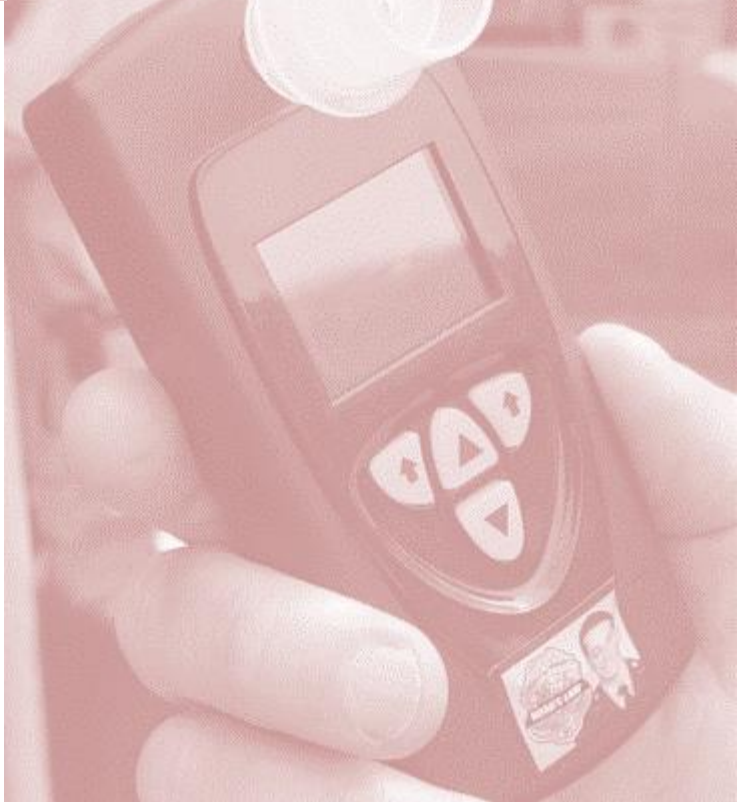




Maryland's Ignition Interlock Program

Status Report

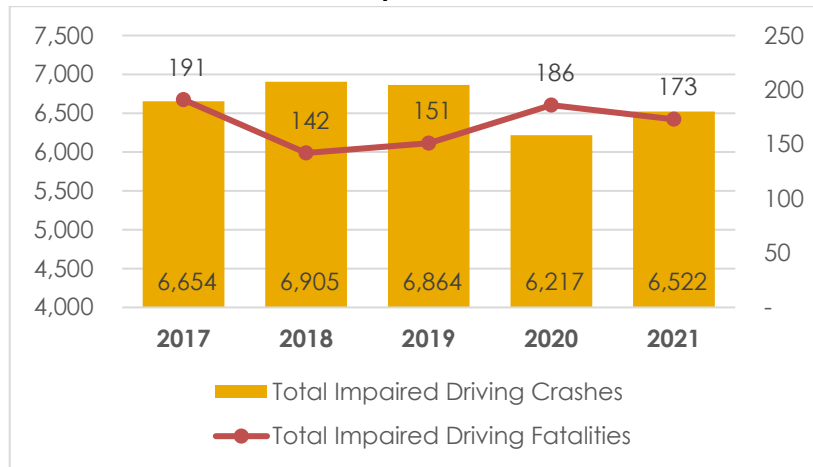
FY 2022



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 nearly 3,000 injuries and 170 fatalities. Total impaired driving crashes increased approximately 5 percent from 2020 to 2021, while related fatalities decreased by nearly 7 percent during the same interval.

Figure 1. Alcohol- and/or Drug-Involved Crashes and Fatalities in Maryland, CY 2017-2021



Source: MDOT MVA Maryland Highway Safety Office

To combat Drunk and drugged driving, Maryland uses a range of mutually supportive countermeasures, 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.

In Fiscal Year (FY) 2022, Maryland's IIP prevented more than 3,650 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.

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;

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.

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 2017 to 2021, more than 86,000 impaired driving arrests were made in Maryland and more than 230,000 criminal citations issued. The total number of impaired driving arrests trended slightly downward from 2016 to 2019 and decreased significantly in 2020 due in large part to circumstances associated with the COVID-19 pandemic. While there were slight increases in arrests and citations in 2021, both remain significantly lower than 2019 and prior years.

