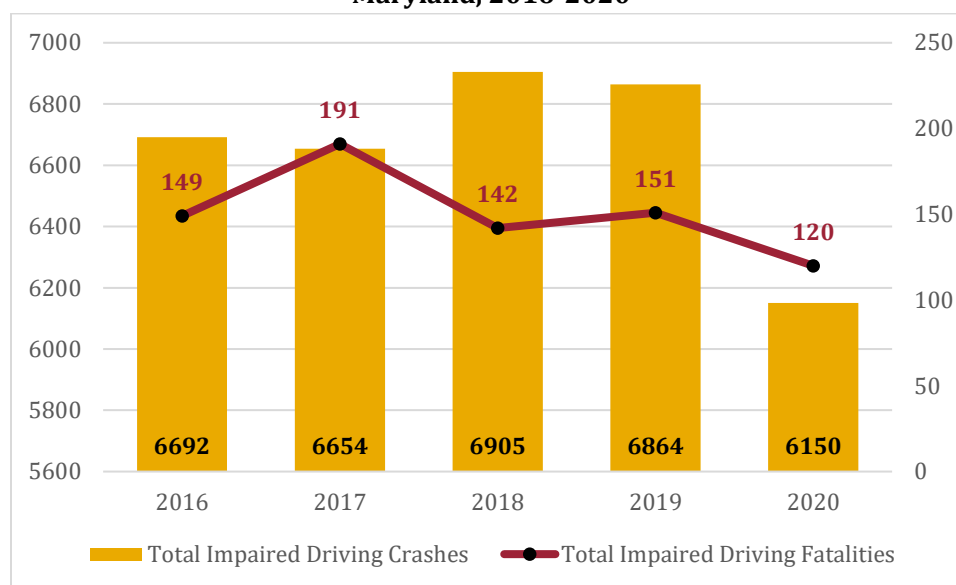
Status Report FY2021



Introduction

Drunk and drug-impaired drivers cause irreparable harm to individuals, families, and communities. Each year in Maryland, on average, there are more than 6,600 police-reported crashes involving drugs and/or alcohol that result in more than 3,000 injuries and 150 fatalities. While impaired driving crashes fell in 2020 compared to prior years, this decrease is largely attributable to changes in behavior and circumstances related to the COVID-19 State of Emergency.

Figure 1. Alcohol- and/or Drug-Involved Crashes and Fatalities in Maryland, 2016-2020



Source: MDOT MVA Maryland Highway Safety Office

Drunk and drugged driving continues to be one of Maryland's most devastating highway safety problems. To combat this problem, Maryland uses a range of mutually supportive approaches, including strict laws, license sanctions, remediation programs, high-visibility law enforcement and public education and outreach.

Maryland's Ignition Interlock Program (IIP) is a key strategy in the state's fight against impaired driving. Research continues to find that ignition interlock devices, which require the driver to pass a breath test before starting a vehicle, are effective in reducing recidivism by impaired drivers and ignition interlock laws are associated with reductions in alcohol-involved fatal crashes¹.

¹ See Teoh, Eric R., James C. Fell, Michael Scherer, and Danielle ER Wolfe. "State alcohol ignition interlock laws and fatal crashes." *Traffic injury prevention* 22, no. 8 (2021): 589-592.; Le, Thanh Q., Tara Casanova Powell, John Mark Lucas, and Robert Scopatz. Evaluation of Minnesota's Ignition Interlock Program. No. 19-02894. 2019; McCartt, Anne T., William A. Leaf, and Charles M. Farmer. "Effects of Washington State's alcohol ignition interlock laws on DUI recidivism: An update." *Traffic injury prevention* 19, no. 7 (2018): 665-674; McGinty, Emma E. *American Journal of Preventative Medicine*, "Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982-2013," January, 2017;

In Fiscal Year (FY) 2021, Maryland’s IIP prevented more than 3,700 attempts to start or operate a vehicle where the driver’s blood alcohol concentration² (BAC) was greater than 0.08 grams of alcohol per deciliter of blood (g/dL) – the legal limit in Maryland.

