

Department of Finance and Administration

Legislative Impact Statement

Bill: SB877

As Engrossed: 3/25/2015

Bill Subtitle: CONCERNING THE USE OF AN IGNITION INTERLOCK DEVICE.

Basic Change : Sen. Hickey

This bill as engrossed 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. This restriction does not apply to a person who is arrested for violation 1st, 2nd, 3rd and subsequent offense if the person was intoxicated by the use of a controlled substance.

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 :

SB877, as amended by H1, amends § 5-65-118 to require the Office of Driver Services to place an ignition interlock license restriction on all persons arrested for Driving While Intoxicated (DWI) or Boating While Intoxicated (BWI) where the person was intoxicated as a result of the consumption of alcohol. The bill deletes the requirement that the restriction continue for up to one year after the person's driving privilege is no longer suspended. The amendment also requires proof of the installation of the device for the entire restriction period before driving privileges are reinstated.

SB877, as amended by H1, clarifies that the interlock restriction will not apply to a DWI or BWI violation if the person was intoxicated as a result of ingestion of or by the use of a controlled substance. This amendment addresses a concern raised by DFA with the bill.