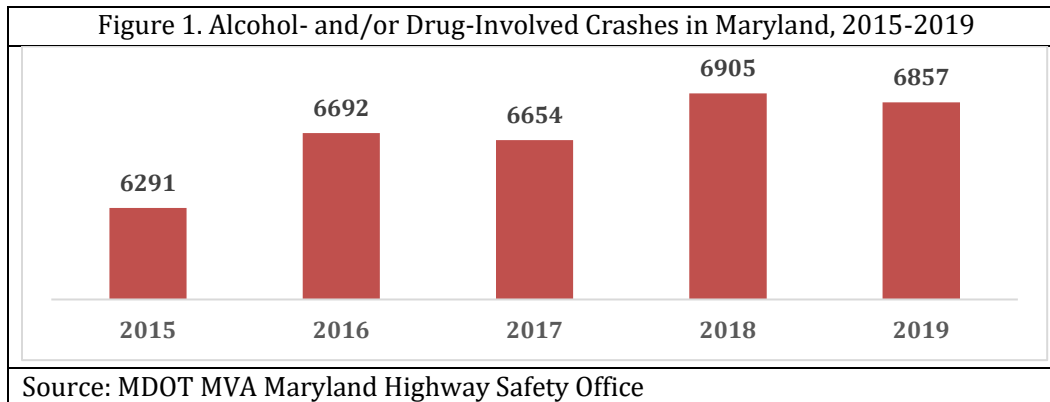


Introduction

Drunk and drug-impaired drivers cause irreparable harm to individuals, families, and communities across Maryland. Impaired driving crashes have increased by approximately nine percent since 2015 and have remained relatively steady over the past two years. While only one in 50 crashes involving driver impairment resulted in a fatality in 2019, more than one-fourth (26.5%) of all fatal crashes in the state involved alcohol and/or drugs.



To combat this problem, Maryland employs a comprehensive approach that combines strict laws, license sanctions, a robust ignition interlock program, high-visibility law enforcement and public outreach.

Expanding the reach of Maryland's Ignition Interlock Program is a key strategy in the state's fight against impaired driving. Research has repeatedly found that drivers who have interlocks installed are up to 75 percent less likely to have a repeat drunk-driving offense than drunk drivers who do not have an interlock device installed¹.

In Fiscal Year (FY) 2020, Maryland's Ignition Interlock Program prevented more than 3,800 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

Impaired driving arrests are a critical intervention point in the fight against drunk and drug-impaired driving. From 2015 to 2019, more than 99,000 impaired driving arrests were made in Maryland. During this period, the number of arrests decreased from by 18 percent from 2015 to 2019, and the number of citations issued declined by 15% during the same period.

¹ See Elder, R. W., Voas, R., Beirness, D., Shults, R. A., Sleet, D. A., Nichols, J. L., & Compton, R. (2011). Effectiveness of ignition interlocks for preventing alcohol-impaired driving and alcohol-related crashes: A community guide systematic review. *American Journal of Preventative Medicine*, 40(3), 362-376. Elvik, R. (2013). Risk of road accident associated with the use of drugs: A systematic review and meta-analysis of evidence from epidemiological studies. *Accident Analysis and Prevention*, 60, 254-267 and Government Accountability Office. (2014, June). *Traffic Safety: Alcohol ignition interlocks are effective while installed; less is known about how to increase installation rates* (Report No. GAO-14-559).

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.

Table 1: Impaired Driving Arrests and §21-902 Citations, CY 2015 - 2019					
	2015	2016	2017	2018	2019
Arrests	22,753	20,439	19,302	18,508	18,626
Citations	61,900	54,040	51,881	50,171	52,588
Source: University of Maryland Baltimore/STAR-ORC/NSC using District Court of Maryland data					

Typically, at the time of an arrest, but before a chemical test 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 administrative sanctions related to Maryland driving privileges. It also advises drivers about additional penalties that may be imposed, and the ability to opt into the Ignition Interlock Program. The driver must indicate on the form whether they agree or refusal to take the test. The police officer and driver both sign and date the form.