Table 1: Impaired Driving Arrests and §21-902 Citations, CY 2017 – 2021

	2017	2018	2019	2020	2021
Arrests	19,510	19,013	19,163	14,097	14,855
Citations	52,102	50,171	51,677	38,022	38,535

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 2021, 42 percent of drivers that were offered a chemical breath refused. Of the drivers who agreed to the test, more than 74 percent had BAC levels above the legal limit and more than 40 percent of these had BAC levels of 0.15 or higher.

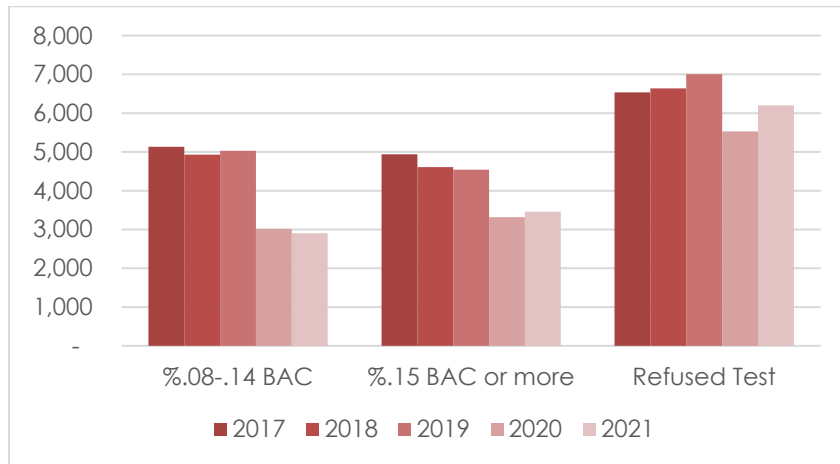
Table 2. Chemical Testing for §21-902 (a) and (b) Offenses, CY 2017-2021

	2017	2018	2019	2020	2021
Drivers Offered Test	18,954	18,762	18,983	14,132	14,769
Drivers Tested	12,421	12,123	11,979	8,605	8,568
Drivers Refused Test	6,537	6,639	7004	5,527	6,201
Refusal Rate	34.5%	35.4%	36.9%	39.1%	42.0%

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

As shown in Figure 2, in 2021, the number of test results between 0.08 and 0.14 BAC fell by 3.7% and remained significantly lower than 2019 and prior years. The number test results at or above 0.15 BAC increased by 4.3%. The number of drivers who refused a chemical test increased 12.2 percent over 2020 and are the only category to approach pre-pandemic levels.

Figure 2. Driver Chemical Test Results and Test Refusals, CY 2017 – 2021



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.

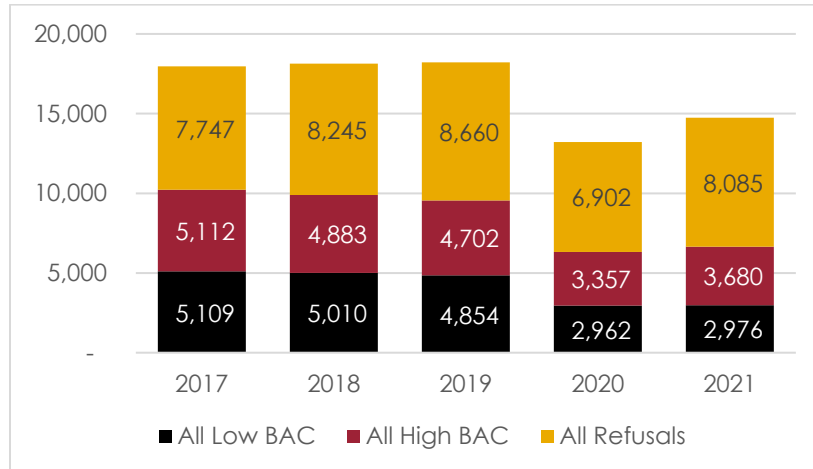
Drivers who consent to a chemical test but whose test results are less than 0.08 BAC are not issued an OS but may still be cited for impaired driving offenses, depending on the circumstances. Drivers with an alcohol restriction or who were operating a commercial vehicle with a test result of BAC of 0.04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

Administrative Sanctions under §16-205.1

On average, MDOT MVA receives more than 16,000 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 total 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 2017 and 2021, by violation type. After dropping significantly from 2019 to 2020, the number of OS received by MDOT MVA for BAC violations (test results of 0.08 or higher) increased only slightly from 6,319 in 2020, to 6,656 in 2021. In contrast, the total number of OS received for test refusals increased by 17 percent from 2020 to 2021.

