

Department of Legislative Services
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FISCAL AND POLICY NOTE
Revised

Senate Bill 735

(Senator Raskin, *et al.*)

Judicial Proceedings

Rules and Executive Nominations

Vehicle Laws - Mandatory Use of Ignition Interlock System

This bill requires, rather than authorizes, the Motor Vehicle Administration (MVA) to establish an Ignition Interlock System Program, with a fee to cover program costs, and to establish minimum standards for all service providers. The bill requires, rather than permits, participation from persons who have committed specified alcohol-related driving offenses. The bill also alters the parameters for those drivers authorized to participate in the Ignition Interlock System Program due to the commission of specified alcohol-related driving offenses.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues may increase significantly from fees for corrected licenses and participation in the Ignition Interlock System Program. TTF expenditures may increase significantly for additional personnel and related expenses to monitor drivers required to participate in the Ignition Interlock Program.

Local Effect: None.

Small Business Effect: Minimal. Vendors approved by MVA who install ignition interlock systems may receive additional income under this bill due to higher levels of participation.

Analysis

Bill Summary: MVA is required to establish a protocol for the program by which a service provider must send information to MVA on individuals required to participate in the program at least every 30 days. The bill alters the parameters under which persons are either authorized or required to participate in the Ignition Interlock System Program.

In addition to those drivers younger than age 21 and those drivers who either refused to take a requested test of blood or breath or whose test results indicated driving under the influence of alcohol or under the influence of alcohol *per se*, the bill also extends authorized participation to those drivers:

- whose licenses are suspended or revoked for driving while impaired by drugs and/or drugs and alcohol due either to commission of the offense or to an accumulation of points from the commission of the offense;
- ordered by a court to participate in the Ignition Interlock System Program as an additional penalty, as part of a sentence, or as a condition of probation after being convicted for a first violation of driving under the influence of alcohol, under the influence of alcohol *per se*, or driving while impaired by alcohol; and
- convicted for a first violation of driving under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol or granted probation before judgment (PBJ) for a first violation of the same offenses.

A person *must* participate in the Ignition Interlock System Program if the person is convicted of, or granted PBJ for, a second or subsequent violation of driving under the influence of alcohol, under the influence of alcohol *per se*, or driving while impaired by alcohol. A notice of suspension or revocation sent to a person must include information about how the person can be required to participate in the program. MVA, in addition to any other required penalties, must require the person to participate in the program for one year for the second violation and three years for the third or subsequent violation, unless the court orders a longer period of program participation.

The person's driver's 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 the entire time the person is required to participate in the program. MVA must suspend the license of a driver who violates the program requirements. MVA must establish a fee for program participation that is sufficient to cover the program costs, but the fee is waived for indigent persons.

Current Law: 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; or
- impaired by drugs, or drugs and alcohol.

MVA is authorized to establish an Ignition Interlock System Program for alcohol-impaired drivers and establish protocols for minimum standards for approved system providers.

A person may participate in the program if the person's driver's license is suspended or revoked for alcohol-related driving offenses 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 driver's license has an alcohol restriction or if MVA modifies a suspension or issues a restricted license to the person.

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-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*, 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-related driving offenses must include information about the program and the qualifications for admission. MVA is also authorized to establish a fee for program participation. A person who is required to participate must be monitored by MVA and pay the fee required by MVA.

Background: According to the Maryland Task Force to Combat Driving Under the Influence of Drugs and Alcohol, which issued its final report in October 2008, the use of ignition interlock systems has been shown to lead to long-lasting changes in driver behavior and the reduction of recidivism. The task force advises that a minimum of six months of failure-free use is needed to significantly reduce recidivism. The task force reported that Michigan, Pennsylvania, Virginia, and West Virginia have extended required times for ignition interlock use for certain drunk driving violations and when offenders are required to use ignition interlock systems, recidivism is reduced by 60% to 95%.

According to the National Conference of State Legislatures, 46 states and the District of Columbia authorize or mandate the use of an ignition interlock system to deter alcohol-impaired driving. The four states that do not authorize use of an ignition interlock system are Alabama, Maine, South Dakota, and Vermont. Judges in the jurisdictions with ignition interlock systems have the discretion to order installation as part of sentencing for convicted drunk drivers. Fewer than half of the states with ignition interlock mandate its use. 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. Other states that mandate the use of ignition interlock for any drunk driving conviction, including a first conviction, include Arizona, Illinois, and Louisiana.

State Fiscal Effect: The bill requires MVA to assess a fee to cover implementation costs of the bill. MVA is currently authorized to assess a fee to ignition interlock participants but does not assess a fee at this time. Program participants pay the program vendors to participate in the program. TTF revenues from corrected license fees paid by drivers who complete the program may increase significantly beginning in fiscal 2011 and in future years under the bill, but may not cover full implementation costs.

According to MVA, in 2008, 10,402 individuals received PBJ for driving under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol. Of those individuals, 514 either received a second PBJ in 2008 after having received a prior PBJ or received two PBJs in 2008. MVA also advises that 5,550 drivers have been convicted of driving under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol. There is no data readily available, however, on the proportion of drivers with two or more convictions for these offenses.

The bill requires participation of one year for a second offense, and three years for third and subsequent offenses. Revenues do not accrue to TTF until the driver completes the ignition interlock program. Data is not available to reliably estimate what proportion of the drivers subject to the bill have to participate for one year, or three years. *By way of illustration*, if all the drivers identified in 2008 with multiple PBJs (514) and all those (5,550) convicted of driving while under the influence of alcohol, under the influence of alcohol *per se*, or while impaired by alcohol were required to participate in the program and paid the \$30 corrected license fee after one year of program participation, fiscal 2011 revenues would increase by \$135,338 and out-year revenues would increase by \$180,450.

TTF expenditures may increase significantly in fiscal 2010 to meet the bill's requirements. MVA has the primary responsibility for issuing the penalty of participation in the Ignition Interlock System Program. For this penalty, MVA advises that one customer service agent that monitors program participants can manage a caseload of 2,400 drivers annually. The number of additional drivers required to participate is unknown; however, *by way of illustration*, if half of the 5,550 drivers (2,775) were required to participate in the Ignition Interlock System Program due to two or more convictions, along with the 514 drivers mentioned above who received multiple PBJs for the alcohol-related offenses that are the subject of this bill, then at least one, and possibly two additional customer service agents would be needed to handle the additional workload. Accounting for the October 1 effective date of the bill, the total salary, including fringe benefits for each customer service agent in fiscal 2010 is \$38,985. The annualized salary, including fringe benefits, for each customer service agent is \$52,960.

Additional computer programming modifications to the driver licensing system also result in a one-time expenditure of \$125,000 in fiscal 2010 only. As a result fiscal 2010 expenditures to implement the bill could approach or exceed \$160,000. Since revenues from corrected licenses would not accrue until October, 2010 at the earliest, MVA is required to assess a fee to drivers who participate in the program in fiscal 2010 to cover program costs.

Additional Information

Prior Introductions: HB 126 of 2006 was heard by the House Judiciary Committee but then withdrawn.

Cross File: HB 1217 is designated as a cross file; however, it is not identical.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Maryland Department of Transportation, National Conference of State Legislatures, Department of Legislative Services

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