



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Promote Personal Responsibility-** The bill prohibits those required to have an ignition interlock device and impaired by alcohol with a blood-alcohol level of 0.025 or greater from operating a motor vehicle.

#### B. EFFECT OF PROPOSED CHANGES:

The offense of driving under the influence<sup>1</sup> (DUI) is committed if a person is driving or in the actual physical control of a vehicle within the state and:

- The person is under the influence of alcoholic beverages, any chemical substance or any controlled substance when affected to the extent that the person's normal faculties are impaired;
- The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or
- The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.<sup>2</sup>

In addition to other penalties, Florida law permits a judge to order that a first time DUI offender not operate a vehicle unless it is equipped with an ignition interlock device.<sup>3</sup> A court must order use of the device as part of the sentence for a second or third conviction of DUI<sup>4</sup>. An ignition interlock device is a mechanism designed to prevent the operation of a motor vehicle when the operator's blood alcohol level is in excess of the permissible limit. The individual is required to blow into the device before starting the vehicle. If the device detects a blood alcohol level in excess of the specified limit, the device will prevent the vehicle from starting.

Currently, section 316.1937 provides the ignition interlock device must be set to prevent the vehicle from starting if the operator's blood alcohol level is in excess of 0.05 or as otherwise specified by the court. HB 811 amends this section to provide that an ignition interlock device must be set to prevent the vehicle from starting if the operator's blood alcohol level is in excess of 0.025 or as otherwise specified by the court.

The National Highway Traffic Safety Administration (NHTSA) sponsored a study<sup>5</sup> which concluded that alcohol significantly impaired performance relating to the operation of a motor vehicle to some degree at all levels of blood alcohol content (BAC) starting at .02 BAC.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 316.1937, F.S. relating to ignition interlock devices.

Section 2. Provides for an effective date of Oct. 1, 2007.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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<sup>1</sup> s. 316.193(1), F.S.

<sup>2</sup> Section 322.2616, F.S. makes it unlawful for a person under the age of 21 to drive a motor vehicle with a blood or breath alcohol level of 0.02 or higher. Section 322.62, F.S. makes it unlawful for a driver of a commercial vehicle to have a blood or breath alcohol level of 0.04 or higher.

<sup>3</sup> s. 316.1937(1), F.S.

<sup>4</sup> s. 316.193(2)(a)3 and (b), F.S. For a second DUI, the ignition interlock device must be installed for at least one year; for a third DUI offense, the ignition interlock device must be installed for at least two years.

<sup>5</sup> H. Moskowitz, M. Burns, D. Fiorentino, A. Smiley, P. Zador, "Driver Characteristics and Impairment at Various BACs", (2000)

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require counties or cities to: spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raise revenue; or reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement was submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES