



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0036 Introduced on January 10, 2023
Author: Hutto
Subject: Driver's License Suspended Due to DUI
Requestor: Senate Judiciary
RFA Analyst(s): Griffith and Gardner
Impact Date: January 30, 2023

Fiscal Impact Summary

This bill allows certain offenders whose license has been suspended for driving a motor vehicle under the influence to enroll in the Ignition Interlock Device (IID) Program, which is managed by the Department of Probation, Parole and Pardon Services (PPP). The Department of Motor Vehicles (DMV) expects expenses for programming changes related to the IID Program to total \$79,200 in FY 2023-24. However, the agency anticipates being able to manage these expenses within existing appropriations. The expenditure impact on PPP is pending, contingent upon a response from the agency.

The bill requires certain individuals to enroll in the IID Program in lieu of obtaining a route-restricted license or a provisional license. It also allows certain individuals to enroll in the program rather than having a license suspended. Thus, the number of people who enroll in the IID Program will increase. However, the total number is unknown. Therefore, the revenue impact on Other Funds of PPP is undetermined. The reduction in revenue to the General Fund for use by the Department of Public Safety (DPS), to Other Funds of the Department of Transportation (DOT), and to Other Funds of DPS due to the repeal of route-restricted and provisional licenses is undetermined.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

Section 1

This section of the bill allows a person under the age of twenty-one whose driver's license, permit, or nonresident operating privilege has been suspended or denied by DMV to enroll in the IID Program in lieu of serving the remainder of the suspension or denial. Within thirty days of the issuance of the notice of suspension, the person may request a contested case hearing before the Office of Motor Vehicle Hearings, enroll in the IID Program, and obtain a temporary alcohol license with an ignition interlock restriction. The ignition interlock restriction must be maintained on the temporary alcohol license for three months.

Section 2

This section allows a person whose driver's license or privilege to operate a motor vehicle has been revoked permanently for an offense that occurred prior to October 1, 2014, excluding those convicted of a felony driving under the influence of alcohol or another controlled substance, to petition the circuit court in the county of his residence for reinstatement of his driver's license under certain conditions.

Section 4

This section allows a habitual offender to operate a motor vehicle if the person is enrolled in the IID Program.

Section 7

This section requires manufacturers of ignition interlock devices to apply to the PPP for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. PPP may charge an initial annual fee on the application and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. The fees shall be remitted to the Ignition Interlock Device Fund for use by PPP in support of the IID Program.

Section 8

This section of the bill allows a person, within thirty days of the issuance of the notice of suspension of the person's driver's license, permit, or nonresident operating privilege, to request a contested case hearing before the Office of Motor Vehicle Hearings, enroll in the IID Program, and obtain a temporary alcohol license with an ignition interlock restriction. The ignition interlock restriction must be maintained on the temporary alcohol license for three months.

Section 9

This section repeals provisional licenses issued to a first offender of driving a motor vehicle while under the influence of alcohol or other drugs. This will increase the number of people who will have to obtain an IID because first offenders will no longer have the option to obtain a provisional license.

Department of Motor Vehicles. DMV reports that making changes to their systems to implement the provisions of the bill will require significant changes to the violations and suspensions system. Thus, the agency estimates that it will take approximately 4.5 months for three programmers to program and test the systems. At \$110 per hour per programmer and 40 hours per week, the total expenditure impact to the agency will be \$79,200. However, DMV indicates that this amount will be managed within existing appropriations.

Department of Probation, Parole and Pardon Services. The IID Program is managed by PPP. The expenditure impact on PPP is pending, contingent upon a response from the agency.

State Revenue

Section 1

This section of the bill could increase the number of Ignition Interlock Restricted driver's licenses issued by DMV. The agency reports that in FY 2021-22, there were 398 first offenses for individuals under twenty-one years of age. Since the suspensions either last for three or six months, RFA does not expect these 398 individuals to be eligible for an IID. However, there may be individuals who commit an offense and meet the requirements by the time the bill is enacted.

Additionally, there may be an increase in the number of people who enroll in the IID Program administered by PPP since the bill will allow individuals under twenty-one years of age to obtain a temporary alcohol license with an ignition interlock restriction. The fee for a temporary alcohol license is \$100, of which \$25 is distributed to the DPS for supplying and maintaining all necessary vehicle videotaping equipment. The remaining \$75 is placed in the State Highway Fund, which are Other Funds of DOT. DMV issued 4,558 temporary alcohol licenses in FY 2021-22.

Both the number of persons who will choose an IID instead of a license suspension and the number who will obtain a temporary alcohol license upon enactment of the bill is unknown. As such, the revenue impact on Other Funds of DPS and Other Funds of DOT is undetermined.

Section 4

This section of the bill allows a habitual offender to enroll in the IID Program. DMV reports that there were 3,291 suspensions to habitual offenders in FY 2021-22. Without knowing how many individuals will choose to enroll in the IID Program, the revenue impact of this section on Other Funds of PPP is undetermined.

Section 7

Section 7 of the bill requires manufacturers of ignition interlock devices to apply to the Department of Probation, Parole and Pardon Services (PPP) for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. PPP may charge an initial annual fee on the application and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. The fees shall be remitted to the Ignition Interlock Device Fund for use by PPP in support of the IID Program. The revenue impact on PPP is pending, contingent upon a response from the agency.

Section 8

Currently, a person who has had his driver's license suspended, had the issuance of a license denied, has refused to submit to a test for alcohol or drugs, or has had an alcohol concentration of fifteen one-hundredths of one percent or more may apply for a restricted license that limits the person's driving route to his place of employment and/or education or to an Alcohol Drug Safety Action Program class. The fee for a restricted license is \$100, of which \$20 is directed to the General Fund and \$80 of which is directed to the State Highway Fund, which are Other Funds of DOT. This section of the bill removes this route-restricted driver's license language, which could reduce revenue from restricted license fees. In FY 2021-22, DMV issued 625 route-

restricted licenses and distributed approximately \$21,400 to the State Highway Fund and approximately \$5,400 to the General Fund. Since the number of route-restricted licenses that would have been issued is unknown, the revenue impact on the General Fund and to Other Funds of DOT is undetermined.

Section 9

This section repeals provisional licenses issued to a first offender of driving a motor vehicle while under the influence of alcohol or other drugs. The fee for a provisional driver's license is \$100, of which \$95 is credited to the General Fund for use by DPS and \$5 is placed in the State Highway Fund, which are Other Funds of DOT. In FY 2021-22, DMV issued 1,264 such provisional licenses and distributed approximately \$121,600 to the General Fund for use by DPS and \$6,300 to the State Highway Fund from provisional licenses. Since the number of provisional licenses that would have been issued to first-time offenders prior to the bill is unknown, the reduction in revenue to the General Fund and Other Funds of DOT is undetermined.

Local Expenditure

N/A

Local Revenue

N/A



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