

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

Senate Bill 719 (Senator Giannetti)
 Judicial Proceedings

Drinking Driver Monitor Program - Ignition Interlock System Requirement

This bill authorizes the Drinking Driver Monitor Program (DDMP) to require the use of ignition interlock of those defendants who are granted probation with a condition of participation in the Drinking Driver Monitor Program.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase by \$16,900 in FY 2007 from fees for corrected licenses. No effect on expenditures. Although the provisions of this bill could increase the number of drivers required to have an ignition interlock system as part of their participation in DDMP, it is anticipated that the Division of Parole and Probation in the Department of Public Safety and Correctional Services and the Motor Vehicle Administration (MVA) could meet the requirements of this bill with existing resources.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	\$16,900	\$22,500	\$22,500	\$22,500	\$22,500
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	\$16,900	\$22,500	\$22,500	\$22,500	\$22,500

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

Local Effect: None.

Small Business Effect: Potential minimal. Vendors that supply ignition interlock systems could attain additional revenue under this bill.

Analysis

Bill Summary: This bill applies to any person who is granted probation for a violation of an alcohol- and/or drug-related driving offense with a condition of probation that the person participate in DDMP. DDMP is authorized to require that a person use an ignition interlock system for a period up to the duration of the person's participation in DDMP. Any use of an ignition interlock system required by DDMP must be considered a condition of probation.

DDMP must notify the ignition interlock participant, the MVA, and the sentencing court of any required use and the duration of the required use of the ignition interlock system. DDMP must direct that MVA records reflect that the person may not operate a motor vehicle that is not equipped with an ignition interlock system and must direct that the MVA impose the appropriate restriction on the person's driver's license. DDMP must require proof of installation of the ignition interlock system and periodic reporting for verification of the proper operation of the ignition interlock system. DDMP must require the person to have the system monitored for proper use and accuracy by an MVA-approved entity and require the person to pay the reasonable cost of leasing or buying, and monitoring and maintaining the system. A payment schedule may be established by DDMP.

Current Law: An "ignition interlock system" is a device that connects to a motor vehicle ignition system to monitor the driver's blood alcohol level and prevents the vehicle ignition from starting if the driver's blood alcohol level exceeds the calibrated setting on the system.

A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol per se;
- impaired by alcohol;
- impaired by drugs, or drugs and alcohol; or
- impaired by a controlled dangerous substance.

A court may enter a stay of judgment and grant probation before judgment unless the defendant is charged with any of the following offenses, and the defendant has been convicted of or given probation for any of these offenses within the preceding five years: (1) driving while under the influence of alcohol, or under the influence of alcohol per se;

(2) driving while impaired by alcohol; (3) driving while impaired by drugs or drugs and alcohol; (4) driving while impaired by a controlled dangerous substance; (5) homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se; (6) homicide by motor vehicle or vessel while impaired by alcohol; (7) homicide by motor vehicle or vessel while impaired by drugs or drugs and alcohol; (8) homicide by motor vehicle or vessel while impaired by a controlled dangerous substance; or (9) life threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes.

On entering a judgment of conviction, a court may suspend the imposition of execution of the sentence and place the defendant on probation on conditions that the court considers proper.

The Division of Parole and Probation is responsible for administering DDMP and collecting supervision fees in accordance with the State Drinking Driver Program Interagency Agreement and adopting guidelines for collection of monthly program fees.

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 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 \$16,875, accounting for the bill's October 1, 2006 effective date. DDMP advises that up to 750 additional drivers could be required to use an ignition interlock system as a condition of their participation in DDMP. The estimate assumes that 750 additional drivers would need corrected licenses. The MVA charges \$30 for a corrected license that indicates an ignition interlock restriction.

State Expenditures: The bill authorizes DDMP to require ignition interlock participation from drivers who are referred to DDMP as a condition of probation. DPP processes about 20,000 drivers through DDMP annually and advises that an additional 750 participants that use ignition interlock could be absorbed with existing resources.

The MVA advises that a customer service agent could process about 6,000 driver records annually that require placement of restrictions for ignition interlock participation. Accordingly, the Department of Legislative Services advises that the additional caseload for the MVA could be met with existing resources.

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, Department of Public Safety and Correctional Services, Mothers Against Drunk Driving, National Conference of State Legislatures, Department of Legislative Services

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