



NORTH CAROLINA GENERAL ASSEMBLY

2023 Session

Legislative Fiscal Note

Short Title: Ignition Interlock Violation/Extend Period.
Bill Number: House Bill 1043 (First Edition)
Sponsor(s): Rep. Chesser, Rep. Miller, Rep. Pyrtle, and Rep. Lowery

SUMMARY TABLE

FISCAL IMPACT OF H.B. 1043, V.1

	<u>FY 2024-25</u>	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>	<u>FY 2028-29</u>
State Impact					
General Fund Revenue	-	-	-	-	-
<u>Less Expenditures</u>	=	=	=	=	=
General Fund Impact	Likely Insignificant Budget Cost - Refer to Fiscal Analysis section #1				
Highway Fund Revenue	Likely Insignificant Impact to Revenues - Refer to Fiscal Analysis section				
<u>Less Expenditures</u>	<u>\$50,000</u>	<u>\$3,710</u>	<u>\$3,710</u>	<u>\$3,710</u>	<u>\$3,710</u>
Highway Fund Impact	Partial Estimate Available - Refer to Fiscal Analysis section				
NET STATE IMPACT	Partial Estimate Available - Refer to Fiscal Analysis Section				

FISCAL IMPACT SUMMARY

The proposed bill would extend the required length of time an ignition interlock device (IID), which is a breathalyzer connected to a vehicle’s ignition, must be used by a driver if a driver commits certain violations within the last 90 days of the IID restriction on driving privileges. Drivers committing certain violations within the last 90 days of a restriction would have their driving restrictions extended by an additional 90 days.

Section 1 would extend the court-ordered Limited Driving Privilege (LDP) for drivers who commit certain violations during the last 90 days of an LDP order. Section 1 is likely to have an insignificant impact on General Fund expenditures.

Section 2 would extend the period of a restricted license for drivers who commit certain violations while driving under a restricted license subject to an IID requirement. The Division of Motor Vehicles (DMV) reports that tracking the extended restrictions proposed in the bill would require the Division to make modifications to the State Automated Driver License System (SADLS).

The modifications to SADLS are estimated to cost \$37,100 nonrecurring (NR) in FY 2024-25 and \$3,710 recurring (R) in FY 2025-26 through FY 2028-29.

Section 3 specifies that prosecutions for offenses committed before the effective date of the bill would not be affected by the bill's proposed changes. There is no fiscal impact for Section 3.

Section 4 includes a \$50,000 NR appropriation from the Highway Fund for FY 2024-25 to cover DMV's cost to implement the proposed changes in the bill.

Section 5 includes an effective date of July 1, 2024, for the proposed changes in the bill. There is no fiscal impact for Section 5.

Fiscal Research is unable to provide a full estimate of the fiscal impact of this bill for the reasons described in the Fiscal Analysis section. However, the estimated net Highway Fund impact of the proposed bill is \$50,000 in FY 2024-25 and approximately \$3,710 in FY 2025-26 through FY 2028-29, for a net impact of \$64,840 across the five years of this estimate.

FISCAL ANALYSIS

Ignition interlock requirement. North Carolina G.S. 20-17.8 and G.S. 20-179.3 define when a driver is required to have an ignition interlock restriction on driving privileges. An IID requires the individual to breathe into a sensor that measures breath alcohol concentration (BrAC). The device prevents the vehicle from starting if the individual's BrAC is above a proscribed allowable range. DMV reports that there are currently over 10,000 individuals on an IID restriction, a number that includes both individuals subject to an LDP with an IID requirement and individuals with licenses restored subject to an IID restriction. However, the data maintained by DMV, or the Administrative Office of the Courts (AOC) does not discern whether additional violations occurred within the last 90 days of an IID restriction on driving privileges.

Highway Fund Expenditures

Section 1 Expenditures: G.S. 20-179.3 defines LDPs as a "judgment issued at the discretion of a court for good cause shown authorizing a person with a revoked driver's license to drive for proscribed essential purposes." Section 1 provides that instead of committing the offense of driving while license revoked, a person with a LPD subject to an IID restriction who commits certain violations within the final 90 days of the privilege will have the IID restriction extended until they can go 90 days without committing a violation.

