

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

FISCAL AND POLICY NOTE

House Bill 126
Judiciary

(Delegate Zirkin)

Vehicle Laws - Probation for Drunk Driving - Mandatory Use of Ignition Interlock System

This bill requires a person who is granted probation before judgment for 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, to participate in the Ignition Interlock Program for at least one year, in addition to any other penalties that may be required. The person's driving license must also have a restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of at least one year.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues increase \$248,600 in FY 2007 from fees for corrected licenses. Out-years assume a stable caseload and include annualization. TTF expenditures increase \$470,100 in FY 2007 for additional personnel and related expenses to monitor drivers required to participate in the Ignition Interlock Program. Out-years include annualization, inflation, and a stable caseload.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	\$248,600	\$331,400	\$331,400	\$331,400	\$331,400
SF Expenditure	470,100	533,000	565,500	600,500	638,100
Net Effect	(\$221,500)	(\$201,600)	(\$234,100)	(\$269,100)	(\$306,700)

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

Current Law: The MVA is authorized to establish an Ignition Interlock System Program (the program) and establish protocols for minimum standards for approved system providers.

A person may participate in the program if the person's driving license is suspended or revoked for an alcohol- and/or drug-related driving offense or for the accumulation of points that lead to license suspension or revocation for these offenses. A person may participate if he/she is ordered to participate by a court. Also, a person may participate if the person's driving license has an alcohol restriction or if the MVA modifies a suspension or issues a restricted license to the person.

The MVA is authorized to issue a restrictive license to a person who participates in the program during the period that the driver's license is suspended. If the driver's license has been revoked for specified alcohol- and/or drug-related driving offenses or for the accumulation of points resulting from driving while under the influence of alcohol or under the influence of alcohol per se, the MVA may reinstate the license and impose a period of suspension in lieu of the license revocation. A notice of suspension or revocation for alcohol- and/or drug-related driving offenses must include information about the program and the qualifications for admission. The MVA is also authorized to establish a fee for program participation. A person who is required to participate must be monitored by the MVA and pay the fee required by the MVA.

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 \$248,580 in fiscal 2007, accounting for the October 1 effective date of the bill. According to the MVA, in fiscal 2005, 11,048 individuals received probation before judgment for driving while under the influence of alcohol or under the influence per se or driving while impaired by alcohol. The revenue estimate assumes that all drivers required to participate in the Ignition Interlock Program under the bill's provisions would pay the \$30 fee for a corrected license. Out-years assume a stable caseload and include annualization.

State Expenditures: TTF expenditures could increase by an estimated \$470,115 in fiscal 2007, accounting for the October 1 effective date. This estimate reflects the cost of hiring 11 customer service agents to monitor driver participation in the Ignition Interlock Program and process driver records. The penalty in the bill is administrative, and the MVA has the primary responsibility for issuing the penalty and monitoring drivers who are subject to the penalty. For this administrative penalty, the MVA advises that one customer service agent that monitors Ignition Interlock Program participants could manage a caseload of 1,000 drivers annually. The estimate includes salaries, fringe benefits, one-time start-up costs, and other ongoing operating expenses.

Positions	11
Salaries and Fringe Benefits	\$384,898
Related Operating Expenses	<u>85,217</u>
Total FY 2006 State Expenditures	\$470,115

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% turnover; (2) 1% 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 \$67,500 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

Fiscal Note History: First Reader - February 18, 2006
nas/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510