Impaired Driving Arrests in Maryland

High-visibility impaired driving enforcement is critical to identifying and arresting drunk drivers and deterring others from driving impaired. From 2016 to 2020, more than 93,000 impaired driving arrests were made in Maryland and more than 250,000 criminal citations issued. The total number of impaired driving arrests trended downward from 2016 to 2019 and decreased significantly in 2020 due in large part to circumstances associated with the COVID-19 pandemic.

Table 1: Impaired Driving Arrests and §21-902 Citations, CY 2016 – 2020

	2016	2017	2018	2019	2020
Arrests	21,589	19,510	19,013	19,163	14,097
Citations	58,079	52,102	50,171	51,677	38,022
Source: University of Maryland Baltimore/STAR-ORC/NSC using District Court of Maryland data					

Typically, at the time of an impaired driving arrest, but before a chemical test for alcohol is offered, the suspected impaired driver is advised on their rights and presented with an *Advice of Rights*, Form DR-15. The DR-15 describes the potential administrative sanctions that may result from a positive alcohol test above the legal limit, and for refusing the chemical test. It also advises drivers of the option to participate voluntarily in the IIP.

According to Maryland State Police (MSP) summary report data for 2020, nearly 40 percent of drivers that were offered a chemical breath refused. Of the drivers who agreed to the test, more than 70 percent had a BAC levels above the legal limit and 38 percent of these had BAC levels of 0.15 or higher.

Table 2. Chemical Testing for §21-902 (a) and (b) Offenses, 2016-2020

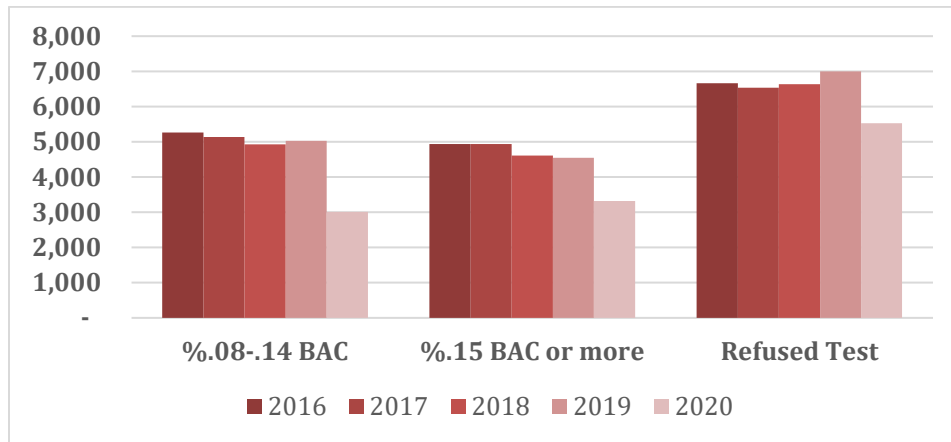
	2016	2017	2018	2019	2020
Drivers Offered Test	19,326	18,954	18,762	18,983	14,132
Drivers Tested	12,661	12,421	12,123	11,979	8,605
Drivers Refused Test	6,665	6,537	6,639	7004	5,527
Refusal Rate	34.5%	34.5%	35.4%	36.9%	39.1%

² 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.

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

As shown in Figure 2, in 2020, the number of test results between 0.08 and 0.14 BAC fell by 40 percent. In comparison, number test results at or above 0.15 BAC and the number of drivers who refused a chemical test decreased by 27 and 21 percent respectively. While all test result groups decreased, in part, as a side effect of the COVID-19 pandemic, the comparatively larger decrease among the lower BAC result group is notable.