Drivers with LDPs are not issued a physical license. Instead, they are issued documentation from AOC outlining the LDP. Extending the court order is likely to have an insignificant impact on AOC expenditures. Since DMV is not the issuing authority for LDPs, Section 1 does not change requirements for DMV, and therefore has no impact on the Highway Fund.

Fiscal Analysis: Section 1 is likely to have an insignificant impact on AOC expenditures, and therefore not likely to impact General Fund expenditures. This Section has no Highway Fund impact since it simply extends a court order.

Section 2 Expenditures: G.S. 20-17.8 allows a person whose driver's license was revoked for specific impaired driving convictions to operate a vehicle equipped with an IID as a condition of a restored license. Section 2 would modify G.S. 20-17.8, extending the IID restrictions for a conditionally restored license if the driver commits certain violations within the final 90 days of the IID requirement. Those individuals would have the IID restrictions extended until they can go 90 days without committing a violation.

Section 2 would require DMV to modify IID license restrictions by 90-day increments. IID license restrictions are tracked in SADLS. Currently, SADLS tracks restrictions of one, three, or seven years. DMV reports that SADLS would need to be modified to add the capability to increase the restriction by 90-day increments. DMV estimates the SADLS modification will cost \$37,100 NR in FY 2024-25 and approximately \$3,710 R in FY 2025-26 through FY 2028-29 for ongoing maintenance of the system.

When a driver's license is issued with a restriction, the back of the license shows the end date of the restriction. If that date changes, the driver would be required to appear in person before an NC Driver's License Examiner to be issued a duplicate license with a revised end date. DMV anticipates sending a notice to individuals whose IID restrictions are extended, notifying them of the need to obtain a license with the updated date. As the DMV does not currently track the number of individuals who commit a violation in the last 90 days of their driving restriction, no historical data is available to estimate how many drivers would need to be notified and issued new licenses due to the proposed changes. Without historical data, Fiscal Research is unable to provide an estimate of expenditures related to notifying drivers and issuing additional licenses. However, DMV reports that any expenditures associated with these additional requirements are likely to be minimal. In addition, the cost of printing a license is fully covered by the duplicate license fee (See Highway Fund Revenue section of note).

Fiscal Analysis Section 2: The primary expenditures associated with Section 2 relate to programming changes to SADLS that will be needed to track the changes to the IID restrictions. DMV estimates a one-time cost of \$37,100 in FY 2024-25 to make changes to SADLS and \$3,710 in FY 2025-26 through FY 2028-29 for ongoing maintenance of the system through an IT contract. Additional expenditures related to notifying the driver of the extension date and providing a printed license with the new date are expected to be minimal.

Section 3 Expenditures: This Section specifies prosecutions for offenses committed before the effective date of the bill would not be affected by the bill's proposed changes. There are no expenditures associated with this proposed change and no fiscal impact for Section 3.

Section 4 Expenditures: This Section provides DMV, with a non-recurring appropriation of \$50,000 from the Highway Fund for FY 2024-2025. The appropriation would become available July 1, 2024, and is intended to cover DMV's implementation costs. Based on this fiscal analysis,

the funds would be sufficient to cover DMV's anticipated costs, estimated at \$37,100, for implementing the changes to SADLS.

Fiscal Analysis Section 4: The Appropriation of \$50,000 NR in FY 2024-25 will be sufficient to cover the costs of making changes to SADLS.

Section 5 Expenditures: This Section includes an effective date of July 1, 2024, for the proposed changes in the bill. There is no fiscal impact related to Section 5.

Highway Fund Revenue: Section 2 is the only section impacting Highway Fund Revenue.

Section 2 Revenues: Individuals who had their restricted licenses extended under the proposed changes to G.S. 20-17.8 would be required to pay the \$16.75 duplicate license fee to obtain a new restricted license with the revised expiration date. Due to the lack of historical data on the number of individuals who commit a violation in the last 90 days of an IID-restricted license, Fiscal Research is unable to estimate how many individuals might be subject to this fee.

Fiscal Analysis: While there would likely be a minimal increase in Highway Fund Revenues due to the changes included within Section 2, it is not possible to estimate that increase due to a lack of historical data.

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

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