

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2525-01
Bill No.: HB 1329
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies; Motor Vehicles
Type: Original
Date: March 15, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Highway Funds	\$0	\$3,000	\$3,000
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$3,000	\$3,000

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender, Department of Transportation** and the **Department of Public Safety** – Divisions of **Capitol Police, Missouri State Highway Patrol, Missouri State Water Patrol** and **Fire Safety** each assume the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Office of Prosecution Services** did not respond to our request for fiscal impact. However, **Oversight** assumes this proposal would not fiscally impact their agency.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposal would allow the court to impound the vehicle driven by a person convicted of driving while intoxicated or excessive BAC. However, the proposal is silent regarding who will actually process and facilitate the impoundment, therefore, CTS was unable to provide a fiscal analysis.

Officials from the **Department of Revenue (DOR)** state the proposed legislation;

- allows the court to impound a convicted person's motor vehicle or vehicles or have the convicted person's motor vehicle or vehicles immobilized for a period of one year.
- The convicted person must pay all towing, impoundment, and storage fees or other

immobilization costs.

ASSUMPTION (continued)

- If the owner of a motor vehicle that has been impounded refuses to pay the towing, impoundment, and storage fees or other immobilization costs within 30 days of the expiration of the impoundment period the vehicle shall be deemed abandoned and may be disposed of by the person having possession of such vehicle pursuant to the provisions of chapter 304, RSMo.

DOR state there were approximately 18,000 convictions related to driving while intoxicated or excessive blood alcohol content during the last 12 months.

Assuming that 10% (1,800) of these have a court ordered impoundment and that 25% (450) of the owners refuse to pay the towing impoundment, and storage fees or other immobilization costs within 30 days of the expiration of the impoundment period, this will require 450 additional record search requests received by DOR.

DOR assumes these 450 additional record searches will require 84 overtime hours for a Revenue Licensing Tech I to perform per year. DOR assumes this will cost roughly \$2,000 in personal service and additional office supplies. DOR also assumes they will collect roughly \$5,000 per year title application fees and processing fees to run these 450 additional record searches. Therefore, DOR assumes a net fiscal impact of roughly \$3,000 in income each year to the Highway Fund.

Oversight will assume the additional record searches will not occur until fiscal year 2006, or one year after the effective date of this proposal.

Oversight assumes the local authorities could incur some additional cost for the space for keeping vehicles impounded for up to a year, devices used to render a vehicle immobile for a year, processing the paperwork to impound a vehicle or work required to dispose of a vehicle that has been deemed abandoned. Oversight assumes the local authorities will be able to recover their expenses from either the owner of the vehicle, or through the proceeds of the sale of the vehicle if it deemed abandoned. Therefore, Oversight assumes the proposal will not have a net fiscal impact to the local authorities.

This proposal could increase Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
HIGHWAY FUND			
<u>Revenue</u> - Department of Revenue			
Fees for processing title for abandoned vehicles	\$0	\$5,000	\$5,000
<u>Costs</u> - Department of Revenue			
Expenses to process title for abandoned vehicles	<u>\$0</u>	<u>(\$2,000)</u>	<u>(\$2,000)</u>
ESTIMATED NET EFFECT TO THE HIGHWAY FUND	<u>\$0</u>	<u>\$3,000</u>	<u>\$3,000</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - fees collected from owners of vehicles for the cost of towing, impoundment, and storage fees or other immobilization costs			
	Unknown	Unknown	Unknown
<u>Revenue</u> - proceeds collected from the disposal of abandoned property			
	Unknown	Unknown	Unknown
<u>Costs</u> - to local law enforcement agencies for immobilization or impoundment and storage of vehicles			
	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal requires that in addition to any other penalty imposed upon a person convicted of driving while intoxicated the court may order that the convicted person's motor vehicle be impounded or immobilized for a period of one year and the convicted person pay all towing, impoundment, and storage fees or other immobilization costs.

The court must, prior to ordering a vehicle impounded, consider:

- (1) Whether the impoundment or immobilization of a vehicle will result in the loss of employment by a convicted person or a member of the person's family; and
- (2) Whether the ability of the convicted person or a member of the convicted person's family to attend school or obtain medical care would be impaired.

If an owner of an impounded motor vehicle refuses to pay any towing, impoundment, storage, or other fees related to the impoundment or immobilization or fails to take possession of the car within 30 days, the vehicle will be deemed abandoned and be disposed of as required by law.

The proposal also contains provisions regarding the removal of personal property from a vehicle or leased vehicle that has been impounded or immobilized.

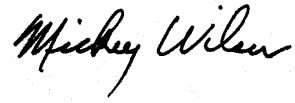
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Revenue
Office of the State Courts Administrator
Department of Transportation
Office of the State Public Defender

NOT RESPONDING - Office of Prosecution Services

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A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 15, 2004