

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

Senate Bill 852 (Senator Giannetti)
 Judicial Proceedings

Vehicle Laws - Drunk Driving - High Alcohol Concentration - 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. Motor Vehicle Administration (MVA) approved vendors who install ignition interlock systems could receive additional income under this bill.

Analysis

Bill Summary: In addition to any other penalties provided for a violation 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 in addition to any other condition of probation, a

court must prohibit a person who is convicted of, or granted probation before judgment for, any of these offenses, and took a test at the time of the violation that indicated a blood alcohol concentration of 0.15 or above, from operating a motor vehicle, for up to three years, that is not equipped with an ignition interlock system. This penalty is in addition to any other penalties for a violation 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 in addition to any other condition of probation.

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 for proper use and accuracy by an MVA-approved entity. The court must require the defendant to pay the reasonable cost of acquiring and maintaining the system and may establish a payment schedule.

A person may not try to start a vehicle with an ignition interlock system to provide an operable vehicle for a defendant under the court's order. A person may not tamper with or try to circumvent 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 prepay 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 7,296 drivers who committed an alcohol-related driving offense with a blood alcohol concentration of 0.15 or higher 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 815 (Delegates Zirkin and Morhaim) – Judiciary.

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

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