

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1843 – SB 2065

March 22, 2016

**SUMMARY OF ORIGINAL BILL:** Increases, from \$40.00 to \$47.50, the ignition interlock fee imposed upon conviction for the offense of driving under the influence (DUI).

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue – Exceeds \$112,500

**SUMMARY OF AMENDMENTS (013984, 014831):** Amendment 013984 deletes all language of the original bill. Requires a judge to order the use of an ignition interlock device unless the judge finds reasoning not to order such use, as opposed to the judge exercising discretion under Tenn. Code Ann. § 55-10-409 to find reason to require an individual to use an ignition interlock device. Establishes penalties for unauthorized tampering or removal of an ignition interlock device.

Amendment 014831 creates an annual administration fee of \$12.50 to be paid by each ignition interlock device user. Mandates that the proceeds of the fee be transmitted to the Department of Safety (DOS) to fund the costs of ignition interlock device administration.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Increase State Revenue – Exceeds \$93,800/Department of Safety**

**Increase State Expenditures – Exceeds \$93,800/Department of Safety  
Exceeds \$73,600/Ignition Interlock Fund**

Assumptions for the bill as amended:

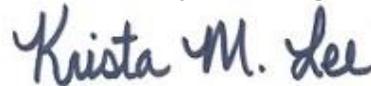
- Rates for ignition interlock devices vary by provider, but DOS sets maximum rates that may be charged. The maximum rates are \$150 for installation, \$100 for monthly monitoring, and \$75 for removal. It is assumed that the cost to install, monitor, and remove an ignition interlock will be the same as the maximum rates set by DOS.

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- Based on 2010 through 2014 DUI statistics, there will be at least 15,000 DUI convictions each year.
- Based on information provided by DOS, approximately 25 percent, or 3,750 (15,000 x 25%) of all offenders convicted of DUI are required to use an interlock device.
- The provisions of the bill as amended will result in an unknown increase in ignition interlock devices being required each year. It is reasonably assumed the amount of ignition interlock devices will at least double to 50 percent under the provisions of the bill as amended. The estimated number of ignition interlock devices required under the provisions of the bill as amended exceeds 7,500 (15,000 x 50%).
- The bill as amended creates a \$12.50 administrative fee to fund DOS administrative costs pursuant to the provisions of the legislation.
- The recurring increase in state revenue to DOS is estimated to exceed \$93,750 (7,500 x \$12.50)
- The bill as amended will also result in an unknown increase in the number of offenders required to use an ignition interlock device being deemed indigent. The monies from the Ignition Interlock Fund are used to pay interlock device expenses for offenders deemed indigent.
- Based on information provided by the Department of Treasury, the FY14-15 payout from the Ignition Interlock Fund (IIF) totaled \$73,575 for indigent offenders.
- It is reasonably assumed the provisions of the bill as amended, will at a minimum, double the annual payout of the Ignition Interlock Fund. Therefore, the recurring increase in state expenditures from the IIF is estimated to exceed \$73,575.
- Any change in the time period that an ignition interlock device is required is at the judge's discretion and cannot be reasonably determined.
- Any impact on the number of individuals found in violation of the requirements associated with using an ignition interlock device and any associated probation or incarceration costs are estimated to be not significant.
- It is reasonably assumed that the DOS will experience costs to administer the provisions of this amended bill. It is anticipated that fee revenue to the department will be sufficient for offsetting any administrative costs incurred. Therefore, the recurring increase in state expenditures to the DOS is estimated to exceed \$93,750.

**CERTIFICATION:**

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



Krista M. Lee, Executive Director

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