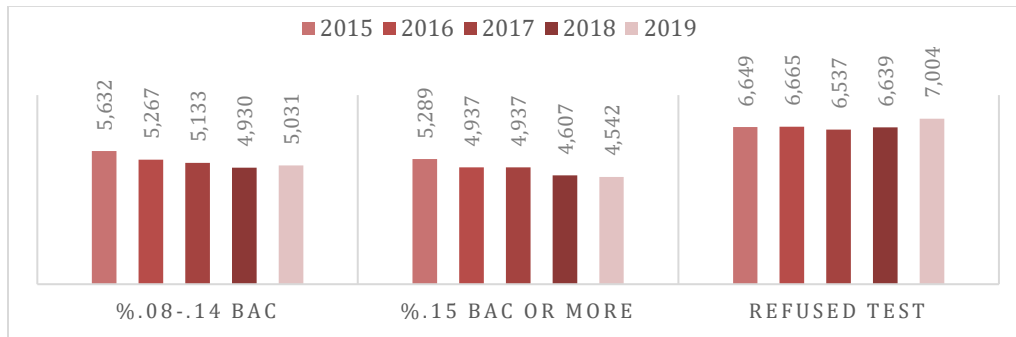
According to Maryland State Police (MSP) summary report data for 2019, nearly 37 percent of drivers that were offered a chemical breath refused. Of the drivers who agreed to the test, nearly 80 percent had a BAC levels above the legal limit and 37 percent of these had BAC levels of 0.15 or higher.

Table 2. Chemical Testing for §21-902 (a) and (b) Offenses, 2015-2019					
	2015	2016	2017	2018	2019
Drivers Offered Test	20,089	19,326	18,954	18,762	18,983
Drivers Tested	13,440	12,661	12,421	12,123	11,979
Drivers Refused Test	6,649	6,665	6,537	6,639	7004
Refusal Rate	33.1%	34.5%	34.5%	35.4%	36.9%

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

As shown in Figure 2, between 2015 and 2019, the number of test results between 0.08 and 0.14 BAC fell by more than 10 percent, and the number test results at or above 0.15 BAC decreased by 14 percent. During this same period, the number of drivers who refused a chemical test increased slightly, from 6,649 in 2015 to 7,004 in 2019.

Figure 2. Driver Chemical Test Results 0.08 BAC or Higher, Test Refusals, 2015 – 2019



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

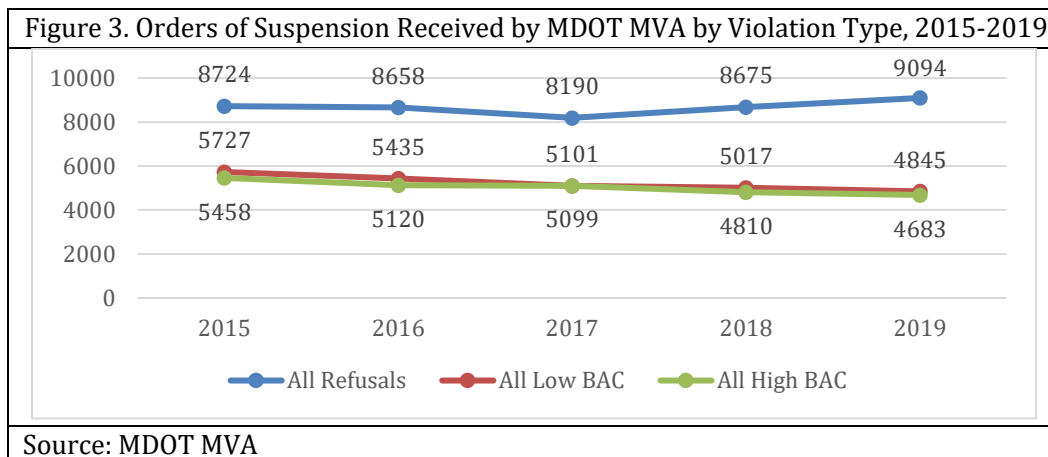
Drivers who consent to a chemical test and whose test results indicate a BAC of 0.08 or higher, or who refuse a chemical test are issued an administrative *Order of Suspension* and a copy is sent to Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA). The driver will also be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

