

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

House Bill 125 (Delegates Zirkin and Simmons)
 Judiciary

**Vehicle Laws - Drunk Driving Penalties - High Alcohol Concentration -
 Mandatory Ignition Interlock System**

This bill requires a court to prohibit a person whose alcohol blood concentration is tested at 0.15 or greater from operating a motor vehicle for at least one year unless equipped with an ignition interlock system if convicted of, or granted probation before judgment for, specified offenses.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase by \$154,800 in FY 2007 from processing fees for corrected driver’s licenses. TTF expenditures increase by \$37,300 in FY 2007 for additional personnel to process driver records. Out-years include annualization and inflation.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	\$154,800	\$206,400	\$206,400	\$206,400	\$206,400
SF Expenditure	37,300	44,200	47,000	50,000	53,200
Net Effect	\$117,500	\$162,200	\$159,400	\$156,400	\$153,200

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 at least one year that is not equipped with an ignition interlock system.

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 provided by the person's employer without an ignition interlock system to meet the requirements of employment.

State Revenues: TTF revenues increase by \$154,800 in fiscal 2007 due to the fee for a corrected license. Those drivers ordered to use ignition interlock would be required to get corrected licenses with a restriction for the ignition interlock system. The MVA estimates that 6,880 drivers annually would be ordered to use the ignition interlock system under the provisions of this bill. The fee for a new license with the restriction would be \$30. Revenue estimates assume that the number of drivers and the corrected license fee will remain constant.

State Expenditures: TTF expenditures could increase by an estimated \$37,339 in fiscal 2007, which accounts for the bill's October 1, 2006 effective date. This estimate reflects the cost of hiring one customer service agent to add required information to 6,880 driver records annually. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$31,874
Equipment	4,865
Other Operating Expenses	<u>600</u>
Total FY 2007 State Expenditures	\$37,339

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: This bill is similar to SB 852/HB 815 of 2005. SB 852 was heard by the Judicial Proceedings Committee, which took no further action. HB 815 was heard by the Judiciary Committee, but was then withdrawn.

Cross File: SB 53 (Senator Giannetti) – Judicial Proceedings.

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

Fiscal Note History: First Reader - January 31, 2006
ncs/jr

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