



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	S. 0028	Introduced on January 12, 2021
<b>Author:</b>	Hutto	
<b>Subject:</b>	Driver's License; Suspended due to DUI	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Griffith and Gardner	
<b>Impact Date:</b>	March 17, 2021 Updated for Additional Agency Response	

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### **Fiscal Impact Summary**

This bill will increase non-recurring General Fund expenditures of the Department of Motor Vehicles (DMV) by \$79,200 in FY 2021-22 for programming changes related to the Ignition Interlock Device Program. The bill will increase Other Funds expenditures of the Department of Probation, Parole and Pardon Services (PPP) by \$1,076,900 in FY 2021-22 and by \$955,900 in each subsequent fiscal year. PPP anticipates managing these expenses within its existing budget using the Ignition Interlock Device Fund. The bill will increase Other Funds revenues of PPP for the Ignition Interlock Device Fund by \$58,350 annually.

*This fiscal impact statement has been updated to include a response from PPP.*

### **Explanation of Fiscal Impact**

#### **Updated for Additional Agency Response on March 17, 2021**

#### **Introduced on January 12, 2021**

#### **State Expenditure**

This bill allows certain offenders whose license has been suspended for driving a motor vehicle under the influence to enroll in the Ignition Interlock Device Program (IIDP).

SECTION 1. This section of the bill allows a person under the age of twenty-one whose driver's license, permit, or nonresident operating privilege has been suspended or denied by DMV to enroll in the agency's Ignition Interlock Device Program in lieu of serving the remainder of the suspension or denial. Within thirty days of the issuance of the notice of suspension, the person may request a contested case hearing before the Office of Motor Vehicle Hearings, enroll in the Ignition Interlock Device Program, and obtain a temporary alcohol license with an ignition interlock restriction. The ignition interlock restriction must be maintained on the temporary alcohol license for three months.

SECTION 2. A person whose driver's license or privilege to operate a motor vehicle has been revoked permanently for an offense that occurred prior to October 1, 2014, excluding those convicted of a felony driving under the influence of alcohol or another controlled substance, may petition the circuit court in the county of his residence for reinstatement of his driver's license under certain conditions.

SECTION 4. This section allows a habitual offender to operate a motor vehicle if the person is enrolled in the Ignition Interlock Device Program.

SECTION 7. This section requires manufacturers of ignition interlock devices to apply to the Department of Probation, Parole, and Pardon Services (PPP) for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. PPP may charge an initial annual fee on the application and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. The fees shall be remitted to the Ignition Interlock Device Fund for use by PPP in support of the Ignition Interlock Device Program.

SECTION 8. This section of the bill allows a person, within thirty days of the issuance of the notice of suspension of the person's driver's license, permit, or nonresident operating privilege, to request a contested case hearing before the Office of Motor Vehicle Hearings, enroll in the Ignition Interlock Device Program, and obtain a temporary alcohol license with an ignition interlock restriction. The ignition interlock restriction must be maintained on the temporary alcohol license for three months.

SECTION 9. This section requires a person whose driver's license has been suspended for driving while under the influence of alcohol or other drugs to enroll in the Ignition Interlock Device Program, whether or not they submit to a breath test.

**Department of Motor Vehicles.** DMV reports that making changes to their systems to implement the bill will require significant changes to the violations and suspensions system. Thus, the agency estimates that it will take approximately 4.5 months for three programmers to program and test the systems. At \$110 per hour per programmer and 40 hours per week, the total expenditure impact to the agency will be \$79,200. Therefore, non-recurring General Fund expenditures will increase by \$79,200 in FY 2021-22.

**Department of Probation, Parole and Pardon Services.** The department estimates the bill will increase the number of participants in the program by approximately 4,580 drivers per year, which would increase the agency's recurring Other Funds expenditures by \$474,300. This estimate is based on the following data:

New Drivers with Mandatory IIDP Requirements – The bill will require all drivers convicted of a first DUI or DUAC offense to participate in a mandatory IIDP class. Currently, participation for such offenses is only mandatory for persons convicted of a first DUI or DUAC whose blood alcohol concentration is 0.15% or higher. The department estimates that the implementation of the bill will result in the addition of 690 new drivers to the IIDP each year, which will cost the agency \$124,200 due to expanded training requirements.

Drivers with Implied Consent Violations Who Obtain Temporary Alcohol Licenses – The bill will require all drivers who contest their suspension for violating the implied consent laws to obtain a Temporary Alcohol License, with the ignition interlock restriction to be in place for 90

days. The department estimates that the implementation of the bill will result in the addition of 3,890 new drivers to the IIDP each year, which will cost the agency \$350,100 due to expanded training requirements.

To accommodate the increase in the number of IIDP participants, the department will need to hire eight additional FTEs consisting of two Administrative Hearing Officer III positions (\$145,600 total in salary and fringe) and six Program Coordinator I positions (\$336,000 total in salary and fringe), which will result in a recurring expenditure impact of \$481,600. In addition, the department will need to purchase office furniture and computer equipment for the eight new employees, and it will need to update the existing Ignition Interlock Management System, which will result in a total non-recurring expenditure impact of \$121,000. To cover the recurring costs for additional IIDP participants (\$474,300), the additional recurring costs for eight new FTEs (\$481,600), and the non-recurring costs for equipment and information technology needs (\$121,000), the department intends to use Other Funds monies from the Ignition Interlock Device Fund (IIDF). The department also projects that there will be an increase in the number of drivers with implied consent violations who contest their license suspensions and subsequently lose who will opt to participate in the IIDP; as such, \$58,350 is expected to be generated in Other Funds revenue. This additional revenue would also be used to offset the costs incurred due to the provisions of the bill. The department intends to absorb the FY 2021-22 expenditure impact of \$1,076,900 by using both existing Other Funds in the form of the IIDF and new IIDP revenue.

This portion of the impact statement has been updated to include a response from the Department of Probation, Parole and Pardon Services.

### **State Revenue**

Section 9 of the bill requires manufacturers of ignition interlock devices to apply to the Department of Probation, Parole and Pardon Services (PPP) for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. PPP may charge an initial annual fee on the application and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. The fees shall be remitted to the Ignition Interlock Device Fund (IIDF) for use by PPP in support of the Ignition Interlock Device Program. PPP expects to generate approximately \$58,350 for the IIDF, which are Other Funds of the department, per year. This revenue will be used to offset the expenditure impact on PPP.

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**Department of Probation, Parole and Pardon Services.** The expenditure impact on PPP is pending, contingent upon a response from the agency.

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**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director