

Department of Legislative Services  
 Maryland General Assembly  
 2003 Session

FISCAL AND POLICY NOTE

House Bill 542  
 Judiciary

(Delegate McComas, *et al.*)

**Drunk and Drugged Driving - Ignition Interlock System**

This bill alters the definition of “ignition interlock system” to include a requirement that such systems be capable of periodically testing the blood alcohol level of the driver of a motor vehicle while the motor vehicle is in use. It also requires a court to order the use, for up to three years, of an ignition interlock system for a second or subsequent violation of driving while under the influence of alcohol, under the influence of alcohol per se, or while impaired by alcohol.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures would increase by \$44,700 in FY 2004 for personnel and related expenditures. Future years reflect annualization, inflation, and additional personnel expenditures beginning in FY 2005. Minimal increase in TTF revenues.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
SF Revenue	-	-	-	-	-
SF Expenditure	44,700	105,600	162,200	163,000	173,700
Net Effect	(\$44,700)	(\$105,600)	(\$162,200)	(\$163,000)	(\$173,700)

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

**Local Effect:** None.

**Small Business Effect:** Meaningful.

## Analysis

**Bill Summary:** This bill makes three changes to the current law concerning the use of ignition interlock systems by the courts as an additional penalty or condition of probation for violations of § 21-902(a) of the Transportation Article (“driving under the influence of alcohol or under the influence of alcohol per se”) or § 21-902(b) of the Transportation Article (“driving while impaired by alcohol”).

First, the bill requires an “ignition interlock system” to periodically test the driver’s blood alcohol level while the motor vehicle is in use.

Second, the bill specifies when the use of an ignition interlock system is optional and when it is mandatory:

**Optional:** A court may prohibit a person who is convicted of, or granted probation for, a first violation of driving under the influence of alcohol, under the influence of alcohol per se, or while impaired by alcohol from operating, for not more than three years, a motor vehicle that is not equipped with an ignition interlock system.

**Mandatory:** A court shall prohibit a person convicted of, or granted probation for, a second or subsequent violation of driving while under the influence of alcohol, under the influence of alcohol per se, or impaired by alcohol, from operating, for not more than three years, a motor vehicle that is not equipped with an ignition interlock system.

Third, the bill requires monitoring of the monthly mileage of a motor vehicle equipped with an ignition interlock system.

**Current Law:** “Ignition interlock system” means a device that:

- (1) connects a motor vehicle ignition system to a breath analyzer that measures a driver’s blood alcohol level; and
- (2) prevents a motor vehicle ignition from starting if a driver’s blood alcohol level exceeds the calibrated setting on the device.

A court is authorized to require the use of an ignition interlock system as an additional penalty or a condition of probation for driving while under the influence of alcohol, under the influence of alcohol per se, or driving while impaired by alcohol.

The Motor Vehicle Administration (MVA) is authorized to establish a protocol for the ignition interlock system program that requires certain minimum standards for all service

providers who service, install, monitor, and provide information on ignition interlock systems. For purposes of participation in the ignition interlock program, the MVA is required to only permit the use of an ignition interlock system that meets or exceeds federal regulatory standards.

**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. By way of illustration, if 2,300 new people participate in this program as a result of this bill, as estimated by the MVA, TTF revenues could increase by as much as \$34,500 in fiscal 2004, accounting for the October 1, 2003 effective date. Out-year revenues could increase by \$46,000 annually.

**State Expenditures:** Based on information provided by the MVA, the bill could increase the number of participants in the ignition interlock system by 2,300 annually. It is further assumed that participants would be in the system for three years. Currently, there are about 5,700 participants in the ignition interlock system program. The MVA employs three individuals to administer the program and monitor participants and service providers. Based on the anticipated increased participation, the MVA would require one additional Department of Transportation executive position for administration and monitoring in fiscal 2004, fiscal 2005, and fiscal 2006. TTF expenditures could increase by \$44,716 in fiscal 2004, which accounts for the October 1, 2003 effective date. In fiscal 2005, as more individuals enter the program before prior year individuals have rotated out of the program, anticipated program expenditures would increase to \$105,592. In fiscal 2006, more individuals would continue to enter the program before participants rotate out. Anticipated program expenditures for fiscal 2006 would increase to \$162,153.

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Any expenses associated with regular monthly monitoring of mileage would be borne by the service providers and ultimately by program participants.

The MVA also advises that computer programming expenditures could increase by an estimated \$45,000 for modification of computer programs to create a new database, enhance query processing, and create unique reports. The Department of Legislative Services (DLS) advises that if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DLS advises that the increased computer expenditure is simply an estimate and the MVA may be able to handle the changes with either less money or with existing resources.

**Small Business Effect:** The bill could significantly increase the number of participants in the ignition interlock system program. Currently, there are four providers approved by the MVA to install and service ignition interlock systems. These providers could experience a meaningful increase in demand for their services. The installation of an ignition interlock is approximately \$120, with monthly service fees of between \$60 and \$70. Additional small businesses could be drawn to the market based on the increase in demand created by the bill.

The bill requires the regular monthly monitoring of vehicle mileage for vehicles equipped with ignition interlock systems. It is assumed that the service providers would be responsible for monitoring this data. The MVA regulations currently require periodic monitoring of equipment, monthly calibration, and monitoring of vehicle mileage. Any costs associated with this responsibility could be mitigated by an increase in the monthly fee. Further, the bill requires that ignition interlock systems be equipped with a system to periodically test the driver's blood alcohol level while the vehicle is in use. Current systems conform to this requirement, as drivers must be retested randomly while the vehicle is in use.

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### **Additional Information**

**Prior Introductions:** This bill is similar to SB 570 of the 2002 session, SB 390 of the 2000 session, and SB 405 of 1999. Each bill received an unfavorable report from the Senate Judicial Proceedings Committee. Another similar bill was introduced in the 1998 session as SB 12, which required courts to impose the use of an ignition interlock system for up to three years for a person convicted of or granted probation for driving while under the influence of alcohol or driving while impaired by alcohol, regardless of the number of prior violations. SB 12 of 1998 also received an unfavorable report by the Senate Judicial Proceedings Committee.

**Cross File:** SB 219 (Senator Hooper, *et al.*) – Judicial Proceedings.

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

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