

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1268

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

Basic Change :

Sponsor: Representative Murdock

Current Arkansas law requires that a person arrested for an alcohol-related violation of the offense of Driving or Boating While Intoxicated, § 5-65-103 ("DWI" or "BWI"), install an ignition interlock device in the person's vehicle. Current law also provides that the person may not have his or her driving privileges reinstated until the Office of Driver Services receives proof that the person has had an ignition interlock device installed in his or her vehicle during the period of suspension of driving privileges.

HB1268 would change the mandatory interlock device requirement to allow a person arrested for DWI or BWI to choose whether to have an interlock device installed in his or her vehicle and continue to drive or choose not to drive a vehicle during the period of suspension. Also, this bill provides that, for a third or subsequent offense of DWI or BWI, DFA must find that the person is financially able to afford the ignition interlock device if DFA imposes the interlock restriction.

Revenue Impact :

None.

Taxpayer Impact :

A person whose driving privileges have been suspended for an alcohol-related DWI or BWI will not be required to have an ignition interlock device installed in their vehicle prior to reinstatement of driving privileges.

Resources Required :

The Office of Driver Services employs 25 Hearing Officers to hold hearings in 75 counties. If the Hearing Officers are required to analyze finances of individuals obtaining an ignition interlock device, then two additional accounting positions for the Office of Driver Services would be required. Programming is estimated to cost \$16,500 to make these changes. Additional training will be required.

Time Required :

DFA will require additional time to implement and request an amendment to the bill to make the effective November 13, 2017.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

HB1268 removes the mandatory requirement that drivers arrested for an alcohol-related DWI or BWI have an interlock installed on their vehicle for the full period of their suspension. Under the bill, DFA may place the restriction on a driver who violates DWI or BWI. Drivers who do not obtain the interlock restriction will be able to serve out their suspension by not driving at all. DFA hearing officers will have discretion in ordering interlock permits to those found to be financially able to afford it. DFA Hearing Officers would require to training as to how it would be determined if an individual is financially able to pay for the interlock device.