

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 1217
 Judiciary

(Delegate Kramer, *et al.*)

Vehicle Laws - Mandatory Use of Ignition Interlock System

This bill requires, rather than authorizes, the Motor Vehicle Administration (MVA) to establish an Ignition Interlock System Program and to establish minimum standards for all service providers. The bill also requires, rather than permits, participation from persons who have committed specified alcohol-driving offenses. The bill no longer specifically authorizes all drivers younger than age 21 to participate in the program, including those drivers younger than age 21 that have been convicted of an alcohol-driving offense, as specified.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase significantly from fees for corrected licenses. TTF expenditures increase \$362,000 in FY 2010 for additional personnel and related expenses to monitor drivers required to participate in the Ignition Interlock System Program. Out-years assume a stable caseload and include annualization and inflation.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SF Revenue	-	-	-	-	-
SF Expenditure	\$362,000	\$281,900	\$295,500	\$309,700	\$324,700
Net Effect	(\$362,000)	(\$281,900)	(\$295,500)	(\$309,700)	(\$324,700)

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

Local Effect: None.

Small Business Effect: Minimal. Vendors approved by MVA who install ignition interlock systems may receive additional income under the bill.

Analysis

Bill Summary: MVA is required to establish a protocol for the program by which a service provider must send information to MVA on individuals required to participate in the program at least every 60 days. A person *must* participate in the program if:

- the person's driver's license is suspended or revoked for driving under the influence of alcohol, under the influence of alcohol *per se*, or driving while impaired by alcohol, or impaired by drugs and/or drugs and alcohol, or the person's license is suspended due to an accumulation of points from committing such offenses;
- the person is ordered to participate by a court;
- an alcohol restriction for three years has been imposed on the person's driver's license for being convicted two or more times within five years of specified alcohol-driving offenses;
- MVA modifies a suspension or issues a restrictive license, as specified; or
- the person is granted probation before judgment (PBJ) for an alcohol-related driving offense.

A notice of suspension or revocation sent to a person must include information about how the person can be required to participate in the program.

For a person granted a PBJ for driving while under the influence of alcohol, under the influence *per se*, or while impaired by alcohol, MVA, in addition to any other required penalties, must require the person to participate in the program for at least six months for a first violation, one year for a second violation, and three years for a third or subsequent violation. The person's driver's license must also have a restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for the entire time the person is required to participate in the program. MVA may establish a fee for program participation but the fee is waived for indigent persons.

Current Law: A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol *per se*;
- impaired by alcohol; or
- impaired by drugs, or drugs and alcohol.

MVA is authorized to establish an Ignition Interlock System Program for alcohol-impaired drivers and establish protocols for minimum standards for approved system providers.

A person may participate in the program if the person's driver's license is suspended or revoked for alcohol-related driving offenses or for the accumulation of points that lead to license suspension or revocation for these offenses. A person may participate if he/she is ordered to participate by a court. Also, a person may participate if the person's driver's license has an alcohol restriction, as specified (which includes all licensed drivers younger than age 21) or if MVA modifies a suspension or issues a restricted license to the person.

MVA is authorized to issue a restrictive license to a person who participates in the program during the period that the driver's license is suspended. If the driver's license has been revoked for specified alcohol-related driving offenses or for the accumulation of points resulting from driving while under the influence of alcohol or under the influence of alcohol *per se*, MVA may reinstate the license and impose a period of suspension in lieu of the license revocation. A notice of suspension or revocation for alcohol-related driving offenses must include information about the program and the qualifications for admission. MVA is also authorized to establish a fee for program participation. A person who is required to participate must be monitored by MVA and pay the fee required by MVA.

Background: According to the Maryland Task Force to Combat Driving Under the Influence of Drugs and Alcohol, which issued its final report in October 2008, the use of ignition interlock systems has been shown to lead to long-lasting changes in driver behavior and the reduction of recidivism. The task force advises that a minimum of six months of failure-free use is needed to significantly reduce recidivism. The task force reported that Michigan, Pennsylvania, Virginia, and West Virginia have extended required times for ignition interlock use for certain drunk driving violations and when offenders are required to use ignition interlock systems, recidivism is reduced by 60% to 95%.

According to the National Conference of State Legislatures, 46 states and the District of Columbia authorize or mandate the use of an ignition interlock system to deter alcohol-impaired driving. The four states that do not authorize use of an ignition interlock system are Alabama, Maine, South Dakota, and Vermont. Judges in the jurisdictions with ignition interlock systems have the discretion to order installation as part of sentencing for convicted drunk drivers. In states where the use of ignition interlock is mandatory, it is usually required either for repeat offenders, as a condition of probation, or in exchange for limited restoration of driving privileges. In 2005, New Mexico became the first state in the country to enact legislation requiring the use of ignition interlocks for all convicted drunk drivers, including first-time offenders.

State Revenues: TTF revenues increase significantly in fiscal 2010 and in future years under the bill. According to the District Court, in fiscal 2008, 6,025 individuals received

probation before judgment for alcohol-driving offenses and, according to MVA, 6,049 other drivers convicted of alcohol-driving offenses are subject to the bill's penalty. The bill requires six months participation for a first offense, participation of one year for a second offense, and three years participation for third and subsequent offenses. Revenues do not accrue to TTF until the driver completes the ignition interlock program. Data is not available to reliably estimate what proportion of the 12,074 drivers subject to the bill would have to participate for six months, one year, or three years. *By way of illustration*, if all 12,074 drivers paid the \$30 corrected license fee within one year of participation in the ignition interlock program, fiscal 2010 revenues would increase by about \$271,000 and out-year revenues would increase by about \$365,000.

State Expenditures: TTF expenditures increase by an estimated \$361,978 in fiscal 2010, accounting for the October 1 effective date. This estimate reflects the cost of hiring five customer service agents to monitor driver participation in the Ignition Interlock System Program and process driver records. The penalty in the bill is administrative, and MVA has the primary responsibility for issuing the penalty and monitoring drivers who are subject to it. For this administrative penalty, MVA advises that one customer service agent that monitors program participants can manage a caseload of 2,400 drivers annually. MVA advises that computer programming modifications to the driver licensing system required by the bill result in a one-time expenditure of \$125,000 in fiscal 2010 only. The estimate includes salaries, fringe benefits, one-time start-up costs, and other ongoing operating expenses.

Positions	5
Salaries and Fringe Benefits	\$194,924
Computer Programming	125,000
Related Operating Expenses	<u>42,054</u>
Total Fiscal 2010 State Expenditures	\$361,978

Future year expenditures reflect full salaries with 4.4% annual increases and 3% turnover, 1% annual increases in ongoing operating expenses, and a stable caseload.

Additional Information

Prior Introductions: HB 126 of 2006 was heard by the House Judiciary Committee but then withdrawn.

Cross File: SB 735 is designated as a cross file; however, it is not identical.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Maryland Department of Transportation, National Conference of State Legislatures, Department of Legislative Services

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mlm/ljm

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