Administrative Sanctions under §16-205.1

On average, MDOT MVA receives more than 18,000 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 number of Orders of Suspension received by MDOT MVA between 2015 and 2019, by violation type. The number of Orders of Suspensions received by MDOT MVA for BAC violations (test results of 0.08 or higher) decreased each year from 11,185 in 2015 to 9,528 in 2019, with a total decrease of nearly 15 percent. By contrast, the total number of Orders of Suspension received for test refusals increased in three of the last four years.

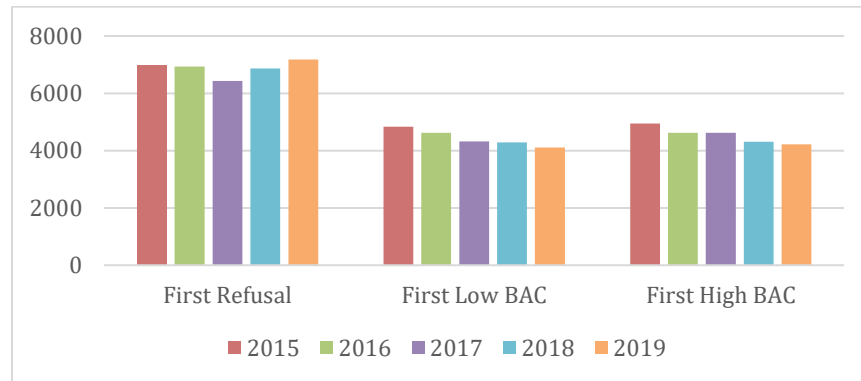


Administrative Per Se violations classified by chemical test results (or refusal) and whether it is a first violation or a second or subsequent violation.

First Violations

Among first administrative per se violations, total BAC violations (all test results of 0.08 or higher) declined from 9,777 in 2015 to 8,333 in 2019, a decrease of 15 percent. First test refusal violations changed only slightly, from 6,993 in 2015 to 7,179 in 2019, as shown in Figure 4.

Figure 4: Orders of Suspension Received by Type, as A First Offense, 2015 – 2019

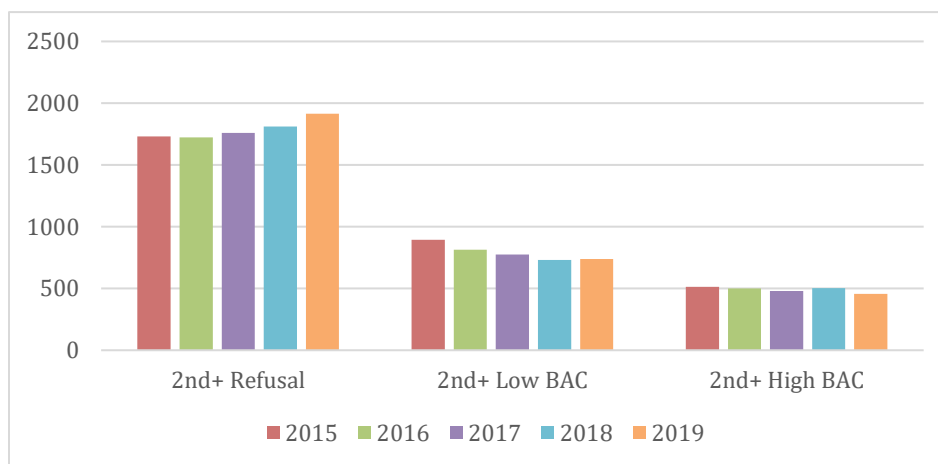


Source: MDOT MVA

Second or Subsequent Violations

Among administrative per se violations that were second or subsequent offenses, BAC violations decreased from 1,408 in 2015 to 1,195 in 2019, a decrease of 15 percent. During the same period, the number of test refusal violations increased, from 1,731 in 2015 to 1,915 in 2019, an increase of 10 percent, as shown in Figure 5.

