

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 33 (Delegate Giannetti)

Judiciary

**Drunk Driving - Ignition Interlock System Program Participants - License
Suspension Modifications**

This bill authorizes the Motor Vehicle Administration (MVA) to modify a suspended license or issue a restrictive license to a licensee convicted of a drunk driving offense if the licensee is a participant in the Ignition Interlock System Program. In order to qualify for such an action by the MVA, the licensee must: (1) be required to drive a vehicle in the course of employment; (2) need the license to drive to an alcoholic prevention or treatment program; or (3) have no alternative means of transportation available to or from the licensee's place of employment and, without the license, the licensee's ability to earn a living would be severely impaired.

Fiscal Summary

State Effect: Indeterminate increase in Transportation Trust Fund (TTF) expenditures and revenues.

Local Effect: None.

Small Business Effect: Meaningful.

Fiscal Analysis

State Expenditures: The MVA is currently authorized to modify the suspension or revocation of a licensee who was convicted of drunk or drugged driving charges by admitting him or her into the ignition interlock system program. The licensee is given this opportunity once prior to the commencement of the suspension or revocation period provided that the licensee: (1) waives his or her rights to an administrative hearing; (2) is not currently

suspended or revoked for other charges; (3) has not been convicted of an alcohol or drug offense involving a death, serious injury or controlled and dangerous substance; and (4) possesses a valid Maryland driver's license. As soon as the licensee chooses to attend an administrative hearing or to serve the terms of suspension or revocation, MVA withdraws the offer to participate in the program. In fiscal 1998, 542 individuals requested admittance into the ignition interlock system program in this manner.

The bill will expand the MVA's authority to modify a license suspension of, or issue a restricted license to, an individual by admittance to the ignition interlock system program at any time during the course of a suspension or after an administrative hearing. Approximately 9,500 individuals are convicted of drunk and drugged driving violations annually. Of these, about 2,000 are ordered into the program by the courts and through administrative and medical advisory board hearings. An additional 5,000 individuals have their licenses revoked annually, and would not be subject to the bill's provisions. It is not clear what proportion of the remaining 2,500 individuals would apply to the MVA for admittance into the program based on the licensee's need to drive for employment or to attend an alcohol prevention or treatment program. It is assumed that the need to drive for employment purposes or to attend treatment programs is a factor that is considered by the court and by administrative judges. Therefore, the number of additional cases where the MVA determines this need warrants admittance into the ignition interlock program is expected to be minimal.

However, for each additional 900 participants in the program, the MVA would require an additional administrative specialist to review applications and to monitor the additional participants. The cost for one such employee would be \$30,400 in fiscal 2000, including salary, one-time start-up costs, and ongoing operating expenses. Future year expenditures would be approximately \$35,000 and reflect full salaries with 3.5% annual increases and 3% employee turnover and 1% annual increases in ongoing operating expenses.

It costs the MVA approximately \$88 in reimbursable funds for each MVA hearing conducted by the Office of Administrative Hearings. The number of hearings that may be held to contest MVA's decisions regarding the modifications of suspensions or revocations is uncertain. To the extent that administrative hearings increase to contest such decisions, TTF expenditures could increase.

State Revenues: The MVA charges a \$20 fee to issue a corrected license to reflect that the licensee is a participant in the ignition interlock system program. To the extent that additional individuals participate in the program, TTF revenues could increase.

Small Business Effect: The bill could increase the number of participants in the ignition interlock system program. Currently, there are three providers approved by the MVA to install and service ignition interlock systems. These providers may experience an increase in demand for their services. The installation of an ignition interlock is approximately \$110, with monthly service fees of between \$55 and \$60.

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

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