DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 5, 2009
POSITION: Neutral

BILL NUMBER: SB 598
AUTHOR: B. Huff
RELATED BILLS: AB 91

BILL SUMMARY: Driving Under the Influence: Ignition Interlock Device

This bill would reduce the suspension/revocation provisions for second- and third-time violations of driving with a blood alcohol level of 0.08 if the violator agrees to install and use an ignition interlock device (IID) in any vehicle operated by the violator during the term of suspension.

FISCAL SUMMARY

DMV estimates one-time programming and start-up costs of $270,000.

Ongoing annual administration costs are estimated at $175,000. The bill provides authority for DMV to charge a fee to program participants to cover these administration costs. DMV estimates a $45 fee will cover its administrative costs.

COMMENTS

Finance is neutral on the bill, but has concerns that the substantial decrease in the hard suspension for repeat drunk driving convictions may not be long enough to provide an effective deterrent. Additionally, the bill results in a different penalty for driving with a blood alcohol content of 0.08 percent than for "driving under the influence," which is a different violation that is cited when a driver refuses to consent to blood alcohol testing, when a driver is impaired with less that a .08 blood alcohol content, or when a driver is under the influence of drugs. It may be more appropriate to provide the same penalties for this violation.

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_____

AUTHOR	AMENDMENT DATE	BILL NUMBER
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ANALYSIS

A. Programmatic Analysis

Existing law:

- Provides that it is unlawful for any person to drive while under the influence of alcohol or drugs or to drive with a blood alcohol content (BAC) of 0.08 percent or more. These violations are commonly referred to as DUI. Existing law establishes a scheme of penalties that include fines, incarceration, license suspensions, and treatment programs. Under certain circumstances, a person with a suspended license may apply for a restricted license, including the following:

  - First time offenders are subject to 6 month license suspension, except that offenders with high BAC (.20 percent) are subject to a 10 month suspension. First time offenders may apply for a restricted license upon proof of enrollment in an alcohol or drug treatment program.

  - Second and third time offenders are subject to two year and three year suspensions, but may apply for a restricted license after 12 months if enrolled in required treatment programs and upon installation of IIDs.

  - DMV is required to provide notice to second and third time offenders of the period of suspension and when the driver is eligible to apply for a restricted license.

- Authorizes the court to require that a person convicted of a first offense violation of DUI and DUI causing bodily injury to install a certified IID on any vehicle that the person owns or operates and prohibits that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified IID.

- Provides that a person convicted of driving on a suspended license where the suspension is the result of DUI must install an IID on any vehicle that the person owns or operates and prohibits the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified IID.

This bill would:

- Allow a person convicted of a second DUI to obtain a restricted license after 90 days of suspension if he or she meets the requirements of existing law, submits proof installation of a certified IID, and only operates a vehicle with a functioning IID.

- Allow a person convicted of a third DUI to obtain a restricted license after six months of suspension if he or she meets the requirements of existing law, submits proof installation of a certified IID, and only operates a vehicle with a functioning IID.

Discussion:

According to the author's office, "Only a small percentage of people convicted of multiple DUIs are required by the court to install an IID on their vehicles to discourage recidivism. This bill will increase the use of ignition interlocks among repeat offenders while they are in treatment and will reduce the incidence of driving while on a suspended license. The measure provides one more tool to proactively fight drunk driving."

In September 2004, DMV released a report pursuant to Chapter 756, Statutes of 1998, regarding the implementation and effectiveness of IIDs entitled "An Evaluation of the Effectiveness of Ignition

Interlock in California." The results of this study show that second DUI offenders who serve half of their sentence suspension period and install an IID in order to obtain a restricted driver license have a lower risk of DUI recidivism that their counterparts who remain suspended. The DMV report suggests, "One way to encourage more repeat offenders to install interlocks is to shorten their period of suspension if they install the device."

DMV notes that most drivers arrested for DUI are subject to an immediate administrative suspension of twelve months if the driver has prior DUI convictions. This bill would not reduce the period of the administrative suspension. Currently, a driver serves the twelve month administrative suspension, plus the twelve month hard suspension after the criminal conviction. SB 598 would result in repeat offenders being eligible for a restricted license after a one year (administrative) and nine month (criminal) hard suspension. This is consistent with recommendations in DMV's 2004 report. DMV notes, however, that most studies show that once the IID is removed, recidivism rates return to pre-IID installation levels. Additionally, installation of IIDs does not result in fewer accidents.

Related legislation:

AB 91 (Feuer) establishes a four-county pilot program within the DMV that requires a person convicted of DUI to install an IID on all vehicles he or she owns or operates and to participate in a county alcohol and drug problem assessment program. AB 91 would become operative only if this bill is enacted and becomes operative on or before January 1, 2010.

Prior legislation:

Chapter 404/2008 (AB 1388/Torlakson) transferred responsibility for administration of the IID program from the courts to the DMV, requires installation of an IID if a person convicted of DUI is later convicted of driving with a suspended license, and makes it a misdemeanor to fail to install the device.

SB 1361/Correa (2008), which was similar to SB 598 for repeat DUI offenders, was vetoed. SB 1361 would have also allowed first time offenders who install IIDs to obtain unrestricted licenses.

B. Fiscal Analysis

DMV estimates one-time programming and start-up costs of $270,000.

Ongoing annual administration costs are estimated at $175,000. The bill provides authority for DMV to charge a fee to program participants to cover these administration costs. DMV estimates a $45 fee will cover its administrative costs.

Code/Department Agency or Revenue Type	SO LA CO RV	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) PROP 98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Fund Code
2740/DMV	SO	No	C	$445	C	$175	C	$175	0044

Fund Code	Title
0044	Motor Vehicle Account, STF