Figure 5: Orders of Suspension Received by Type, as a Second or Subsequent Offense, 2015 – 2019



Source: MDOT MVA

Administrative Hearings

Once an *Order of Suspension* has been issued, a driver has 30 days to request an administrative hearing. If no hearing is requested within this period, the driver's license is suspended on 46th day after the *Order of Suspension* was issued. In 2019, the average time from arrest to OAH hearing was 104 days.

Opting-in to Ignition Interlock for Administrative Violations

Drivers who have been issued an Order of Suspension, if eligible, may choose to participate in the Ignition Interlock Program (IIP) voluntarily, in lieu of serving a license suspension. The length of the participation is determined by the type of offense. The number of drivers electing to participate in the IIP 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.

Citations and Court Dispositions

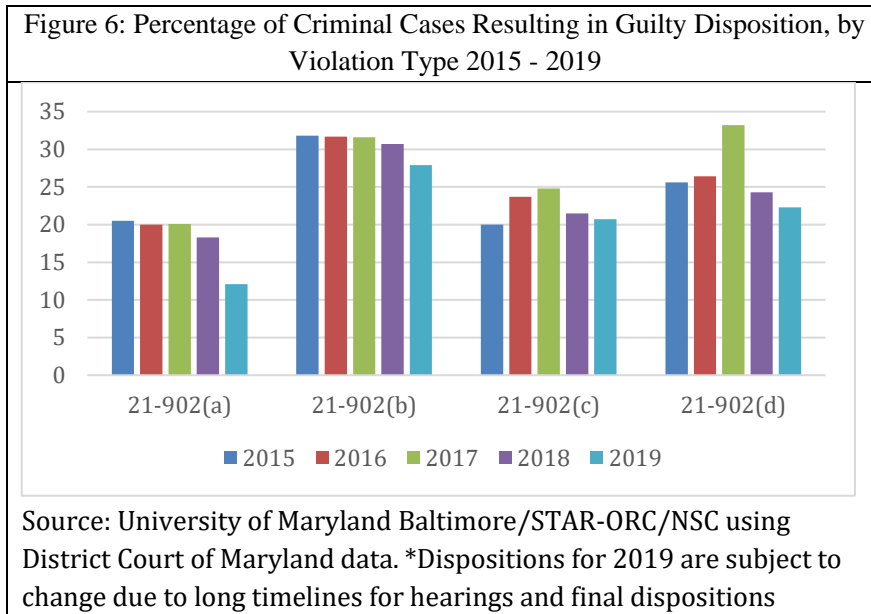
On average, each impaired driving arrest results in two to three citations being issued to the driver. In the past five years, nearly 270,000 impaired driving citations have been issued in Maryland.

Table 3 shows final case dispositions from 2015 to 2019* 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 2,538 in 2015 to 1,305 in 2019.

Table 3: Impaired Driving Citation Dispositions by Offense Type and Year, CY 2015-2019					
	2015	2016	2017	2018	2019*
§21-902(a) Driving Under the Influence of Alcohol					
Guilty	2538	2312	2046	1727	1305
PBJ	4451	4414	4153	3913	3076
Other Disposition	5363	4821	4002	3793	6371
§21-902(b) Driving While Impaired by Alcohol					
Guilty	2,628	2,390	2262	2202	1640
PBJ	5002	4,612	4424	4423	3652
Other Disposition	625	535	482	605	577
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol					
Guilty	213	299	256	271	281
PBJ	255	288	298	370	310
Other Disposition	598	675	480	620	768
§21-902(d) Driving While Impaired by Controlled Dangerous Substance					
Guilty	111	129	166	140	143
PBJ	69	105	113	151	134
Other Disposition	253	254	221	285	363

