

**Department of Legislative Services
Maryland General Assembly
2006 Session**

FISCAL AND POLICY NOTE

House Bill 545
Judiciary

(Delegates Zirkin and Morhaim)

Vehicle Laws - Drunk Driving Penalties - Mandatory Use of Ignition Interlock System for a First Conviction

This bill requires the Motor Vehicle Administration (MVA) to require a driver to participate in the Ignition Interlock Program after being convicted for the first time of driving or attempting to drive (1) while under the influence of alcohol or under the influence of alcohol per se; or (2) while impaired by alcohol.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase \$11,900 in FY 2007 from fees for corrected licenses. Out-years reflect a stable caseload and annualization. TTF expenditures increase \$25,200 in FY 2007 for personnel to monitor additional drivers required to participate in the Ignition Interlock Program. Out-years include annualization and inflation and assume a stable caseload.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	\$11,900	\$15,900	\$15,900	\$15,900	\$15,900
SF Expenditure	25,200	24,400	25,900	27,500	29,200
Net Effect	(\$13,300)	(\$8,500)	(\$10,000)	(\$11,600)	(\$13,300)

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

Local Effect: None.

Small Business Effect: Potential minimal. Those vendors that qualify to supply ignition interlock systems could receive additional revenue under this bill.

Analysis

Bill Summary: This bill applies only to a person who has been convicted for the first time of driving or attempting to drive (1) while under the influence of alcohol or under the influence of alcohol per se; or (2) while impaired by alcohol.

If the MVA suspends a persons driver's license for 60 days, 120 days, or 1 year, under provisions that authorize the MVA to suspend a driver's license after conviction for specified alcohol- and/or drug-related driving offenses, then the MVA must require the driver to participate in the Ignition Interlock Program for at least 1 year upon expiration of the suspension period.

If the MVA does not suspend the driver's license of a driver for the above-mentioned offenses, then the MVA must require the driver to participate in the Ignition Interlock Program for at least one year once the driver has been convicted of the offenses.

When Ignition Interlock Program participation is mandated, a restriction must be imposed on the person's driver's license that prohibits the person from driving a motor vehicle that is not equipped with ignition interlock for at least one year.

Current Law: A person may not drive or attempt to drive any vehicle while: (1) under the influence of alcohol or under the influence of alcohol per se; (2) impaired by alcohol; (3) impaired by drugs and/or drugs and alcohol; or (4) impaired by any controlled dangerous substance.

The MVA may suspend, for not more than 60 days, the license of any person who is convicted of driving or attempting to drive a motor vehicle while: (1) impaired by alcohol; or (2) impaired by drugs or drugs and alcohol.

The MVA may suspend, for not more than 120 days, the license of any person who is convicted of driving or attempting to drive while: (1) impaired by alcohol; or (2) impaired by drugs or drugs and alcohol. This suspension period applies to a person who was previously convicted within a three-year period of driving or attempting to drive while: (1) under the influence of alcohol or under the influence of alcohol per se; (2) impaired by alcohol; (3) impaired by drugs or drugs and alcohol; or (4) impaired by a controlled dangerous substance.

The MVA must suspend for one year the driver's license of a person who has been convicted of driving while under the influence of alcohol or under the influence of alcohol per se more than once within a five-year period.

An individual whose driving license or privilege has been suspended or revoked may apply for reinstatement within time frames as established by statute. The time frames vary depending on whether it is the individual's first, second, third, fourth, or subsequent revocation.

Generally, the MVA may reinstate the driving license or privilege. If, however, the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law, the license or privilege may not be reinstated. If an individual has been involved in any combination of three or more separate alcohol-related and/or drug-related driving incidents, as defined by statute, involved in a vehicular accident resulting in the death of another person, or convicted of failing to stop after a vehicular accident resulting in bodily injury or death, the MVA must conduct an investigation of the individual's habits and driving ability. The MVA may only reinstate the driving license or privilege if the MVA is satisfied that it will be safe to do so. Except as otherwise provided, the MVA must require the applicant to submit to appropriate examinations before issuing a new license.

Under other provisions of the Maryland Vehicle Law, the MVA is authorized to suspend a driver's license for not more than six months for a first conviction of driving or attempting to drive while: (1) impaired by alcohol; or (2) while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely. For a second conviction of one of these offenses less than 5 years after the date of the first conviction, or for a third conviction, the MVA may suspend a license for not more than 12 months.

Background: According to the organization Mothers Against Drunk Driving, 44 states and the District of Columbia authorize or mandate the use of an ignition interlock system to deter alcohol-impaired driving. The six states that do not authorize the use of an ignition interlock system are Alabama, Hawaii, Maine, South Dakota, Vermont, and Wyoming.

According to the National Conference of State Legislatures, judges in the jurisdictions with ignition interlock systems have the discretion to order installation of ignition interlocks as part of sentencing for convicted drunk drivers. In states where the use of ignition interlock is mandatory, it is usually required either for repeat offenders, as a condition of probation, or in exchange for limited restoration of driving privileges. In 2005, New Mexico became the first state in the country to enact legislation requiring the use of ignition interlocks for all convicted drunk drivers, including first-time offenders.

State Revenues: TTF revenues could increase by an estimated \$11,925 in fiscal 2007 accounting for the October 1 effective date. The MVA advises that in fiscal 2005, there

were 530 first-time convictions for driving while under the influence of alcohol or under the influence per se and driving while impaired by alcohol. These drivers would be required to participate in the Ignition Interlock Program and would need to have a restriction added to their licenses. The MVA charges \$30 for a corrected license. Out-years assume a stable caseload and include annualization.

State Expenditures: TTF expenditures could increase by \$25,190 in fiscal 2007, which accounts for the bill's October 1 effective date. This estimate reflects the cost of hiring one-half of a customer service agent to monitor individuals in the Ignition Interlock Program and evaluate records to determine if there was any interruption in program participation. The penalty in the bill is administrative, so the MVA has the primary responsibility for issuing the penalty and monitoring those drivers who are subject to the penalty. For this administrative penalty, the MVA advises that one customer service agent assigned to the Driver Safety and Wellness Program can handle a caseload of 1,000 drivers annually. The estimate includes salaries, fringe benefits, one-time start-up costs, and operating expenses.

Salaries and Fringe Benefits	\$17,495
Related Operating Expenses	<u>7,695</u>
Total FY 2007 State Expenditures	\$25,190

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

The MVA advises that computer programming modifications to the driver licensing system that could be required by the bill could result in a one-time expenditure of \$67,000 in fiscal 2007 only. However, 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 an estimate, and that the MVA may be able to handle the changes with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Mothers Against Drunk Driving, National Conference of State Legislatures, Department of Legislative Services

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