Figure 2. Driver Chemical Test Results and Test Refusals, 2016 - 2020



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

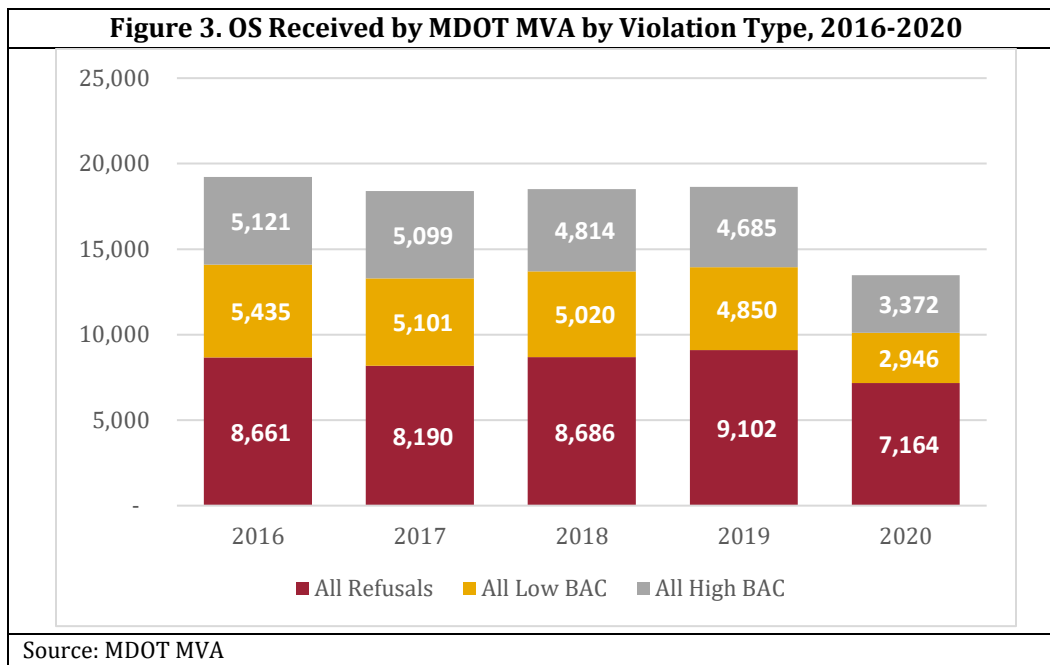
Drivers who consent to a chemical test and whose test results indicate a BAC of 0.08 or higher, or who refuse a chemical test are issued an administrative *Order of Suspension* (OS) and a copy is sent to Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA). The driver will also be issued criminal citations by law enforcement officers for one or more impaired driving offenses under Transportation Article §21-902, depending on the circumstances.

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

Administrative Sanctions under §16-205.1

On average, MDOT MVA receives more than 17,000 OS each year. Each Order 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. The number of OS received significantly influences the number of new participants entering the program.

Figure 3 summarizes the number of OS received by MDOT MVA between 2016 and 2020, by violation type. The number of OS received by MDOT MVA for BAC violations (test results of 0.08 or higher) decreased from 9,535 in 2019 to 6,318 in 2020, a decrease of 35 percent. The total number of OS received for test refusals also decreased during the same period, but by a more modest 21 percent.

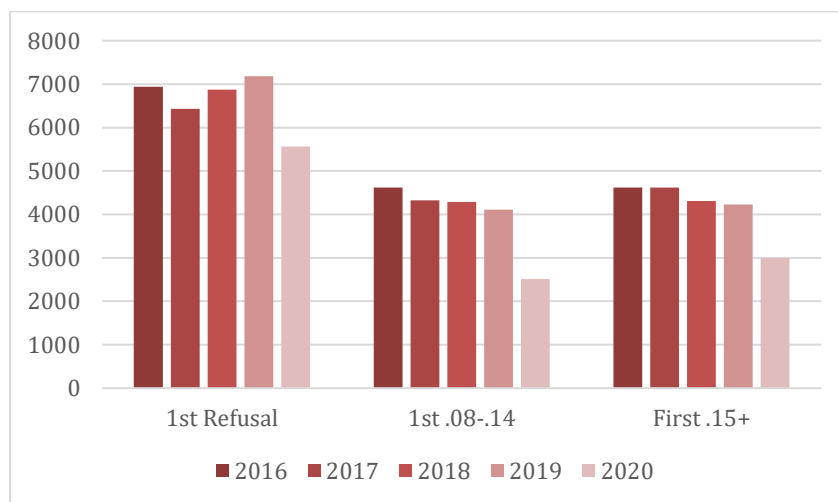


Sanctions that apply to Administrative Per Se violations depend on chemical test results (or refusal) and whether it is a first violation or a second or subsequent violation, with greater sanctions applied to repeat offenses, high BAC or test refusal.

