

Fiscal Estimate Narratives

DOT 2/2/2016

LRB Number	15-1216/1	Introduction Number	AB-0266	Estimate Type	Original
Description Requiring or allowing persons who have committed certain offenses related to drunken driving to acquire an ignition interlock device in order to operate certain motor vehicles and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill includes various changes to existing processes and licensing requirements under current state law, relating to persons who have committed Operating While Intoxicated (OWI) offenses. In particular, this bill creates a license called an ignition interlock restricted license (IIRL), which permits a person to operate a motor vehicle only if the vehicle is equipped with an ignition interlock device (IID). An IIRL under this bill does not impose any geographic limitations on vehicle operation, nor does it impose any limitations on what activities a person with an IIRL can operate a vehicle for.

Under current law, a court is required to order a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an IID when a person is convicted of a second or subsequent OWI offense or a first OWI offense with an alcohol concentration 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated. The operating privilege restriction stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. Current law allows most OWI offenders, after a waiting period that increases with each subsequent OWI offense, to apply for an occupational license that allows the person to operate a motor vehicle equipped with an IID for certain limited activities and within certain limited geographic boundaries.

Also under current law, the Department of Transportation (DOT) is required to administratively suspend or revoke a person's operating privilege when it receives notification that a person has been convicted of committing certain OWI-related offenses in this state or in another state or on tribal lands. The periods of suspension or revocation and the waiting periods for each offense vary, but generally increase with the seriousness of the offense and the number of prior OWI offenses the person has committed.

Under the bill, a person who commits a first OWI offense while his or her alcohol concentration is below 0.15 (first offender) and a person who either fails a chemical test or who refuses a test has the option of applying for an occupational license or an IIRL. A first offender may be eligible for an IIRL at any time; however, if an offender opts for an occupational license, the individual is not eligible to receive that license until 45 days have passed from the time of the conviction. The issuance fee prescribed under this bill for both an IIRL and occupational license is \$90. This represents a \$50 increase to the existing occupational license fee of \$40 provided under current law.

The bill specifies that, except for a first offender, anyone who is convicted of or found to have committed an OWI offense is not eligible for an occupational license, but may only operate a vehicle under an IIRL. Under the bill, the IIRL is in effect for at least one year and remains in effect until any applicable license revocation or operating privilege restriction for the OWI expires. The bill requires a person, in order to obtain an IIRL, to demonstrate to DOT that any applicable waiting period has passed, that the person has equipped each vehicle they operate with a functioning IID that is approved by DOT, that the person has complied or is complying with any court-ordered assessment and driver safety plan, and that the person has paid the required fee(s) to DOT.

A person who fails a chemical test and whose operating privilege is administratively suspended by DOT may be eligible for an IIRL immediately under the bill, if the individual waives their right to an administrative hearing on the propriety of the test, and eligible for an occupational license 45 days after their arrest. If the person requests an administrative hearing administered by DOT's Division of Motor Vehicles (DMV) and the individual does not prevail at that hearing, the individual may be eligible for an IIRL 15 days after the hearing. In addition, a person whose operating privilege is administratively revoked for improperly refusing a test may be eligible for an IIRL after 30 days and, depending on whether the person has prior OWI convictions or offenses, eligible for an occupational license after a waiting period ranging from 45 days for a first offender to 120 days for a person with more than three OWI convictions or offenses.

For the purposes of this fiscal estimate, the Department made the following assumptions:

- 1) Out of the approximately 22,000 occupational licenses currently issued to persons each year, 75 percent, or 16,500, of those licenses issued would instead be an IIRL.
- 2) Using the experiences of states with similar interlock ignition laws, approximately 50% of OWI offenders will waive their right to an administrative hearing.

Based on these assumptions, the Department estimates that this bill will result in additional administrative costs of approximately 0.10 FTE per year for DMV. In addition, the total amount of revenue deposited in the Transportation Fund, generated from the \$50 increase to the existing issuance fee, is estimated to be approximately \$1.1 million per year.

One-time IT costs necessary for DMV to implement the various provisions under this bill, including the creation of this new license type and associated programming changes, are estimated to be \$726,720.

Long-Range Fiscal Implications

On-going administrative costs for DMV of approximately 0.10 FTE per year. The licensing fees established under this bill will result in an estimated increase of \$1,100,000 deposited annually in the Transportation Fund.

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-1216/1		Introduction Number AB-0266	
Description Requiring or allowing persons who have committed certain offenses related to drunken driving to acquire an ignition interlock device in order to operate certain motor vehicles and providing a criminal penalty			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): • One-time IT costs necessary for DMV to implement the various provisions under this bill, including the creation of this new license type and associated programming changes, are estimated to be \$726,720.			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$7,300		\$
(FTE Position Changes)	(0.1 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$7,300		\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S ((20.395(5)(cq)))	7,300		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
	Increased Rev	Decreased Rev	
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S ((20.395(5)(cq)))	1,100,000		
TOTAL State Revenues	\$1,100,000		\$
NET ANNUALIZED FISCAL IMPACT			
	<u>State</u>	<u>Local</u>	
NET CHANGE IN COSTS	\$7,300		\$
NET CHANGE IN REVENUE	\$1,100,000		\$
Agency/Prepared By		Authorized Signature	Date
DOT/ Robert Combs (608) 266-1449		Nate Yahn (608) 266-1114	2/2/2016