Figure 3. OS Received by MDOT MVA by Violation Type, CY 2017-2021



Source: MDOT MVA

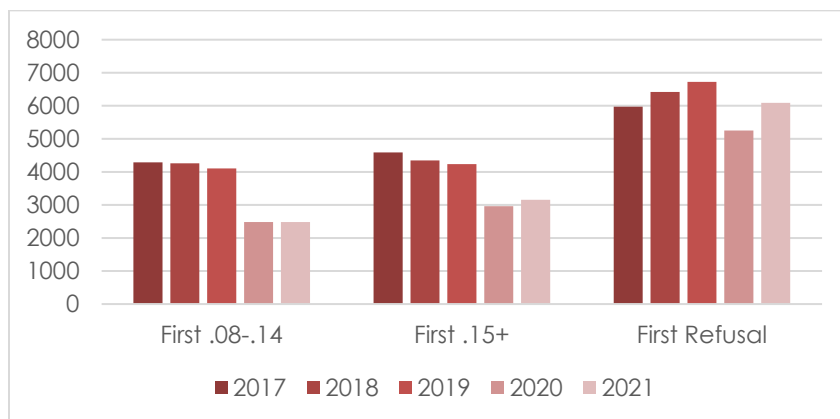
Sanctions that apply to Administrative Per Se violations depend on chemical test results (or refusal) and whether it is a first violation or a second or subsequent violation, with greater sanctions applied to repeat offenses, high BAC or test refusal.

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

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) increased slightly from 5,445 in 2020, to 5,636 in 2021. First test refusal violations increased by nearly 16 percent, from 5,252 in 2020 to 6,090 in 2021, as shown in Figure 4.

Figure 4: OS Received by Type, as a First Offense, CY 2017–2021

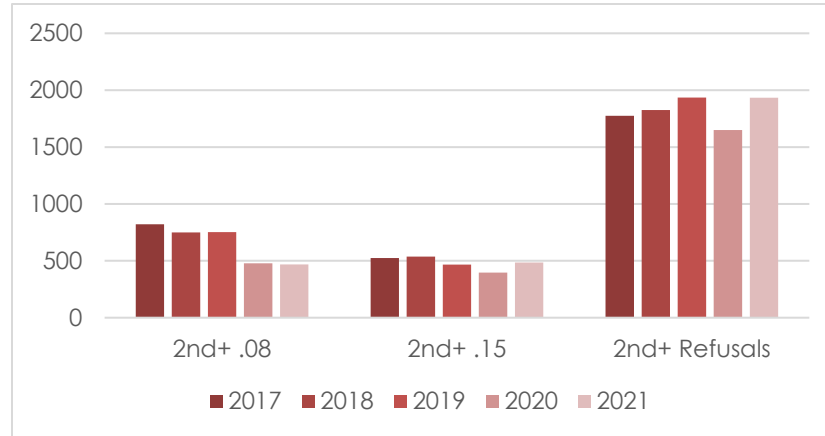


Source: MDOT MVA

Second or Subsequent Admin Per Se Violations

After falling by nearly one-third from 2019 to 2020, administrative per se violations that were *second or subsequent* offenses, BAC violations increased, from 874 in 2020 to 953 in 2021. The number of test refusal violations increased significantly, from 1,650 in 2020, to 1,934 in 2021, as shown in Figure 5.

Figure 5: OS Received by Type, as a Second or Subsequent Offense, CY 2017 – CY 2021



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 results of a study 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, FY 2021

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 230,000 impaired driving citations have been issued in Maryland.

Table 5 shows the status of citations issued from 2017 to 2021 for each type of §21-902 violation by year, based on District Court of Maryland data.

