

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7489**  
**BILL NUMBER: HB 1617**

**NOTE PREPARED: Feb 20, 2007**  
**BILL AMENDED: Feb 19, 2007**

**SUBJECT:** Ignition Interlock Device and Sales Tax.

**FIRST AUTHOR:** Rep. Orentlicher  
**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**   **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It establishes the Ignition Interlock Fund.
- B. It provides that a court order granting probationary driving privileges to certain persons must prohibit the person from operating a motor vehicle unless the vehicle is equipped with an ignition interlock device.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** (Revised) There is no appropriation in the bill to fund the Ignition Interlock Fund. The fund would be used to provide local governmental entities with funds to assist with administering an ignition interlock program for indigent persons. Depending on existing resources, the Criminal Justice Institute may need additional staff to administer this new fund.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill could increase local administrative expenditures related to court orders for use of ignition interlock devices. The amount of any increase in expenditures will ultimately be determined by the administrative actions of the courts, but could be offset by distributions from the Ignition Interlock Fund established in this bill.

*Background on Ignition Interlock Devices* – Counties do not incur any additional cost when a court orders a person convicted of OWI to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car typically pay for the entire costs of the

operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. *Indigent persons are not required to pay the entire fee.*

Under current law, unless a person has no prior OWI offenses, courts are required to suspend a person's driving privileges and order the use of an ignition interlock device as a condition of probationary driving privileges. As proposed, unless OWI offenders are convicted of a first-time offense, any time the sentencing court grants probationary driving privileges to an offender who has a prior OWI and is involved in a motor vehicle accident or operating a vehicle with a BAC of 0.15 or more, the court must order that probationary driving privileges include either the installation of an ignition interlock device for or participation in an alcohol treatment program in which the drug disulfiram or similar substance is administered. The following table shows the current provisions in statute and what is proposed by this bill.

Prior History	Current Law		Proposed
	Length of Suspended License	Ignition Interlock or Disulfiram Required?	If Probation Is Granted for Driving Privileges
No Prior and No Refusal to Take Chemical Test	90 to 180 Days	No	Discretionary use of ignition interlock; Court must set forth reasons for not ordering ignition interlock
Prior in over 10 Years and No Refusal to Take Chemical Test	90 to 180 Days	Yes	Mandatory use of ignition interlock or use of disulfiram as part of supervised alcohol treatment program.
No Prior or Prior in over 10 Years Refusal to Take Chemical Test	90 Days to 2 years	Yes	
Prior OWI between 5 and 10 years	180 days to 2 years	Yes	
Prior OWI within past 5 years	1 to 2 years	Yes	

Counties with a large volume of OWI cases and needing additional court officers could need additional staff to issue orders about why installing an ignition interlock system is not appropriate.

The Bureau of Motor Vehicles reports the number of drivers with suspended licenses for OWI-related offenses below.

New License Suspensions by Calendar Year						
	2000	2001	2002	2003	2004	2005
OWI per se	2,459	3,048	4,617	4,885	5,017	4,717
OWI	13,332	12,499	13,024	12,137	11,718	11,539
OWI/ Unspecified	16	11	17	7	6	5
Prior OWI/5 Yrs	4,006	3,772	3,799	4,328	4,233	3,971
OWI Causing Injury	67	64	75	76	87	86
OWI Causing Death	27	21	22	30	29	36
Total OWI-Related Suspensions	19,907	19,415	21,554	21,463	21,090	20,354

Ignition interlock systems appear to be used sparingly by courts in Indiana. This is reported to be due in part to the limited number of service providers available in some counties and because some judges believe that the fee amounts are too expensive for some defendants.

In an informal survey, Criminal Justice Institute staff reported that the following courts order ignition interlock for OWI offenders:

- Porter Superior Court # 4
- Clark Superior Court # 3
- Jefferson City Court
- Tippecanoe Superior Court #6

**Explanation of Local Revenues:** Local governmental entities will see an increase in revenues to the extent that an entity receives a distribution from the Ignition Interlock Fund for administrative costs associated with court orders for use of ignition interlock devices.

**State Agencies Affected:** Department of State Revenue; Criminal Justice Institute.

**Local Agencies Affected:** Courts with OWI jurisdiction.

**Information Sources:** Criminal Justice Institute.

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