Source: University of Maryland Baltimore/STAR-ORC/NSC using District Court of Maryland data.
 *Dispositions for 2019 are subject to change due to long timelines for hearings and final dispositions

Figure 6 illustrates the proportion of all §21-902 offenses from 2015 through 2019 that result in a Guilty disposition. During this period, the percentage of §21-902 cases overall resulting in Guilty dispositions declined from 28% in 2015 to less than 24% in 2019. The percentage of §21-902(a) offenses that resulted in a Guilty disposition fell from 24.5% in 2015 to 19% in 2019.



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, 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
Sens-O-Lock	Smart Start Interlock	

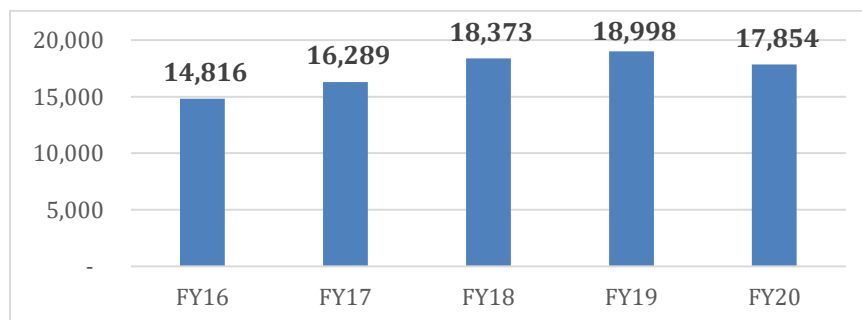
By regulation, all service providers must install a device for eligible participants within 10 days of a request and provide a toll-free 24-hour emergency response number for participants. The cost to install an ignition interlock device typically range from approximately \$70 to \$150, depending on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

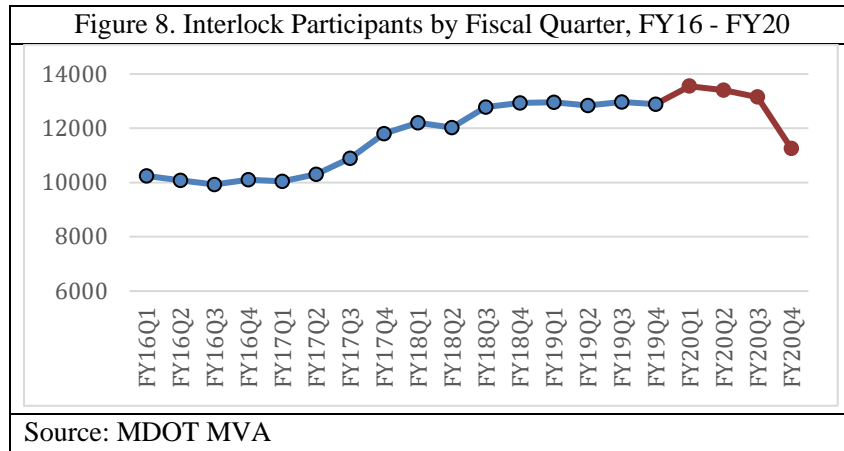
Maryland’s Ignition Interlock Program monitors thousands of participating drivers each year. The total number of drivers in the program fluctuates daily, as new drivers enter the program and others complete the program or are removed from the program for noncompliance. The numbers of unique drivers with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

As shown in Figure 7, the total number of program participants decreased slightly in FY 2020 to 17,854, from 18,998 in FY 2019. As shown in Figure 8, participation remained even in the first quarter of the year, before declining in the final quarter, from April to June 2020.

Figure 7. Interlock Program Annual Participation (Unique Participants), FY2017 - FY2020



Source: MDOT MVA



Program Referral Sources

In addition to opting into the IIP for administrative per se violations, drivers are referred to the IIP 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.