Table 5. Impaired Driving Arrests (21-902) Presented by Most Serious Disposition, CY 2017-2021

Violation		2017	2018	2019	2020	2021
§21-902(a) Driving Under the Influence of Alcohol (DUI)	Total Cases	10,839	9,994	9,660	7,056	8,590
	Open Cases	382	379	612	973	3,340
	Closed Cases	10,457	9,615	9,048	6,083	5,250
	Guilty	2,090	1,805	1,693	1,063	903
	PBJ	4,208	3,974	3,570	2,124	2,106
	Other Disposition*	4,159	3,836	3,785	2,896	2,241
§21-902(b) Driving While Intoxicated (DWI)	Total Cases	7,425	7,477	7,216	4,824	4,342
	Open Cases	25	31	47	87	301
	Closed Cases	7,400	7,446	7,169	4,737	4,041
	Guilty	2,303	2,301	2,109	1,328	1,113
	PBJ	4,504	4,518	4,568	3,038	2,628
	Other Disposition*	593	627	492	371	300
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol	Total Cases	1,118	1,314	1,421	1,412	1,290
	Open Cases	35	34	59	154	329
	Closed Cases	1,083	1,280	1,362	1,258	961
	Guilty	265	283	372	291	234
	PBJ	307	372	382	372	300
	Other Disposition*	511	625	608	595	427

§21-902(d) Driving While Impaired by Controlled Dangerous Substance	Total Cases	561	621	725	725	634
	Open Cases	10	14	28	76	153
	Closed Cases	551	607	697	649	481
	Guilty	169	146	208	179	134
	PBJ	118	159	184	140	109
	Other Disposition*	264	302	305	330	238

*Other dispositions include Not Guilty, Stet, Nolle Prosequi, Merged

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 6 shows the disposition as a percentage of all closed cases for citations issued from 2017 to 2021 by §21-902 violation type, based on District Court of Maryland data. Conviction rates for 21-902(a) offenses remained below 20 percent, the lowest among all offense types. Nearly two-thirds of 21-902(b) cases resulted in a disposition of Probation Before Judgement, significantly higher than for other offense types.

Table 6. Impaired Driving Arrests (21-902) Disposition Rates, CY 2017-2021

Violation		2017	2018	2019	2020	2021
§21-902(a) Driving Under the Influence of Alcohol (DUI)	Guilty	20%	19%	19%	17%	17%
	PBJ	40%	41%	39%	35%	40%
	Other Disposition	40%	40%	42%	48%	43%
§21-902(b) Driving While Intoxicated (DWI)	Guilty	31%	31%	29%	28%	28%
	PBJ	61%	61%	64%	64%	65%
	Other Disposition	8%	8%	7%	8%	7%
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol	Guilty	24%	22%	27%	23%	24%
	PBJ	28%	29%	28%	30%	31%
	Other Disposition	47%	49%	45%	47%	44%
§21-902(d) Driving While Impaired by Controlled Dangerous Substance	Guilty	31%	24%	30%	28%	28%
	PBJ	21%	26%	26%	22%	23%
	Other Disposition	48%	50%	44%	51%	49%

About Maryland's Ignition Interlock Program

Maryland's IIP, one of the nation's oldest, 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 sanction 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 US Interlock	Guardian Interlock
Intoxalock	LifeSafer	Low Cost Interlock
Sense-O-Lock	Smart Start Interlock	

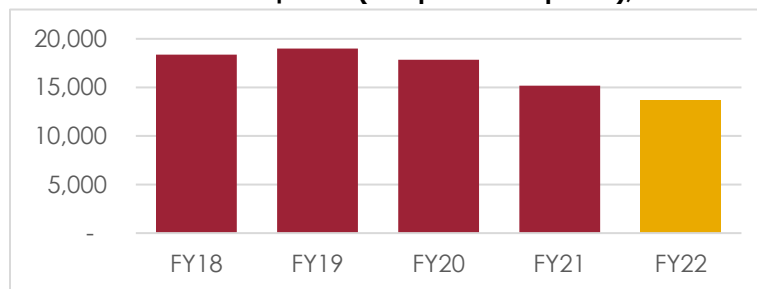
By regulation, all service providers must install a device for eligible participants within 10 days of a request and provide a toll-free 24-hour emergency response number for participants. The cost to install an ignition interlock device typically range from approximately \$70 to \$150, depending on 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.