OS Issued for First Admin Per Se Violations

Among first administrative per se violations, total BAC violations (all test results of 0.08 or higher) declined from 8,339 in 2019 to 5,511 in 2020, a decrease of 34 percent. First test refusal violations decreased by 23 percent by comparison, from 7,185 in 2019 to 5,560 in 2020, as shown in Figure 4.

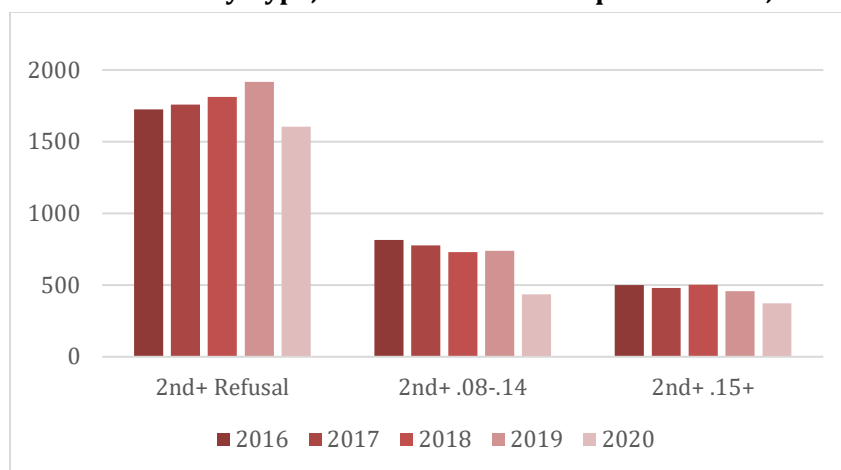
Figure 4: OS Received by Type, as a First Offense, 2016 – 2020



Second or Subsequent Admin Per Se Violations

Among administrative per se violations that were second or subsequent offenses, BAC violations decreased from 1,196 in 2019 to 807 in 2020, a decrease of 33 percent. The number of test refusal violations also decreased, from 1,917 in 2019 to 1,604 in 2020, a decrease of just 16 percent, as shown in Figure 5.

Figure 5: OS Received by Type, as a Second or Subsequent Offense, 2016 – 2020



Source: MDOT MVA

Administrative Hearings

Once an *Order of Suspension* has been issued, a driver has 30 days to request an administrative hearing. If the driver requests a hearing within 10 days, the suspension is stayed until the hearing. If a hearing is requested after ten days, or a hearing is not requested 30 days, the driver’s license is suspended on 46th day after the *Order of Suspension* was issued.

Table 3 shows the number of admin per se cases heard by the Office of Administrative Hearings (OAH) in FY 2021 and the percentage of cases that result in an assignment to the IIP. In cases involving lower BAC, where the Judge may grant a licensure restricted to work/health/treatment purposes, assignments to IIP are low. A restricted license may not be granted for higher BAC or test refusal cases, and the IIP referral rate for these offenses is significantly higher.

Table 3. OAH Hearings for Admin Per Se Offenses and Percentage Assigned to IIP

Offense Type		Total Cases	Percentage Assigned to IIP
0.08-0.14 BAC	First Offense	2,921	5%
	2nd or Subsequent Offense	330	15%
0.15 BAC or Greater	First Offense	771	69%
	2nd or Subsequent Offense	72	78%
Test Refusal	First Refusal	1,855	58%
	2nd or Subsequent Refusal	317	57%

Source: MDOT MVA

Opting-in to Ignition Interlock for Administrative Violations

Drivers who have been issued an Order of Suspension, if eligible, can maintain their driving privilege by opting-in to the IIP, in lieu of serving a license suspension, without a hearing. The length of the participation is determined by the type of offense. The number of drivers electing to participate in the IIP for Admin Per Se offenses increased significantly after the *Drunk Driving Reduction Act of 2016*, also known as Noah’s Law, took effect in October 2016. This law significantly increased the length of suspension periods for most Per Se violations, making participation in IIP a more attractive option.

If a driver elects to participate, they will be enrolled in the Ignition Interlock Program for:

- 180 days, if the chemical test indicated a BAC of at least 0.08 but less than 0.15,
- 1 year, if the chemical test indicating a BAC of 0.15 or higher, or
- 1 year if the driver refused to submit to the chemical test.