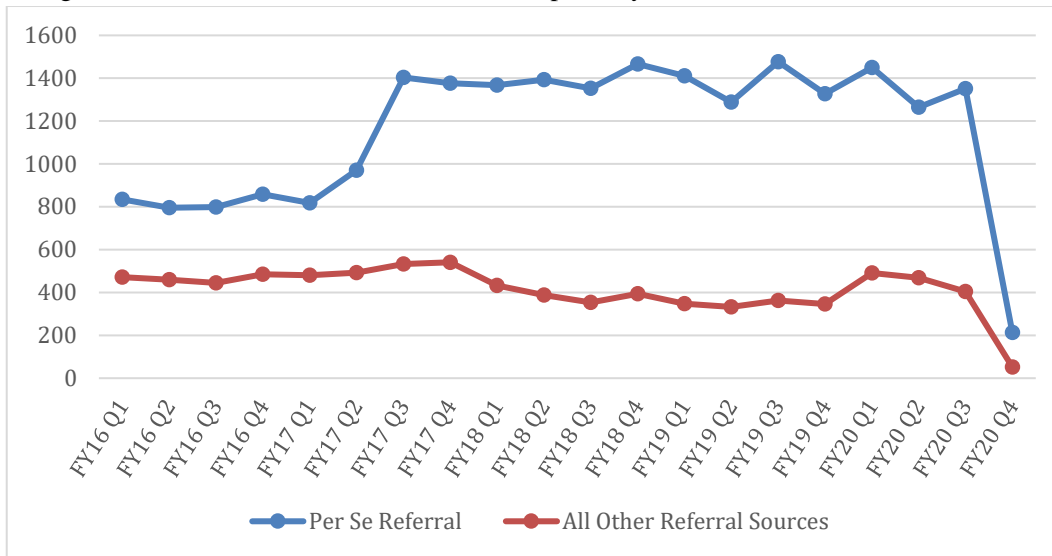
Administrative Per Se Program Referrals

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 2020, 7,323 drivers participated in the Ignition Interlock Program for the first time, up from 6,893 in FY 2019, a decrease of 3.6 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 2015 to FY 2020. 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.

Figure 9: First Referral Source of New Participants by Fiscal Quarter, FY 2016 – FY 2020



Source: MDOT MVA

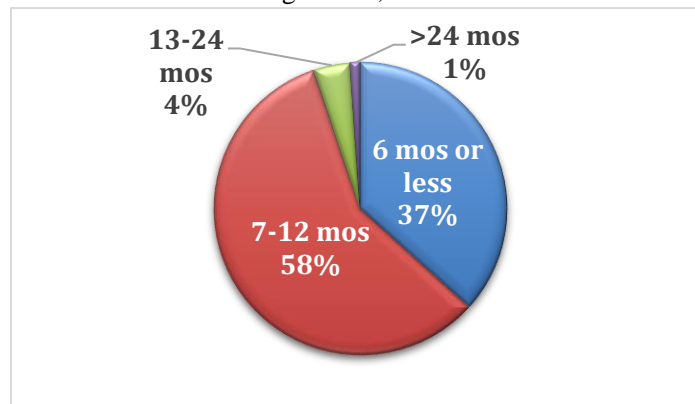
Post-Conviction Program Referrals

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 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 2020



Source: MDOT MVA

Participation Requirements

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

In FY 2020 2,450 drivers were removed from the IIP for noncompliance and did not reenter the program., down from 2,078 in FY 2019. 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 2020, more than 3,800 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 2020, 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

Under Noah's Law, 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 2020, 6,815 drivers successfully completed their assignments to the program with no new assignments in the fiscal year, up from 6,521 in FY 2019, an increase of approximately five percent.

