

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2097-01
Bill No.: HB 931
Subject: Licenses - Driver's; Alcohol; Crimes and Punishment
Type: Original
Date: April 9, 2013

Bill Summary: This proposal modifies provisions relating to alcohol-related traffic offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 12 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization.

§302.060

Officials from the **Department of Revenue (DOR)** state the proposed language will now require a court to order the reinstatement on a 5-year denial, rather than give the court discretion to order it. This could potentially increase the volume of court orders received by the Department. The impact to the Department is unknown, however, a Revenue Processing Tech I (RPT I - A10/L) can process 30 court orders per day. If the volume of court orders the Department receives increases, additional FTE will be requested through the appropriation process.

§302.304.5

DOR assumes the proposed language changes a driver's eligibility for a Restricted Driving Privilege (RDP) when they install an ignition interlock device. A driver with one alcohol conviction will immediately be eligible for an RDP if they file an SR-22 and install an ignition interlock device (IID) for the 90-day suspension period. If during the RDP period, the driver has a violation of their IID, the driver's RDP will be extended for 30 days. Only one 30-day extension may be granted. The language also requires the driver to complete the 30-day RDP extension period "without any" violations before he or she is eligible for full reinstatement.

A driver with only one alcohol conviction on his or her driving record still has the option to serve a 30-day suspension period, followed by a 60-day RDP without the requirement to install an IID.

§ 302.309.3

DOR assumes the proposed language under this section will do the following:

- Allow for the issuance of a LDP to a driver who is revoked for refusing to submit to a chemical test without the driver first serving a 90-day hard walk period;
- Allow for the issuance of a LDP to any driver currently revoked a second or subsequent time for refusing to submit to a chemical test or any driver applying for a LDP who has multiple refusal revocation on their driving record if the person installs IID. Currently, a person who has more than one revocation for refusing to submit to a chemical test is ineligible for a LDP regardless of the type of suspension they are requesting the LDP for;

ASSUMPTION (continued)

- No longer allow for the issuance of a LDP to a driver who has been denied a license for 5 or 10 years pursuant to subdivisions (9) and (10) of subsection 1 of Section 302.060; and
- Require any person receiving a court-ordered LDP for any alcohol-related suspension or revocation to install IID to become eligible for such LDP.

The number of LDP applications received by the Department for persons suspended or revoked for refusing a chemical test or other alcohol-related suspensions and revocations may increase. In addition, more drivers will be required to have IID to be eligible for a LDP on alcohol suspensions and revocation. This requires the Department to track the installation and status of the IIDs for these drivers. The impact to the Department is unknown, however, a Revenue Processing Tech I (RPT I - A10/L) can process 50 LDP applications and court-ordered LDPs per day. If the volume of LDP applications and court orders the Department receives increases, additional FTE will be requested through the appropriation process.

§ 302.525.2

DOR assumes the proposed language changes a driver's eligibility for a Restricted Driving Privilege (RDP) when he or she installs an IID. A driver who has not had an alcohol-related enforcement contact in the last five years will immediately be eligible for an RDP if he or she files an SR-22 and installs an IID for the 90-day suspension period. If during the RDP period, the driver violates his or her IID, the driver's RDP will be extended for an additional 30 days. Only one 30-day extension may be granted. However, the proposed language also requires the driver to complete the 30-day RDP extension period "without any" violations before they are eligible for full reinstatement. This language conflicts with the requirement to only allow one additional 30-day RDP extension.

A driver who only has one administrative alcohol suspension also has the option to serve a 30-day suspension period, followed by a 60-day RDP period without the requirement to install an IID. However, a driver who has more than one alcohol-related enforcement contact on his or her driving record must install IID to receive the 60-day RDP.

Administrative Impact

DOR assumes the following changes will need to be implemented to provide for the changes in this legislation:

- Revisions to the Notices of Suspension issued by law enforcement to the offender;
- Print 160,000 new Notices of Suspension letters;

KC:LR:OD

ASSUMPTION (continued)

- Replace the supply of forms in central stores (28,800 notices) and
- Mail 131,200 forms to 656 law enforcement agencies (656 x 200 forms each= 131,200).

Cost for printing - 160,000 @\$0.12=	\$19,200
Cost for envelopes - 656 @\$0.12=	\$79
Cost for postage - 656 @\$5.48=	<u>\$3,595</u>
Total =	\$22,874

- Programing and testing of the Missouri Driver License (MODL) system along with training staff.

