

**Department of Legislative Services**  
 Maryland General Assembly  
 2001 Session

**FISCAL NOTE**

House Bill 674 (Delegate Valderrama, *et al.*)  
 Judiciary

**Drunk Driving - Repeat Offenders - Penalties**

This bill requires that a person convicted three or more times of driving while intoxicated and driving under the influence of alcohol, drugs, or a combination of alcohol and drugs participate in the Ignition Interlock Program for at least three years. The bill increases other specified penalties for these violations and increases the penalties for third convictions of the referenced violations while transporting a minor.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund expenditures would increase by \$32,500 in FY 2002. Out-year expenditures reflect ongoing operations. Transportation Trust Fund revenues could increase from MVA fees beginning in FY 2002.

(In dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
SF Revenue	-	-	-	-	-
SF Expenditure	32,500	38,900	41,200	42,500	46,100
Net Effect	(\$32,500)	(\$38,900)	(\$41,200)	(\$42,500)	(\$46,100)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** Minimal.

**Analysis**

**Bill Summary:** This bill requires a person who is convicted of driving while intoxicated (DWI) within three years of a previous DWI conviction or a person convicted of DWI a

third or subsequent time to use an ignition interlock system for three years in any motor vehicle the driver uses. A three-time or subsequent offender may be requested to provide at least 80 hours of community service in addition to any other penalties the court may impose.

A person convicted of a third or subsequent DWI offense while transporting a minor is required to use an ignition interlock system for three years.

The bill requires a person who is convicted a third or subsequent time of driving under the influence of alcohol and/or drugs or a controlled dangerous substance (DUI) to use an ignition interlock system for three years in any motor vehicle the driver uses. A three-time or subsequent offender shall also be subject to at least 80 hours of community service and a fine of no more than \$500.

A person convicted of a third or subsequent DUI offense while transporting a minor is required to use an ignition interlock system for three years and subject to 80 hours of community service and a fine of no more than \$500.

If a person receives probation before judgment in lieu of a third or subsequent conviction for the referenced offenses, the person shall be required to use an ignition interlock for three years in addition to any other penalty the court may impose.

**Current Law:** A person who is convicted of driving while intoxicated or intoxicated per se within three years of a prior conviction is subject to a mandatory minimum penalty of imprisonment for not less than 48 consecutive hours or community service for not less than 80 hours. A person convicted of a third or subsequent DWI offense is subject to a fine of not more than \$3,000 and/or three years in prison. A person convicted of a third or subsequent DWI offense while transporting a minor is subject to a fine of not more than \$4,000 and/or four years in prison.

A person who is convicted of a second or subsequent DUI violation is subject to a fine of not more than \$2,000 and/or up to one year in prison.

**Background:** Failure to conform the State's law on repeat offenders to federal regulation by October 1, 2001 will alter federal funds allocated to the State under the Transportation Equity Act for the 21st Century. Funds allocated under specified highway programs would be transferred to safety programs emphasizing alcohol-impaired driving countermeasures or enforcement of drunk driving laws. Approximately \$3.85 million was transferred in fiscal 2001 and approximately \$3.85 million will be transferred in 2002, doubling to \$7.7 million in fiscal 2003 and each year thereafter. Overall total

funding to the State would not be affected. This bill would not make the necessary changes to conform State statute to federal regulations.

**State Revenues:** The bill is expected to increase the number of driver's license suspensions. The MVA imposes a fee of \$20 to reissue a license after an alcohol or drug-related suspension. TTF revenues could increase in future years depending upon the number of reinstatements.

**State Expenditures:** In 2000 there were 9,205 convictions for any alcohol and/or drug-impaired driving offense. Studies show that about half of these, or approximately 4,600, have had a similar conviction within the last five years. There are about 3,700 people enrolled in the Ignition Interlock Program, of which approximately 1,500 have a similar offense within the past five years.

Transportation Trust Fund expenditures could increase by an estimated \$32,509 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring an administrative specialist to monitor and coordinate an estimated 1,200 additional Ignition Interlock Program participants. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$27,708
Operating Costs	<u>4,801</u>
<b>Total FY 2002 State Expenditures</b>	<b>\$32,509</b>

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The MVA notes that meeting the bill's requirements will involve using the Document Imaging and Workflow System as well as the Ignition Interlock Program and that this may provide an opportunity to integrate the two systems at an approximate cost of \$50,000. The Department of Legislative Services notes that integrating the computer systems is not necessary to meet the bill's requirements.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Transportation (Motor Vehicle Administration),  
Department of Legislative Services

**Fiscal Note History:** First Reader – February 19, 2001  
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