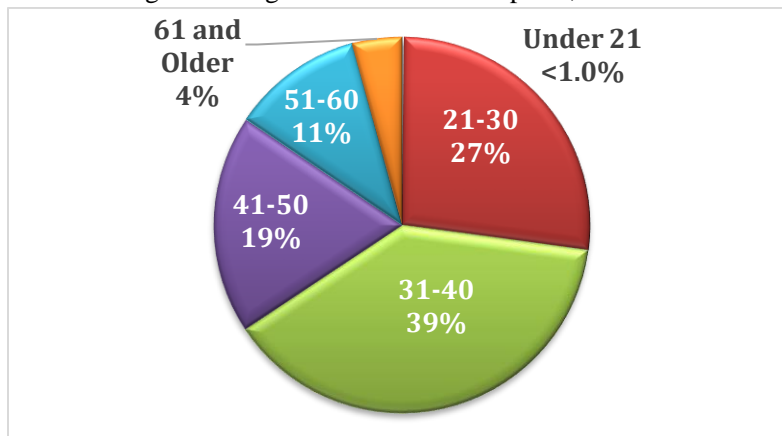
Credit for Successful Completion

Under the provisions of Noah’s Law, 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 8,500 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.

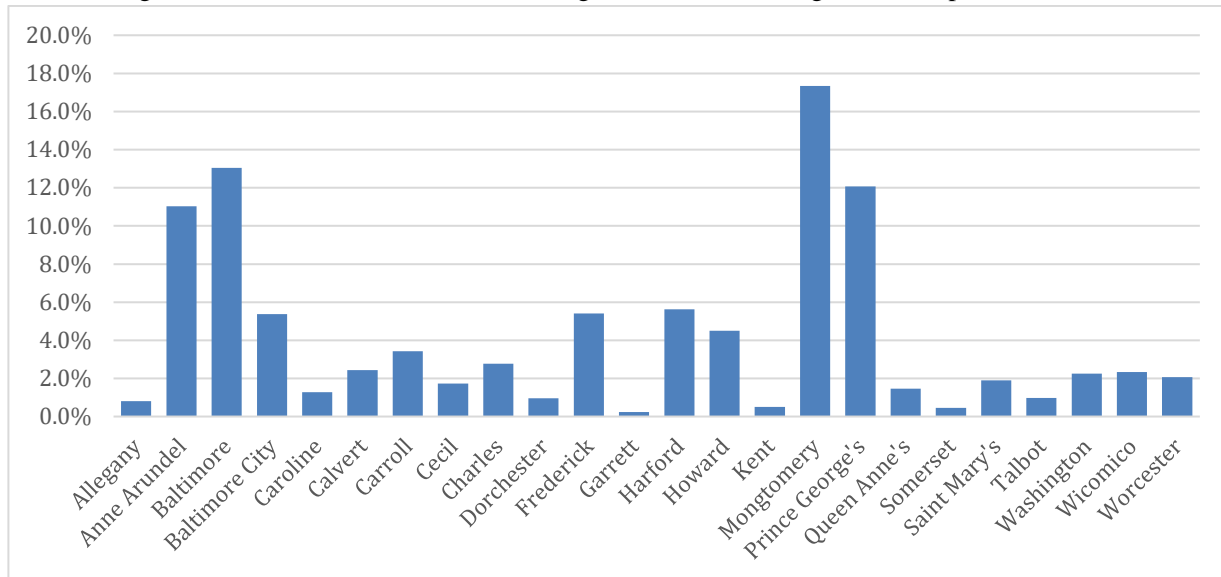
Figure 11: Age of Interlock Participants, FY 2020



Source: MDOT MVA

Figure 12 shows the jurisdiction of residence of Ignition Interlock Program participants. More than 50 percent of the participants in the program in FY 2020 resided in Anne Arundel, Baltimore, Montgomery, and Prince George's counties.

Figure 12: Jurisdiction of Residence for Ignition Interlock Program Participants, FY 2020



Source: MDOT MVA

Conclusion

Each year in Maryland, more than 160 people are killed in alcohol- and/or drug-involved traffic crashes on average. 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 our 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.

The impacts of the COVID-19 State of Emergency had impacts on program participation in the final quarter of FY 2020. Some of these impacts continue into FY 2021; however, 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/>