

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB1442H2

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Iaquinto

3. Committee: House Courts of Justice

4. Title: **DUI ignition interlock limitations**

5. Summary: Requires the implementation of ignition interlock following a Driving Under the Influence (DUI) conviction and raises the administrative fee from \$20 to \$75. In addition, the bill requires the offender to pay an additional \$30 per month to the appropriate Alcohol Safety Action Program (ASAP) for case management and monitoring on the ignition interlock. Further, the bill prohibits an offender from driving a school bus, school vehicle, or a commercial motor vehicle as defined in §46.2-341.4.

6. Fiscal Impact Estimates: Preliminary (see Item 8)

6b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$990,000		GF
2010	\$990,000		GF
2011	\$990,000		GF
2012	\$990,000		GF
2013	\$990,000		GF
2014	\$990,000		GF

7. Budget Amendment Necessary: Yes, Item 40

8. Fiscal Implications: It is reasonable to assume a revenue increase for the Commonwealth as a result of the increase of the administrative/court fee for ignition interlock installation.

According to the Supreme Court, the most recent court data available shows the Commonwealth could expect nearly 30,000 DUI convictions on an annual basis (24,049 first time convictions and 5,373 second and subsequent conviction). The courts do not track the number of restricted driver's licenses issued pursuant to those convictions, although anecdotal evidence suggests that a significant majority of those eligible for a restricted license request one. Discounting for the more serious DUI offenders who are not eligible for a restricted license or who do not become eligible immediately, those whose request is denied and those who do not seek one, for the sake of this analysis it is assumed that 75 percent of those convictions will result in restricted driver's license (22,500 restricted licenses) which, in turn, will require the installation of an ignition interlock device.

DUI convictions which result in a restricted license being issued to those defendants who are not indigent will result in some increase in revenue. The defendants who are not indigent and who, by virtue of their restricted license, must have ignition interlock, will pay an administrative/court fee of \$75, instead of the current \$20 administrative/court fee. In developing this estimated fiscal impact statement, it is assumed that 20 percent of those who would have otherwise obtained a restricted license, with the required ignition interlock device, are so indigent that they would not be able to obtain a restricted driver's license and interlock. As a result, it is estimated that there could be additional revenue of \$990,000 (80 percent of 22,500 restricted license holders x \$55 fee increase).

It's important to note that the estimated 20 percent of would-be restricted license holders who are so indigent could still seek a restricted license and interlock device if a court were to decide to waive the \$75 administrative/court fee and if other means are available to underwrite the cost of the ignition interlock device. Whether courts would choose to waive that fee is uncertain. Courts are explicitly permitted to waive all or part of the fee associated directly with Alcohol Safety Action Program (ASAP) participation, upon a finding of indigency (Va. Code § 18.2-271.1 (B)). While that provision may well encompass the new \$30 per month interlock monitoring fee collected by ASAP (lines 61-63), the \$75 fee is a fee to cover court and administrative costs. If that fee is considered a part of or analogous to court costs, courts may well conclude that they do not have the authority to waive all or part of that fee, without explicit statutory authorization (which does not currently exist).

According to the Department of Motor Vehicles (DMV), this legislation would have no fiscal impact on their operations.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of Motor Vehicles (DMV)

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 2/11/2008 dpb

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