

Statement of Estimated State Revenue Impact

Date: February 6, 2013

Bill Number: S.B. 137

Authors: Lourie

Committee Requesting Impact: Judiciary

Bill Summary

To amend Section 56-1-286, as amended, Code of laws of South Carolina, 1976, relating to the suspension of a driver's license of a person under the age of twenty-one for having an unlawful alcohol concentration, so as to revise the penalties to include requiring an offender who operates a vehicle to have an Ignition Interlock Device installed on the vehicle; To amend Section 56-1-400, as amended, relating to the suspension of a license, a license renewal or its return, and issuance of a license that restricts the driver to only operating a vehicle with an Ignition Interlock Device installed, so as to provide for the issuance of an interlock restricted license and its contents, to provide for the contents of a driver's license issued to a person whose vehicle is installed with an ignition interlock device and to provide additional offenses that require the installation of an ignition interlock restricted device as a penalty, to revise the driver's license suspension period for a person who chooses to or not to have an interlock device installed on his vehicle, and to provide additional penalties for certain individuals who choose not to have an interlock device installed on their vehicles after being convicted of certain driving offenses...(see printed bill text for full summary).

REVENUE IMPACT ^{1/}

This bill would have no impact on state General Fund revenue. We estimate there would be an increase of \$46,234 on earmarked funds of the Department of Probation, Parole and Pardon Services.

Explanation

This bill would amend Section 56-1-286 by proposing that a person under the age of twenty-one whose driver's license has been suspended due to an unlawful alcohol concentration, may opt to enroll in the Ignition Interlock Program and obtain an ignition interlock restricted license in lieu of the suspension. The device must be affixed to the motor vehicle equal to the length of time the person would otherwise have been subject to suspension or denial of the issuance of a license or permit. Additionally, if a person under the age of twenty-one does not consent to a chemical test, the person may opt to enroll in the Ignition Interlock Device Program. Based on information received from the Department of Probation, Parole and Pardon Services, 306 individuals enrolled in the Ignition Interlock Program in FY 2011-12. The Department of Motor Vehicles reports that 15,385 individuals had a suspended driver's license in FY 2011-12. Of this number, 360 were under twenty-one years of age. Therefore, approximately 2% of the individuals with a suspended driver's license enrolled in the Ignition Interlock Program in FY 2011-12. Using the same statistics, if 2% of the individuals under the age of twenty-one enroll in the Ignition Interlock Program in FY 2013-14, the program will see an increase of

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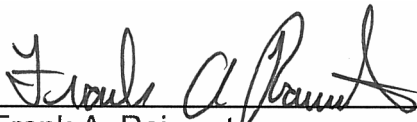
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approximately 7 individuals in FY 2013-14. Therefore, earmarked funds of the Department of Probation, Parole and Pardon Services would increase by \$2,520 in FY 2013-14.

Additionally, this bill would amend Section 56-5-2945(B)(a) and 56-5-2945(B)(b) to propose that for a first or subsequent offense of felony driving under the influence when great bodily injury occurs, that a person may opt to enroll in the Ignition Interlock Device Program and obtain an ignition interlock restricted license in lieu of a suspended driver's license. The South Carolina Judicial Department reports 139 convictions of DUI/felony driving under the influence in which death, injury or great bodily injury occurred in FY 2011-12. Based on the previously stated statistics, if 2% of those individuals enroll in the Ignition Interlock Program in FY 2013-14, the program would see an increase of 2 individuals. The earmarked funds of the Department of Probation, Parole and Pardon would increase by \$720 in FY 2013-14.

Additionally, this bill would amend Section 56-5-2990 by proposing that a person whose driver's license has been suspended due to a plea of guilty or of nolo contendere, or forfeits bail posted for a violation of Section 56-5-2930 or Section 56-5-2933, for a first conviction, may opt to enroll in the Ignition Interlock Device Program and obtain an ignition interlock restricted license in lieu of a suspension. The Department of Motor Vehicles reports that 11,943 individuals convicted of a first offense had a suspended driver's license in FY 2011-12. Based on the previously stated statistics, if 2% of those individuals enroll in the Ignition Interlock Device Program in FY 2013-14, the program would serve an additional 238 individuals. Therefore earmarked funds of the Department of Probation, Parole and Pardon Services would increase by \$42,994 in the FY 2013-14.

If approved, this act will take effect on July 2, 2013.



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^{1/} This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.