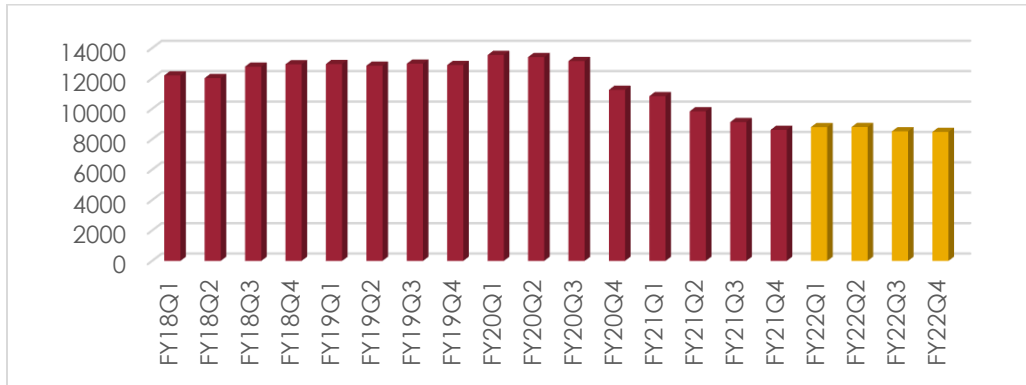
As shown in Figure 7, the total number of program participants decreased in FY 2022 to 13,655, down from 15,185 in FY 2021. As shown in Figure 8, participation steadied across the year after quarterly declines in FY 2021. These decreases were expected as fewer arrests and convictions led to fewer new drivers entering the program.

Figure 7. IISP Annual Participation (Unique Participants), FY2018 - FY2022



Source: MDOT MVA

**Figure 8. Soundexes with Active Interlock Referrals by Fiscal Quarter
FY 2018 – FY 2022**



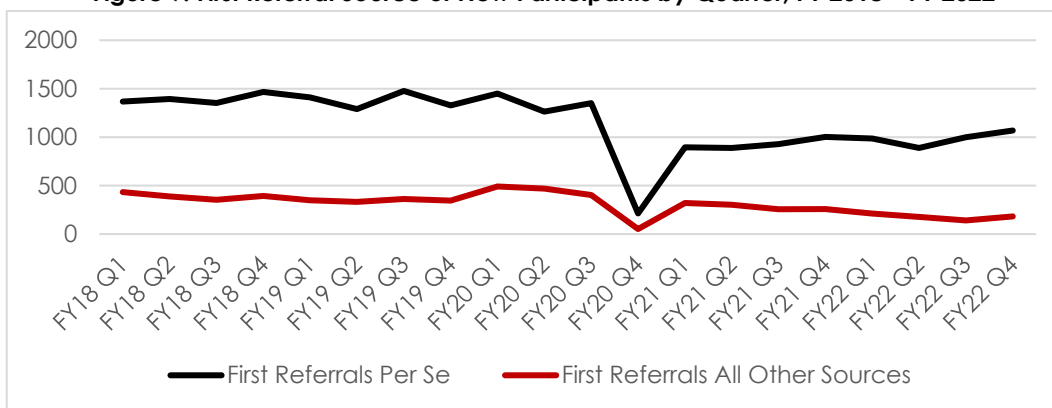
Source: MDOT MVA

Administrative Per Se Program Referrals

In FY 2022, 4,643 drivers participated in the Ignition Interlock Program for the first time, down from 4,853 in FY 2021, a decrease of 4.3%, following a nearly 15 percent decrease in FY21 from FY20 levels.

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 2018 to FY 2022. 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 opting in to the IIP for administrative per se offenses increased slightly in FY 2022 but remain lower than levels prior to FY 2021.

Figure 9: First Referral Source of New Participants by Quarter, FY 2018 – FY 2022



Source: MDOT MVA

Post-Conviction Program Referrals

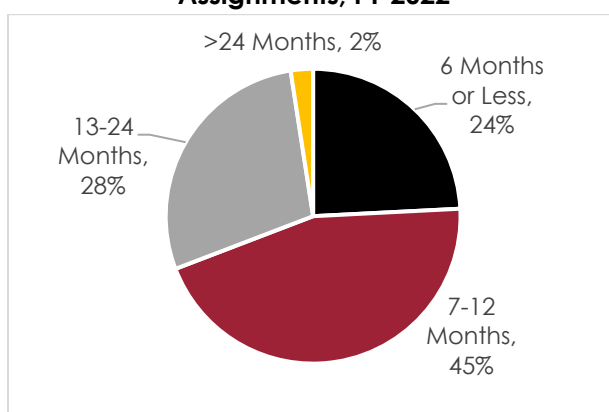
In addition to opting into the IIP for administrative per se violations, drivers are referred to the program for a number of other reasons – as a result of an impaired driving conviction, as a term of probation mandated by a Maryland court, or as a requirement of the reinstatement of driving privileges 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. Nearly 70 percent of IIP referrals completed in FY 2022 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 2022



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 2022 1,284 drivers were removed from the IIP for noncompliance and did not reenter the program, down from 2,172 in FY 2021. 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 4,500 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 2022, more than 3,650 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 2022, more than 6,100 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 2022, 4,523 drivers successfully completed their assignments to the program with no new assignments in the fiscal year, down from 5,818 in FY 2021, a decrease of approximately 20 percent.