If the driver successfully completes their term of participation for an admin per se offense, they are eligible to receive credit toward future IIP assignments arising from the same arrest.

Citations and Court Dispositions

On average, each impaired driving arrest results in two to three citations being issued to the driver. In the past five years, nearly 270,000 impaired driving citations have been issued in Maryland.

Table 5 shows final case dispositions for citations issued from 2016 to 2020 for each type of §21-902 violation by year. With 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 2,312 in 2016 to 1,305 in 2019.

Table 5: Impaired Driving Citation Dispositions by Offense Type and Year, CY 2016-2020

		2016	2017	2018	2019	2020*
§21-902(a) Driving Under the Influence of Alcohol	Guilty	2,312	2,046	1,756	1,614	799
	PBJ	4,415	4,153	3,903	3,555	1,758
	Other	4,817	3,999	3,709	4,166	5,257
§21-902(b) Driving While Impaired by Alcohol	Guilty	2,390	2,262	2,241	1,992	938
	PBJ	4,612	4,422	4,417	4,454	2,345
	Other	535	481	545	463	509
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol	Guilty	299	256	276	344	201
	PBJ	288	297	366	369	275
	Other	675	479	613	642	880
§21-902(d) Driving While Impaired by Controlled Dangerous Substance	Guilty	129	166	141	194	132
	PBJ	105	113	154	177	104
	Other	254	221	282	309	453
Source: University of Maryland Baltimore/STAR-ORC/NSC using District Court of Maryland data. *Dispositions for 2020 are incomplete and subject to change due to long timelines for hearings and final dispositions						

About Maryland's Ignition Interlock Program

Maryland's IIP, established in 1989 -- 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 IIP staff for review and appropriate action. Today's IIP is fully automated, which allows the MVA to efficiently monitor participants and take action against 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, ignition interlock devices used in Maryland must be equipped 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. Images are reviewed by IIP staff as a part of the normal case audit process, in a random-sample audit of images received, and in the review of violations sent to case managers for assessment.

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

Alcohol Detection Systems	Draeger Interlock	Guardian Interlock
Intoxalock	LifeSafer	Low Cost Interlock
Sense-O-Lock	Smart Start Interlock	

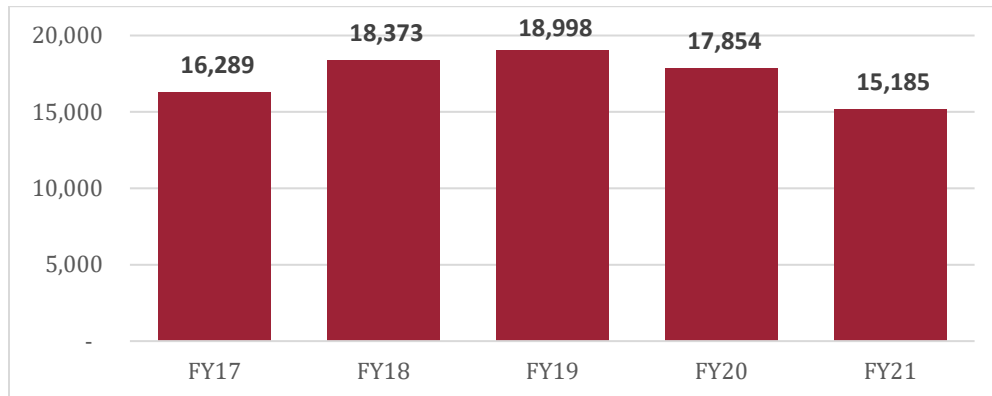
By regulation, all service providers must install a device for eligible participants within 10 days of a request and provide a toll-free 24-hour emergency response number for participants. The cost to install an ignition interlock device typically range from approximately \$70 to \$150, depending on the provider. Many providers offer discounts for fees associated with initial installation and account set up. Average cost for monthly monitoring ranges from approximately \$75 to \$100; 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.

Ignition Interlock Program Participation

Maryland's IIP 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 IIP referrals are tracked on a quarterly basis as well as annually.

