

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 622 - SB 1317

March 16, 2015

SUMMARY OF 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.

ESTIMATED FISCAL IMPACT:

On March 2, 2015, a fiscal note was issued for this bill with the following estimated fiscal impact:

Decrease State Revenue - \$16,500

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

On March 16, 2015, the Department of Safety provided corrected support information for the bill. Based on this new information, the estimated fiscal impact for the bill has been corrected as follows:

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

Corrected Assumptions:

- 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.
- The \$250 fine under current law remains a part of this bill; therefore no change in fine revenue to state or local government.

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- 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.
- 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 confirms this bill will have no fiscal impact on departmental operations.
- It is assumed that the cost of the ignition interlock device shall be paid for by the offender.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

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



Jeffrey L. Spalding, Executive Director

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