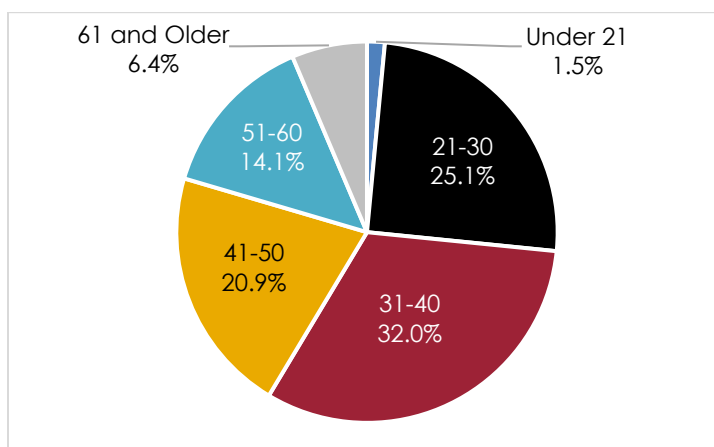
Credit for Successful Completion

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.

Participant Demographics

Well more than half of the individuals who participated in the Ignition Interlock Program in FY 2022 were between the ages of 21 and 40. In addition, nearly 80 percent 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.

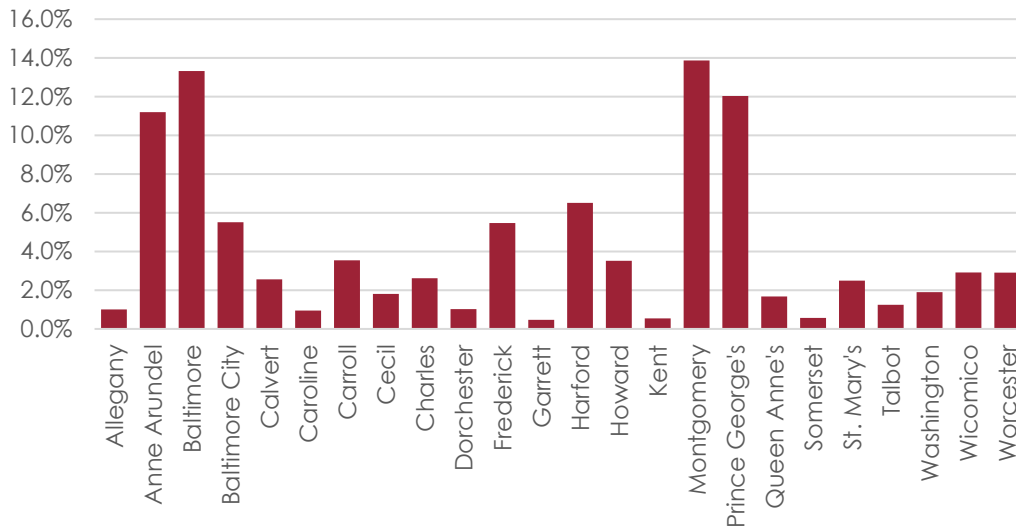
Figure 11: Age of Interlock Participants, FY 2022



Source: MDOT MVA

Figure 12 shows the jurisdiction of residence of Ignition Interlock Program participants. Consistent with prior years, more than half of the participants in the program in FY 2022 resided in Anne Arundel, Baltimore, Montgomery, and Prince George's counties.

Figure 12: Jurisdiction of Residence for Ignition Interlock Program Participants, FY 2022



Source: MDOT MVA

A Comprehensive Approach to Combating Impaired Driving

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 840 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.

To prevent these unnecessary deaths and serious injuries, Maryland leaders continue to build partnerships with government agencies, private organizations, traditional safety advocates, and nontraditional partners to deliver a statewide network of impaired driving prevention programs.

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.

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/>