

Department of Finance and Administration

Legislative Impact Statement

Bill: SB877 **Amendment Number: S1 (3/17/15 Engrossment)**
Bill Subtitle: CONCERNING THE USE OF AN IGNITION INTERLOCK DEVICE.

Basic Change : Sponsor: Sen. Hickey

This bill amends state law regarding use of an ignition interlock device. Current law allows DFA to provide for an interlock restricted license for 1st, 2nd, and 3rd offense of DWI. A person is not required to obtain the interlock device. A person must choose to either have an interlock device installed and be issued an interlock restricted license, or not drive at all during their period of suspension. This bill will require an interlock device for all DWI offenders prior to reinstatement of their license. In addition, this bill requires DFA to place an interlock restriction on the record of the DWI offender for 1st, 2nd and 3rd offense. This bill also requires both proof of installation and proof that the interlock device has been installed for the entire period required by law prior to reinstatement of the driver's license.

Revenue Impact :

There is no revenue impact if this bill is passed

Taxpayer Impact :

All persons convicted of a DWI offense will be required to install an interlock device for the entire period required by law before their license can be reinstated. The taxpayer will no longer have a choice, but must install an interlock device.

Resources Required :

Programming will be required to implement this bill.

Time Required :

No additional time is required to implement this bill.

Procedural Changes :

Procedures would be required to change if this bill is passed.

Legal Analysis :

Amendment 1 to SB877 amends 5-65-118 which was previously amended by Act 299 of 2015. It requires, instead of authorizes, the Office of Driver Services to place the license restriction of an interlock device on offenders of § 5-65-103, Driving While Intoxicated (DWI) or Boating While Intoxicated (BWI). It deletes the requirement that the restriction continue for up to one year after the person's driving privilege is no longer suspended, and adds the requirement that the restriction continue until the period for using the interlock device has run. The amendment also requires proof of the installation of the device for the entire restriction period before driving privileges are reinstated.

SB877 directly conflicts with existing law as provided in § 5-65-104(a)(2)(A)(ii)(b), -104(a)(2)(B)(iii), and -104(a)(2)(C)(iii), which prohibit the issuance of an ignition interlock restricted license to a person that has been arrested for a first, second, or third offense DWI or BWI where the person was intoxicated as a result of the ingestion of a controlled substance. This direct conflict must be resolved by amendment to the bill.