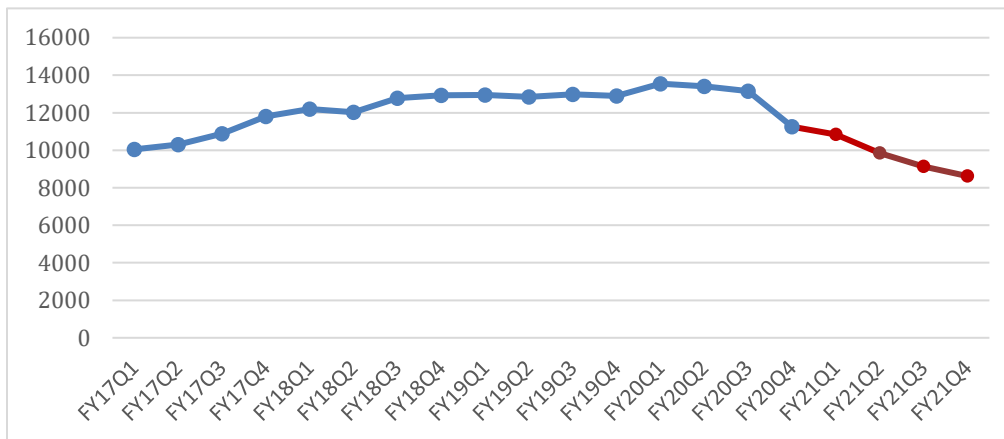
As shown in Figure 7, the total number of program participants decreased in FY 2021 to 15,185, down from 17,854 in FY 2020. As shown in Figure 8, participation decreased at an even rate across the year. These decreases were expected as fewer arrests and convictions led to fewer new drivers entering the program.

Figure 7. Interlock Program Annual Participation (Unique Participants), FY2017 - FY2021



Source: MDOT MVA

Figure 8. Soundexes with Active Interlock Referrals by Fiscal Quarter, FY 2017 - FY 2021



Source: MDOT MVA

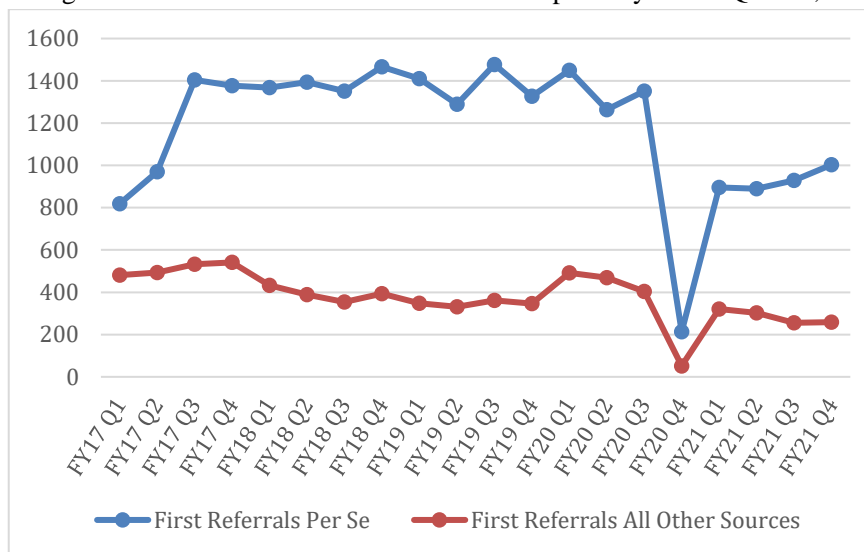
Administrative Per Se Program Referrals

In FY 2021, 4853 drivers participated in the Ignition Interlock Program for the first time, down from 5,694 in FY 2020, a decrease of nearly 15 percent.

Figure 9 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 2017 to FY 2021. The number of first-time Ignition Interlock Program customers entered with a Per Se referral significantly increased following the implementation of Noah's Law in Q2 of FY 2017. State Operational closures due to the COVID-19 State of Emergency significantly impacted first-time

enrollments in the last quarter of FY 2020. The number of first-time participants increased after the last quarter of FY 2020 but remained lower than pre-pandemic levels through FY 2021.

