

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 26, 2008
POSITION: Support
SPONSOR: California Highway Patrol

BILL NUMBER: SB 1388
AUTHOR: T. Torlakson
RELATED BILLS: AB 2784, SB 1361, SB 1190

BILL SUMMARY: Vehicles: DUI: Ignition Interlock

This bill would transfer responsibility for administration of the ignition interlock device (IID) program from the courts to the Department of Motor Vehicles (DMV), require installation of an IID if a person convicted of drunk driving is later convicted of driving with a suspended license, and make it a misdemeanor to fail to install the device.

FISCAL SUMMARY

While DMV indicates there will be some costs associated with this bill, these costs will be prioritized with other information technology costs in the first year. The bill also provides authority for DMV to charge a fee for administration and license reissuance costs. Any need for additional expenditure authority in subsequent years will be addressed through the regular budget development process.

DMV estimates annual ongoing administrative costs at \$600,000.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the March 24, 2008 version do not alter our position and include a delayed operative date of July 1, 2009.

COMMENTS

Finance supports the bill because it provides additional assurance that IIDs will be installed as required under current law.

Finance notes, however, that DMV is currently undertaking several high priority projects that are critical to its core mission, most notably the modernization of its legacy computer system. DMV will prioritize the programming necessary to implement the bill with other IT projects, as DMV's IT staff expertise is required to modify its legacy system.

ANALYSIS

A. Programmatic Analysis

Existing Law:

Analyst/Principal Date Program Budget Manager Date
(0744) J. Gregg Mark Hill

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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- Provides it is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.
- Provides that it is unlawful for any person, while having 0.08% or more, by weight, of alcohol in his or her blood to drive a vehicle.
- Makes it a misdemeanor to drive on a license that has been suspended or revoked because of a DUI violation.
- Provides that if a person is convicted of driving on a license that has been suspended or revoked because of a DUI violation, the court shall require that person to install an IID on any vehicle that person owns or operates and prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified IID.

This bill would:

- Provide that a person convicted of driving on a suspended license, who has one prior conviction for DUI or reckless driving that was plead after a DUI charge, is to immediately install an IID in all vehicles which he/she owns or operates for a period of one year. The length of time increases with each subsequent conviction.
- Provide that DMV is to advise the court if a person has failed to show proof of installation within 30 days of DMV notifying the person of the requirement to install an IID.
- Transfer authority for the administration and implementation of IIDs from the courts to DMV and authorize DMV to collect fees for program administration and license reissuance.
- Make it a misdemeanor to willfully fail to install an IID during the time period required, punishable by up to six months in county jail and/or a fine of not more than \$5,000.
- Establish a July 1, 2009 operative date.

Related Legislation:

SB 1190 (Oropeza) reduces from 0.20% to 0.15% the blood alcohol content which triggers heightened consideration by the court to order installation of an IID.

SB 1361 (Correa) requires installation of an IID for all offenders convicted of a DUI under certain conditions. Those conditions include where there is a high blood alcohol content for a first offender and for a second or subsequent offender.

AB 2784 (Feuer) is identical to SB 1361.

Discussion:

According to the author's office, IIDs are an effective method of preventing a person convicted of DUI from reoffending because the device prevents a person with any measurable blood alcohol content from driving the vehicle that has the device installed.

Current law authorizes use of an IID where the court feels it is appropriate. However, while courts may order IIDs under certain circumstances and repeat offenders are required to install IIDs to obtain a restricted license during a suspension period, there are estimates that less than 5,000 IID devices are installed for the nearly 200,000 annual DUI offenders in California.

According to CHP, the bill's sponsor, while current law states that driving with a suspended license following DUI convictions should result in the mandatory imposition of interlock devices, courts often exercise discretion and allow exceptions to the device requirements. This bill would transfer regulatory

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authority for the administration of mandatory IID programs from state courts to DMV, and is intended to ensure that installation is mandatory. We note, however, that the bill does not eliminate the court's duplicate authority which may raise questions about the mandatory nature of the DMV imposed sanction.

B. Fiscal Analysis

While DMV indicates there will be some costs associated with this bill, these costs will be prioritized with other information technology costs in the first year. The bill also provides authority for DMV to charge a fee for administration and license reissuance costs. Any need for additional expenditure authority in subsequent years will be addressed through the regular budget development process.

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	
2740/DMV	SO	No		-----	See Fiscal Summary	-----			0044
1143/Other MV Fee	RV	No		-----	See Fiscal Summary	-----			0044
<u>Fund Code</u>	<u>Title</u>								
0044	Motor Vehicle Account, STF								