



HB 60 provides that a person may apply for an ignition interlock license following any period of incarceration related to the DUI offense.

HB 60 provides that a person will be unable to obtain an ignition interlock device during the license suspension period resulting from refusal to submit to an alcohol concentration or substance test. However, the person at the time of arraignment may waive judicial review of the suspension after which the court in its discretion may allow the individual to apply for an ignition interlock license. Conversely, if a test is taken, the offender may immediately apply for an ignition interlock license and may receive credit for the number of days the conditional license was held if convicted.

HB 60 requires the applicant to pay the cost of leasing or buying the device as well as installing, servicing, and maintaining the device.

HB 60 also increases the period of license revocation for the first DUI offense within a five year period to a period of not less than six months nor more than nine months. Revocation periods for subsequent DUI offenses within a five year period remain the same.

**HB 60 HCS retains the major provisions of the measure as introduced and makes the following changes in the bill:**

**Under Section 12, KRS 189A.440 is amended** to provide that if a defendant has operated a motor vehicle at any time, place, or purpose other than those authorized upon the face of the ignition interlock license, the defendant's license shall be revoked or if the defendant is allowed to continue to use the court-ordered ignition interlock license, the installation of an ignition interlock device that identifies the operator by means of a camera or other identification / monitoring technology must be installed. The defendant must also continue to comply with the original requirements of the court-ordered ignition interlock license.

Any defendant that drives with a revoked license is guilty of a Class A misdemeanor.

Any defendant that drives without a court ordered identification / monitoring device is guilty of a Class D felony and shall have his or her license revoked for the initial period of revocation plus an additional six months.

**Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**The fiscal impact of HB 60 HCS on local governments is expected to be minimal.**

All cost to install and maintain the device will be paid by the applicant. The device is optional and the court may establish a payment schedule for the applicant. The cost involved to install and maintain might be a hardship on some applicants. Given that, this might be construed as a means of giving financially secure applicants the means to drive if convicted of a DUI. Those convicted of a DUI, but not as financially secure, may not be able to apply for an ignition interlock license. Typically, the installation costs are around \$50 to \$200. Monthly rental and monitoring fees range from \$50 to \$100. The device will normally need to be checked and

calibrated every 60 days. Current law provides for an application cost not to exceed the actual cost of issuing the device up to \$200.

Any fees currently retained by local agencies will not be affected. Beyond increasing the license revocation period for first time offenders, there are no further changes to penalties for not abiding by the requirements of the ignition interlock device or the corresponding license.

**Data Source(s):** <http://www.ignitioninterlockdevice.org/installationexpense.html>, LRC Staff

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