Figure 9: First Referral Source of New Participants by Fiscal Quarter, FY 2017 – FY 2021



Source: MDOT MVA

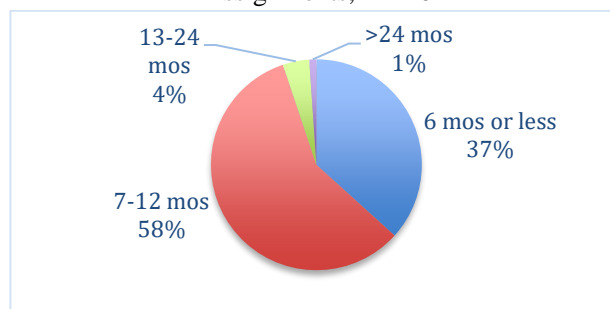
Post-Conviction Program Referrals

In addition to opting into the IIP for administrative per se violations, drivers are referred to the program for a number of other reasons – as a result of an impaired driving conviction, as a term of probation mandated by a Maryland court, 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 for points assigned to their driving record as a result of the conviction.

Length of Participation

Figure 10 shows the length of time participants who completed the program were enrolled in the IIP. More than half of the participants spent one year or less in the program. The majority of IIP referrals completed in FY were between 7 and 12 months. Repeat offenders can be referred to the IIP for terms of up to three years.

Figure 10: Length of Completed Ignition Interlock Assignments, FY 2021



Source: MDOT MVA

Participation Requirements

To be eligible to participate, a driver must meet the following conditions:

1. The driver's license cannot be suspended, revoked, canceled, or refused for other offenses;
2. The driver must have an ignition interlock system installed in their vehicle by an approved Service Provider;
3. The driver must take the proof of installation to any full-service MVA office and surrender their valid Maryland driver's license or sign a certified statement that the license is not in their possession. The driver will then be issued a non-commercial Maryland driver's license restricted to the operation only of vehicles equipped with an ignition interlock device (a "J" restriction).
4. If the driver has a commercial driver's license, the driver will be downgraded to a non-commercial driver's license

Once enrolled in the IIP, drivers are required to report to their service provider every 30 days to have the ignition interlock device calibrated and so the data captured from the device can be downloaded. Failure to report for required calibration and service 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 participant has one or more violations during a monitoring period, they are sent a letter of notification, and their required time in the program is extended by one month. If there is a fourth monitoring period containing a violation, the participant is terminated from the program, and the original suspension or revocation is imposed.

In FY 2021 2,172 drivers were removed from the IIP for noncompliance and did not reenter the program, down from 2,450 in FY 2020. 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. Since 2011, approximately 3,400 drivers have re-entered the program after having been removed for noncompliance.

The IIP continues to stop customers from driving after consuming alcohol. In FY 2021, more than 3,700 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 FY 2021, more than 6,300 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 g/dL 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 g/dL 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 receiving a new, unrestricted license; the driver can then have the ignition interlock device removed from their vehicle.

In FY 2021, 5,818 drivers successfully completed their assignments to the program with no new assignments in the fiscal year, down from 6,815 in FY 2020, a decrease of approximately 15 percent.

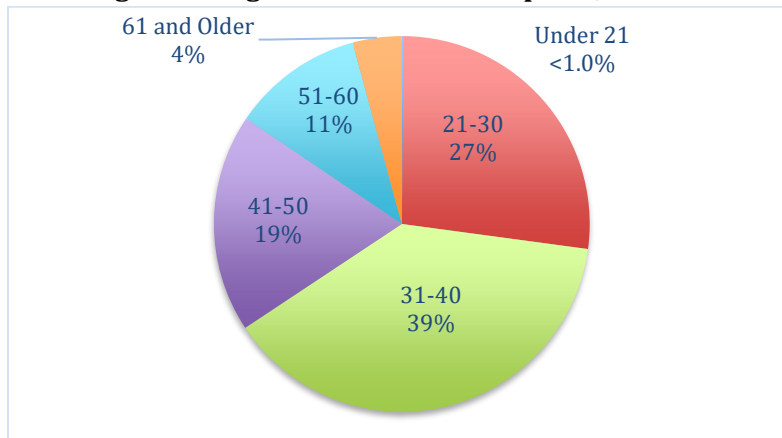
Credit for Successful Completion

A driver can receive credit for successful participation in the IIP for an administrative per se offense. If the driver is subsequently convicted of an impaired driving offense related to the same incident and is required to participate in the IIP, the driver receives credit for their 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. To date, more than 12,000 Interlock customers have received credit for successful per se participation.

