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## FISCAL IMPACT REPORT

SPONSOR: SJC DATE TYPED: 03/07/03 HB \_\_\_\_\_

SHORT TITLE: Ignition Interlock Devices SB 266/SJCS

ANALYST: Padilla

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$300.0			Non-Recurring	Local DWI Grant Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$300.0		Non-Recurring	Interlock Device Fund

(Parenthesis ( ) Indicate Revenue Decreases)

Relates to SB 501

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Insufficient Time to Seek Agency Response

### SUMMARY

#### Synopsis of Bill

Senate Judiciary Substitute for Senate Bill 255 makes changes to provisions of the Interlock Device Fund and makes an appropriation from the Local DWI Grant Fund to the Interlock Device Fund. The bill establishes that device providers will pay fees for devices provided to persons whose driver's licenses are revoked pursuant to the Implied Consent Act, in addition to persons

convicted of DWI, as statute currently provides. The ten percent fee is expanded to cover installation, service and removal charges.

The bill allows the Interlock Device Fund to be used only for the initial four months of leasing a device for indigent people. Current statute contains no such time limitation.

The bill appropriates \$300.0 from the Local DWI Grant Fund to the Interlock Device Fund.

Significant Issues

1. The “Interlock Device Fund” was created to receive funds from ignition interlock device providers to cover the cost of the devices for indigent people. In response to the original bill, DFA noted that the Interlock Device Fund will not have money in it until DFA receives deposits from ignition interlock providers on a continuous basis. No money can therefore be paid out to interlock providers for their services to the indigent until a sufficient amount has been paid in.

By appropriating \$300.0 to the Interlock Device Fund, the bill appears to address DFA’s concerns. Instead of waiting until the Fund has money from deposits from providers, the appropriation can be used to pay for initial indigent users.

2. In response to the original bill, AOC noted that currently there is confusion as to what constitutes indigence for purposes of the interlock device fund. The bill continues to allow the sentencing court to determine indigence.

**FISCAL IMPLICATIONS**

The appropriation of \$300.0 contained in this bill is a non-recurring expense to the Local DWI Grant Fund. Any unexpended or unencumbered balance remaining at the end of any fiscal year shall NOT revert to the Local DWI Grant Fund.

The appropriation is non-recurring on the assumption that the Interlock Device Fund will begin collecting revenue from device providers and will not require additional appropriations.

**ADMINISTRATIVE IMPLICATIONS**

The Interlock Device Fund is administered by DFA’s Local Government Division.

**RELATIONSHIP**

This bill relates to SB 501, which allows a person whose instructor’s permit, driver’s license or provisional license has been revoked, suspended or denied to apply for an ignition interlock device.

**LP/yr/njw**