

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

**FISCAL AND POLICY NOTE**

Senate Bill 718 (Senator Giannetti)  
 Judicial Proceedings

**Vehicle Laws - Drunk Driving Penalties - Court-Ordered Use of Ignition Interlock System**

This bill requires a court to order that a person may not drive a motor vehicle that is not equipped with an ignition interlock device if the person was convicted of, or granted probation before judgment for, driving while under the influence of alcohol or under the influence of alcohol per se, or driving while impaired by alcohol. For a first offense, the imposition of ignition interlock must be for a period of not less than three months. For a second or subsequent offense, the imposition must be for a period of not less than one year.

The bill repeals the current discretionary authority of the court to order participation in the Ignition Interlock Program for up to three years.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) revenues increase \$438,200 in FY 2007 from fees for corrected licenses. Out-years reflect a stable caseload and annualization. TTF expenditures increase \$118,900 in FY 2007 for additional personnel and related expenses to process driver records. Out-years reflect annualization, inflation, and a stable caseload. The Judiciary advises that it could meet the bill’s requirements with existing resources.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	\$438,200	\$584,200	\$584,200	\$584,200	\$584,200
SF Expenditure	118,900	132,700	141,000	149,900	159,600
Net Effect	\$319,300	\$451,500	\$443,200	\$434,300	\$424,600

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

**Local Effect:** None.

**Small Business Effect:** Potential minimal. Vendors qualified by the Motor Vehicle Administration (MVA) to install ignition interlock systems could attain additional revenues under this bill.

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## Analysis

**Current Law:** An “ignition interlock system” is a device that connects a breath analyzer to a motor vehicle’s ignition system to measure a driver’s blood alcohol content (BAC) and prevents the vehicle from starting if the BAC exceeds the calibrated setting.

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 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.

**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 \$438,165 in fiscal 2007, accounting for the October 1 effective date of the bill. The MVA advises that in fiscal 2005, 19,474 individuals received probation before judgment for, or were convicted of (1) driving while under the influence or under the influence per se; or (2) driving while impaired by alcohol. The revenue estimate assumes that the same number of individuals would be required to participate in ignition interlock under this bill and 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 \$118,864 in fiscal 2007, accounting for the October 1 effective date. This estimate reflects the cost of hiring three customer service agents to process 19,474 driver records. Because the District Court would maintain jurisdiction over the individuals subject to the penalty, the MVA's records processing requirements are less stringent. Therefore, the MVA advises that one full-time customer service agent can process 6,000 records per year as the District Court would be responsible for monitoring program participation. The Judiciary advises that the requirements of this bill could be met with existing resources. The estimate includes salaries, fringe benefits, one-time start-up costs, and other ongoing operating expenses.

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Salaries and Fringe Benefits	\$95,623
Related Operating Expenses	<u>23,241</u>
<b>Total FY 2007 State Expenditures</b>	<b>\$118,864</b>

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee 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.

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### **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 - March 3, 2006  
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