Participant Demographics

More than half of the individuals who participated in the Ignition Interlock Program in FY 2020 were between the ages of 21 and 40. In addition, more than three-quarters of program participants were age 50 years or younger, as shown in Figure 11. Among all age categories, nearly 80 percent of participants were male.

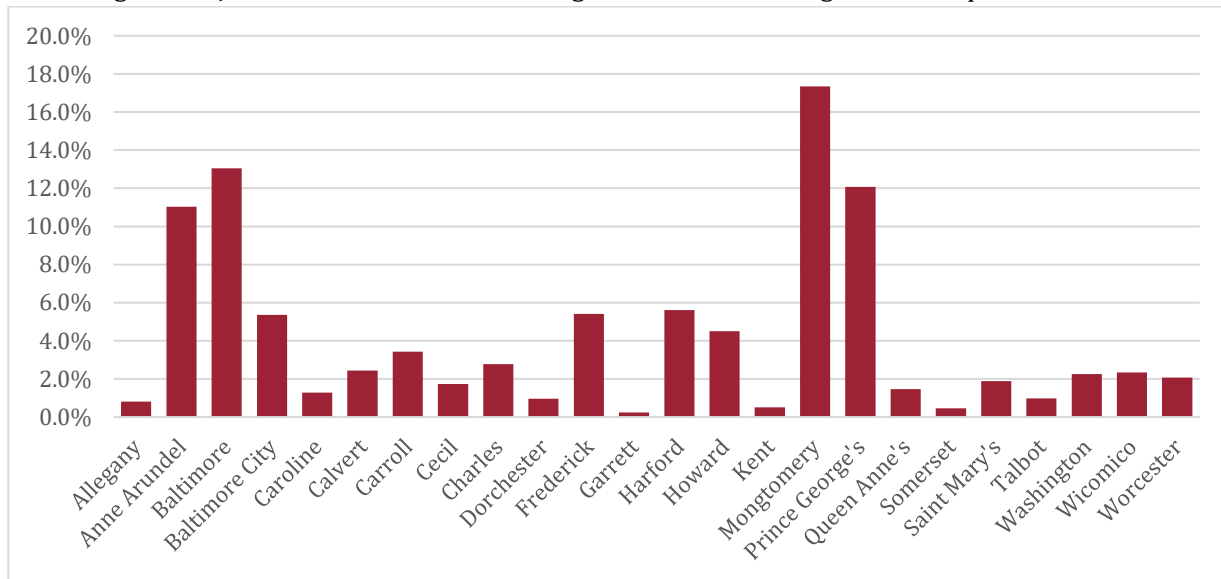
Figure 11: Age of Interlock Participants, FY 2020



Source: MDOT MVA

Figure 12 shows the jurisdiction of residence of Ignition Interlock Program participants. Consistent with prior years, more than 50 percent of the participants in the program in FY 2021 resided in Anne Arundel, Baltimore, Montgomery, and Prince George’s counties.

Figure 12: Jurisdiction of Residence for Ignition Interlock Program Participants, FY 2021




Source: MDOT MVA

Conclusion

Maryland has a goal of reaching zero fatalities on our roadways by 2030, and impaired driving remains one of the State’s most persistent highway safety challenges. Over the past five years in Maryland, more than 800 people have been killed in crashes involving an impaired driver and deaths resulting from impaired driving crashes amount to about a third of all roadway fatalities.

Maryland’s Ignition Interlock Program remains an important part of the state’s comprehensive approach to reducing impaired driving crashes and the devastating impact these crashes have on families and



communities. Each year, the IIP prevents thousands of attempts to drive while impaired by alcohol, while allowing responsible participants to continue to drive.

Despite the impacts of the COVID-19 State of Emergency on program participation, ignition interlock devices continue to protect travelers on Maryland's streets and highways.

To learn more about Maryland's highway safety programs, see <https://zerodeathsmd.gov/>