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**FISCAL IMPACT STATEMENT**

**LS 6980**

**BILL NUMBER: HB 1272**

**NOTE PREPARED: Jan 11, 2010**

**BILL AMENDED:**

**SUBJECT:** Ignition Interlock Devices.

**FIRST AUTHOR:** Rep. Duncan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past and may order the person to not operate a motor vehicle for six months unless the motor vehicle is equipped with a functioning certified ignition interlock device.

It requires a court, when granting probationary driving privileges to: (1) a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past; or (2) a person who operated a vehicle with a certain alcohol concentration equivalent; to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Ignition Interlock Devices:* Requiring ignition interlock devices would result in minimal costs to counties.

Counties do not incur any additional cost when a court orders a person convicted of operating a vehicle while intoxicated to install and maintain an ignition interlock system. Persons who are ordered to install and

properly maintain an ignition interlock system on their car are to pay the entire cost 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. While current law does not require indigent persons convicted of OWI to pay to have an ignition interlock device installed, courts are not required to pay the cost of installing and maintaining an ignition interlock device, either.

Under current law, courts can suspend a person's driving privileges or order the use of an ignition interlock device as a condition of probationary driving privileges if the person did not refuse the test and has no prior OWI convictions within the previous ten years. Any other person with an OWI offense that has occurred within ten years is required to have an ignition interlock device installed during the probationary period. (IC 9-30-5-16) A court may substitute an alcohol treatment program using disulfuram or a similar substance in lieu of installing ignition interlock devices in the vehicles of drivers if the prior offense occurred within the past five years. (IC 9-30-5-7(d)).

Under the bill, the court may grant a person probationary driving privileges with the use of a certified ignition interlock device for a six-month period in certain circumstances.

While the fiscal effect on the counties is likely to be minimal, it is possible that the court could pay the cost if the person is indigent. An estimate of the fiscal impact on the courts is based on the number of persons convicted of an OWI who have had a prior OWI conviction within the past 5 years. (Note: Information on the number of persons with prior offenses between 5 and 10 years is not available.) Between 2003 and 2008, an average of 3,976 persons with suspended licenses had OWI priors within the past 5 years.

**New License Suspensions for Individuals with a Prior OWI Offense within Five Years  
(by Calendar Year)**

<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>6-Year Average</u>
4,317	4,220	3,954	3,279	4,591	3,495	3,976

As an illustration, LSA estimates that 1,113 OWI offenders could be indigent based on the percentage of misdemeanants who qualified for pauper attorney services in 2007 (55,133 pauper cases ÷ 195,360 cases disposed = 28% x 3,976 = 1,113). While counties would not be obligated to pay for the costs of installing and operating these ignition interlock devices, the added costs could range between \$278,250 and \$511,980 for six months using the installation and monthly interlock device costs shown earlier.

Background: Ignition Interlock Orders Between CY 2005 and CY 2009 -- When compared to the number of license suspensions for OWI, it appears that ignition interlocks are not frequently used by sentencing courts. BMV reports that between 2005 and 2009, 3,295 licenses were issued which restricted the holder of the license to only operate a vehicle equipped with an interlock device, or roughly 660 per year on average.

The following table shows 86 counties who ordered ignition interlocks be installed and the frequency of these court orders.

**Licenses Requiring Ignition Interlock Installation Issued  
(2005 and 2009)**

Number of Licenses Issued In County	Counties in which Ignition Interlocks were Ordered
4 or Fewer (26 Counties)	Daviess, Decatur, Harrison, Jackson, Jay, Jefferson, Jennings, Knox, Monroe, Morgan, Newton, Ohio, Orange, Owen, Perry, Pike, Rush, Scott, Shelby, Spencer, Steuben, Switzerland, Tipton, Union, Washington, Wells
Between 5 and 11 (19 Counties)	Adams, Bartholomew, Fayette, Franklin, Gibson, Jasper, Kosciusko, LaGrange, Marshall, Miami, Parke, Posey, Putnam, Ripley, Sullivan, Vermillion, Wabash, Wayne, Whitley
Between 12 and 32 (19 Counties)	Benton, Blackford, Boone, Carroll, Cass, Clark, Clay, DeKalb, Dubois, Floyd, Grant, Hendricks, Howard, Johnson, Madison, Pulaski, Randolph, Starke, White
Between 33 and 100 (16 Counties)	Clinton, Dearborn, Elkhart, Fountain, Fulton, Hamilton, Hancock, Henry, Lake, LaPorte, Montgomery, Noble, Porter, Vanderburgh, Warren, Warrick
Between 101 and 275 (5 Counties)	Allen, Delaware, Marion, Saint Joseph, Vigo
872 (1 County)	Tippecanoe

**Explanation of Local Revenues:**

**State Agencies Affected:** Bureau of Motor Vehicles.

**Local Agencies Affected:** Trial courts, city courts, local law enforcement agencies.

**Information Sources:** Bureau of Motor Vehicles; *2007 Indiana Judicial Report*.

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