



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 290

PRINTERS NO. 1751

PRIME SPONSOR: Rafferty

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
Motor License Fund	\$0	See "Fiscal Impact"

SUMMARY: Amends Title 75 (Vehicle Code) providing for "ignition interlock limited licenses" and providing for ignition interlocks for first-time offenders. This legislation would take effect in 15 months, with the exception of the section relating to chemical testing, which shall be effective immediately.

ANALYSIS: This legislation would amend the Vehicle Code regarding driving under the influence (DUI) by establishing an "ignition interlock limited license" and providing for ignition interlocks for first-time offenders; addressing chemical tests to determine BAC; further restricting issuance of occupational limited licenses; and clarifying the calculation of prior offenses.

Ignition Interlock Limited License: This legislation adds a new Section 1556 (related to ignition interlock limited license).

An "ignition interlock limited license" (IILL) is defined as a driver's license issued to an individual whose operating privilege is suspended or revoked for one or more violations of Title 75 Sections 1547 (relating to chemical testing to determine amount of alcohol or controlled substance), 3802 (relating to driving under the influence of alcohol or controlled substance), or under former Section 3731 (relating to driving under the influence of alcohol or controlled substance) or a violation substantially similar to a violation under Section 3802 or former Section 3731 in another jurisdiction, requiring the individual to operate only motor vehicles equipped with a functioning ignition interlock system.

An applicant for an ILL must petition PennDOT by:

- Submitting a form prescribed by PennDOT, sent by certified mail, and including proof of installation of an ignition interlock system;
- Including proof of financial responsibility covering each vehicle the applicant requests permission to operate; and,
- Surrendering his/her driver's license in accordance with Section 1540 (relating to surrender of license).

If the applicant is qualified, PennDOT shall have 20 days from receipt of the petition to issue the IILL. The fee for an IILL shall be \$65.

PennDOT shall issue an IILL only after receiving proof that any motor vehicle, to be operated by the individual, is equipped with an approved ignition interlock system.

PennDOT shall prohibit the issuance of an IILL to any person:

- who is not licensed to drive by the Commonwealth or any other state.
- who is required by the Vehicle Code to take an examination and who has failed to take and pass the examination.
- whose operating privilege has been recalled or canceled.
- who has an unsatisfied judgment against him/her as the result of a motor vehicle operation until the judgment has been satisfied or an installment agreement has been entered into, and financial responsibility has been established.
- who is applying for an IILL to operate a commercial vehicle.
- if PennDOT is disqualified from issuing the ignition IILL under the federal Commercial Motor Vehicle Safety Act of 1986 or the federal Motor Carrier Safety Improvement Act of 1999.
- whose operating privilege has been suspended under Section 1532(a.1) (relating to suspension of operating privilege) based on a violation of Section 3732 (relating to homicide by vehicle) or Section 3735 (relating to homicide by vehicle while driving under influence).

A person whose operating privilege has been suspended or revoked for a conviction under Section 3802 or under former section 3731 or an offense substantially similar to an offense under section 3802 of former section 3731 in another jurisdiction shall be eligible to apply for an IILL, under the following criteria:

- If the person has been suspended under Section 1547(b), he will be eligible if:
 - he has served six months of the 12-month suspension under Section 1547(b)(1)(i);
or
 - he has served 9 months of the 18-month suspension under Section 1547(b)(1)(ii).
- If the person has been suspended under Section 3804(e) (relating to penalties), he will be eligible if:
 - he has not had a prior offense within the past 10 years. He will be immediately eligible for the 12-month suspension under Section 3804(e)(2)(i);
 - he has served 6 months of the 12-month suspension under Section 3804(e)(2)(i);
or
 - he has served 9 months of the suspension imposed under Section 3804(e)(2)(ii).

Any period for which a person holds a valid IILL shall satisfy the duration of the mandatory period of ignition interlock usage imposed under Section 3805 (relating to ignition interlock) arising from the same incident.

If an individual who has been issued an IILL is convicted for an offense for which the penalty is cancellation, disqualification, recall, suspension or revocation of operating privileges, PennDOT shall have the sole discretion to either:

- Extend the term of the IILL up to the original term for which the license was suspended or revoked; or
- Recall the IILL.

Persons who have been issued an IILL shall only operate motor vehicles equipped with a functioning ignition interlock system and their operating privileges shall remain under suspension or revocation, except when operating a vehicle in accordance with the issuance and restrictions of the IILL.

If a person with an ignition interlock limited license is required in the course and scope of employment to drive, operate or be in actual physical control of the movement of a motor vehicle owned by the person's employer for an employment exemption, that person may operate the vehicle after certain prerequisites are met.

Any person who has been denied an IILL, or has had his IILL recalled, shall be eligible to file an appeal with PennDOT for a reasonable fee. The appeal does not operate as an automatic supersedeas.

Section 3805 (relating to ignition interlock) is amended to expand the one year ignition interlock requirement to first-time offenders.

PennDOT shall not issue an unrestricted license until a person has presented:

- Proof that the person has completed the ignition interlock restricted license.
- Certification from the company that provided the ignition interlock device that the following has NOT occurred in the previous 2 months:
 - an attempt to start the vehicle with a BAC of 0.08% or more, not followed within 5 minutes by a subsequent attempt with a BAC of lower than 0.08%.
 - Failure to take or pass any required retest.
 - Failure of the person to appear at the ignition interlock system vendor when required for maintenance, repair, calibration, monitoring, inspection or replacement of the device such that the device no longer functions as required.

Chemical Tests for Blood Alcohol Content (BAC): This legislation amends Section 1547 to eliminate chemical tests on urine for the purpose of determining the alcoholic concentration of blood or the presence of a controlled substance. This is due to the recent unfavorable court rulings which have cast doubt on the accuracy and admissibility of urine as a determinant for blood alcohol content.

Limitation on Occupational Limited License: The legislation amends Section 1553 (relating to occupational limited license) to repeal the eligibility for an occupational limited license for an individual who is convicted of an offense under Section 3802 or under former Section 3731 or for a refusal to submit to chemical testing under Section 1547.

Calculation of Prior Offenses: This legislation amends Section 3806 (relating to prior offenses) to provide that a prior offense must have occurred:

- Within 10 years prior to the date of the offense which the defendant is being sentenced;
or
- On or after the date of the offense.

If a defendant is sentenced for two or more offenses in the same day, the offenses shall be considered prior offenses. A court shall determine the number of prior offenses, if any, at the time of sentencing.

FISCAL IMPACT: According to PennDOT, the ignition interlock limited license provisions would require approximately \$50,000 in one-time vendor costs to establish a new ignition interlock limited license card type. That is based on the number of vendor hours at 300 at a rate of \$165 per hour. This is the hourly rate contained in the Department's contract with the vendor.

The necessary updates to PennDOT's Driver License & Control System are expected to be handled utilizing existing PennDOT staff.

Annual costs thereafter will be approximately \$372,000 for additional staff and mailing costs. PennDOT will need to add 6 full-time employees at an annual cost of \$357,000 to support this program. It is anticipated that petitions for the new ignition interlock limited license could be as many as 31,000 per year. With postage and related costs at 47¢ per envelope, it is estimated that mailing costs could be approximately \$15,000 per year.

PennDOT projects that the volume of petitions for an ignition interlock license could be as many as 31,000 per year. 31,000 licenses at a price of \$65 per petition would generate approximately \$2 million for the Motor License Fund annually, fully covering the annual cost of the legislation.

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House Appropriations Committee (R)

DATE: May 2, 2016

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.