

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

Senate Bill 851 (Senator Giannetti)
 Judicial Proceedings

Vehicle Laws - Drunk Driving - Second or Subsequent Offense - Mandatory Ignition Interlock

This bill requires a court to prohibit a person from operating a motor vehicle that is not equipped with an ignition interlock system under certain circumstances.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$40,600 for additional personnel to process driver records. Out-years include annualization and inflation.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	40,600	43,300	46,100	49,100	52,400
Net Effect	(\$40,600)	(\$43,300)	(\$46,100)	(\$49,100)	(\$52,400)

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

Local Effect: None.

Small Business Effect: Minimal. Vendors approved by the Motor Vehicle Administration (MVA) who install ignition interlock systems could receive additional income under this bill.

Analysis

Bill Summary: This bill limits the discretion of courts to decide when to order a person to use an ignition interlock system to only those defendants convicted of, or granted

probation before judgment for, a first offense of: (1) driving while under the influence of alcohol or under the influence of alcohol per se; or (2) driving while impaired by alcohol.

If a defendant is convicted of a second or subsequent offense of: (1) driving while under the influence of alcohol or under the influence of alcohol per se; or (2) driving while impaired by alcohol, or is granted probation before judgment, then the court *must* prohibit the defendant from operating, for up to three years, any motor vehicle that is not equipped with an ignition interlock system. This penalty is in addition to any other penalties for a second or subsequent violation of these provisions, or in addition to any other condition of probation.

For the purposes of determining a second or subsequent violation for a violation of driving while under the influence of alcohol or under the influence of alcohol per se: a prior conviction for this offense or a prior conviction of driving while impaired by alcohol is a conviction of driving while under the influence of alcohol or under the influence of alcohol per se. For a second or subsequent violation of driving while impaired by alcohol: a prior conviction of driving while under the influence of alcohol or under the influence of alcohol per se, or driving while impaired by alcohol is a conviction of driving while impaired by alcohol.

Current Law: A court has the discretion to order a person to use an ignition interlock system for up to three years if the person has been convicted of or granted probation before judgment for: (1) driving while under the influence of alcohol or under the influence of alcohol per se; or (2) driving while impaired by alcohol. This is in addition to any other penalties provided for these offenses or in addition to any other condition of probation.

If the court imposes use of an ignition interlock system on a defendant, the court must state so on the record, specify the length of the sentence, and notify the MVA. The court must direct the records of the MVA to show that the defendant may not operate a motor vehicle without an ignition interlock system and whether the court has expressly created an exemption to the order due to the defendant's employment requirements. The court must order the MVA to place an appropriate restriction on the defendant's license and must require proof of installation and periodic reporting for verification. The court must require the defendant to have the system monitored by an MVA-approved entity. The court must require the defendant to pay the cost of acquiring and maintaining the system and the court may establish a payment schedule.

A person may not try to start a vehicle with an ignition interlock system to provide a vehicle for a defendant under the court's order. A person may not tamper with the operation of an ignition interlock system. A person is prohibited from knowingly providing a motor vehicle that is not equipped with an ignition interlock system to a

person who is prohibited from operating a motor vehicle without an ignition interlock system. Any person convicted of these offenses is guilty of a misdemeanor and is subject to up to two months imprisonment and/or a fine of up to \$500. A person charged with any of these offenses may not pay the fine. The person must appear in court.

If the court expressly permits, a person may operate a motor vehicle without an ignition interlock system that is provided by the person's employer, to meet the requirements of employment.

State Expenditures: TTF expenditures could increase by an estimated \$40,582 in fiscal 2006, which accounts for the bill's October 1, 2005 effective date. This estimate reflects the cost of hiring one customer service agent to add required information to driver records. The MVA advises that about 4,899 drivers who committed a second or subsequent alcohol-related driving offense would be affected by the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$31,179
Equipment	8,807
Other Operating Expenses	<u>596</u>
Total FY 2006 State Expenditures	\$40,582

Future year expenditures reflect: (1) a full salary with 4.6% annual increases and 3% turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: HB 732 (Delegates Zirkin and Simmons) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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