

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 622 – SB 1317

March 9, 2015

**SUMMARY OF ORIGINAL BILL:** Changes the age group for which the offense of underage driving while impaired (DWI) applies from age 16 through age 20, to age 16 through age 17, which effectively increases the allowable blood alcohol content for a person age 18 through age 20 from 0.02 percent to 0.08 percent for purpose of determining the driving violation. Authorizes judges to order the issuance of a restricted license or the use of an ignition interlock device for individuals age 16 and 17 who commit the offense of underage driving while impaired.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue - \$16,500

Increase Local Expenditures - \$25,700/Incarceration\*

**SUMMARY OF AMENDMENT (003882):** Removes language associated with the term “delinquent” and “delinquent act” as it pertains to violations of DUI’s in the bill.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Unchanged from original fiscal note.**

Assumptions for the bill as amended:

- The proposed legislation repeals the offense of underage driving while impaired for persons between 18 and 21 years of age. Under current law, a driver between 18 and 21 years of age convicted of driving while impaired commits a Class A misdemeanor punishable only by suspension of the driver’s license and a \$250 fine. Under the proposed legislation, the driver would be convicted under the DUI statute.
- Under current law, a driver convicted of DUI must serve a minimum of 48 hours in jail. The cost of housing these individuals is borne by local governments.
- According to statistics from the Department of Safety (DOS), there has been a three-year average of 206 convictions per year for underage driving while impaired that involved a driver between 18 and 21 years of age.
- The proposed legislation would result in 206 drivers per year serving a 48-hour mandatory minimum sentence that would otherwise be punished by license suspension and a fine.
- The estimated 2015 cost per inmate per day for local jails is \$62.39.

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- The proposed legislation will result in a mandatory increase in local expenditures of \$25,705 (206 convictions x 2 days x \$62.39).
- The Department of Safety (DOC) reports that driver's license reinstatement fee for a DWI is \$100. DOS reports that driver's license reinstatement fee for a DUI is \$20. The recurring decrease in state revenue is estimated to be \$16,480 [(\$100 - \$20) x 206 convictions].
- It is assumed that the cost of the ignition interlock device shall be burdened by the offender.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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