LEGISLATIVE FISCAL ESTIMATE
[First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 824
STATE OF NEW JERSEY
218th LEGISLATURE
DATED: JULY 17, 2019

SUMMARY

Synopsis: Revises certain drunk driving penalties; expands use of ignition interlock devices.

Type of Impact: Annual State expenditure increases; annual State revenue decreases

Agencies Affected: New Jersey Motor Vehicle Commission

Office of Legislative Services Estimate

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- The Office of Legislative Services (OLS) finds that the expanded use of ignition interlock device (IID) installations for drunk driving offenses will result in increased annual State expenditures. The Motor Vehicle Commission (MVC) will incur additional expenses to monitor and verify IID installations and for the processing of certain breathalyzer results. The MVC may also incur limited costs to produce informational materials reflecting the new penalties and to produce a semiannual summary report on IID installations.

- The State will realize a reduction in revenue from the removal of enhanced penalty provisions for violations occurring on or near school property, which carry larger monetary fines.

BILL DESCRIPTION

This bill revises the penalty provisions for various drunk driving offenses. In particular, it reduces the length of driver’s license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increases the period of required IID installation for these offenses.
For drunk driving offenses and for refusing to submit to a breathalyzer test that involve a person’s blood alcohol concentration (BAC) of 0.08% or higher, the court would order a license forfeiture until the person installs an IID on the vehicle, which would then remain on the vehicle for varying periods of time depending upon the BAC level and how many times the offense has occurred.

After the installation of the IID, the person’s driver’s license would be restored upon showing proof of such installation, and the MVC would imprint a notation concerning driving with the device on the person’s license.

For offenses occurring on or near a school property or crossing, the bill would eliminate any enhanced penalties currently available under the law and instead treat such an offense the same as all other comparable offenses.

A person required to install an IID would be required to provide the vendor of the device at the time of installation the BAC, or information on the refusal to submit to a breath test, on which the sentence was based. Every vendor of an IID would be required to adopt real time data reporting of the BAC of a person required to install a device and the predetermined fail level of each device.

In order to remove an IID after the required installation period, the IID vendor is to submit a certification to the Chief Administrator of the MVC that during the final 30 days of the installation period there was not more than one failure to take or pass a test with a blood alcohol concentration of 0.08 percent or higher unless a re-test conducted within five minutes of the initial test indicates a BAC of less than 0.08 percent; and the offender complied with all required maintenance, repair, calibration, monitoring, and inspection requirements related to the device. If these requirements are not satisfied, the vendor is required to forward the violation information to the chief administrator and the court. The court has the discretion to either extend the period of IID installation for up to 90 days or issue the certification to the chief administrator.

The bill requires the MVC commissioner to semiannually produce a report on IID installations. The bill is to expire on the first day of the 5th year following the effective date.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the expanded use of IID installations for drunk driving and refusing to submit to a breathalyzer offenses will result in indeterminate annual State expenditure increases and an indeterminate annual decrease in State revenues. There will likely be an additional burden on customer service staff at the MVC to serve those requiring restricted licenses and to monitor and verify the installation and processing of IID installations. It is expected that the impact of that workload will likely not entail the hiring of additional employees for direct customer service at MVC locations. However, it may be necessary for the MVC to hire additional professional staff to administer the expanded IID installation program, including the verification of test results from the devices prior to their removal and reviewing documentation from device vendors. Additionally, there may be recurring costs for program materials related to the new enhanced use of IID installations under the bill, including pamphlets or brochures explaining the new penalties based on intoxication level and number of offenses. The MVC will
also incur costs for staff time in order to produce the semiannual report on IID installations required under the bill. The amount of time required will depend upon how much of the information in the report can be automatically produced by IID vendors and how much tabulation and analysis will be required internally by staff.

The State is also likely to realize reduced revenue based on the removal of certain enhanced penalties that are currently available for drunk driving offenses and failure to submit to a breathalyzer test that occur on or near school property. Some of these enhanced penalties include larger monetary fines, which would no longer be imposed.

Section: Authorities, Utilities, Transportation and Communications
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Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).