Administrative Analyst I- 240 hrs @ \$24 (1 ½) per hr =	\$5,760
Management Analyst Spec II- 240 hrs @ \$23 per hr =	\$5,520
Revenue Band Manager I- 80 hrs @ \$25 per hr =	<u>\$2,000</u>
Total =	\$13,280

Requires updates to the following:

- Letters;
- Forms;
- Procedures;
- Department's website; and
- Missouri Driver Guide.

Administrative Analyst III - 10 hrs @ \$22	\$220
Management Analysis Spec I - 80 hrs @ \$20	<u>\$1600</u>
Total =	\$1,820

The IT portion of this section is estimated with a level of effort calculated on 390 hours at \$27.05 per hour totaling \$10,550.

DOR assumes a cost of \$48,524 (\$22,874 + \$13,280 + \$1,820 + \$10,550) in FY 2014 to provide for the implementation of the changes for these sections in this proposal.

§ 577.041.1

DOR assumes the proposed language allows a driver who has not previously refused to submit to a chemical test, to receive a RDP immediately for a period of 90 days if he or she installs IID and files proof of SR-22 with the Department.

KC:LR:OD

ASSUMPTION (continued)

If during the RDP period, the driver violates his or her IID, the driver's RDP will be extended for 30 days. Only one 30-day extension may be granted. The language requires the driver to complete the 30-day RDP extension period "without any" violations before being eligible for full reinstatement.

Administrative Impact

DOR assumes the following changes will need to be implemented to provide for the changes in this legislation:

- Requires revisions to the Alcohol Influence Report (AIR) completed by law enforcement and filed with the Department;
- Print 160,000 notices;
- Replace the supply of forms in central stores (28,800 AIRs) and
- Mail 131,200 forms to 656 law enforcement agencies. (656 x 200 forms each = 131,200).

Cost for printing - 160,000@\$0.03=	\$4,800
Cost for envelopes - 656 @ \$0.12=	\$79
Cost for postage - 656 @ \$5.48=	<u>\$3,595</u>
Total =	\$8,474

- Requires revisions to the Notice of Loss served by law enforcement to the offender;
- Print 160,000 notices;
- Replace the supply of forms in central stores (28,800 Notices) and
- Mail 131,200 forms to 656 law enforcement agencies (656 x 200 forms each= 131,200).

Cost for printing - 160,000 @\$0.12=	\$19,200
Cost for envelopes - 656 @ \$0.12=	\$79
Cost for postage - 656 @ \$5.48=	<u>\$3,595</u>
Total =	\$22,874

DOR assumes the law will be retroactive and anyone who is revoked for a first refusal to submit to a chemical test when the law becomes effective will be eligible for a 90-day RDP. A sweep of the MODL system shows there are currently 58,323 who would be affected by this law. The Department assumes it would need to notify these drivers of their ability to "possibly" obtain an RDP.

ASSUMPTION (continued)

Cost for printing-	58,323 @ .025=	\$1,459
Cost for envelopes -	58,323 @ .04=	\$2,333
Cost for postage -	58,323 @ .46=	<u>\$26,829</u>
	Total =	\$30,621

Based on the number of changes this proposal provides, FTE will be required to answer phone calls, prepare correspondence, and assist in-person customers. In addition to the 58,323 drivers that are currently suspended for first-time chemical refusals, statistics from FY12 show the Department adds an additional 10,215 new suspensions each year. Due to the new provisions in 557.041, allowing for an offender to obtain an RDP immediately after an arrest and the Department's requirement to extend offenders RDP period if violations with the IID occur, the Department assumes a large percentage of the people affected by these changes will contact the Department. Although the number of contacts is unknown, based on discussions with other states that currently have laws requiring monitoring of IID devices, each offender could potentially contact the Department numerous times due to IID violations extending the RDP period. In addition to the offenders contacting the Department, ignition interlock providers will contact the Department to determine when the device can be removed or the length of the monitoring period. For the purposes of this fiscal note, the Department will assume that a person will contact us at least 2 times per year.

58,323 - Number of current first-time Chemical Refusals on record.
+ 10,215- Potential first-time refusals added in FY 14.
68,538- Total number of persons who will be affected by new law.
X 50%- Percent of persons who will contact the Department.
34,269- Number of yearly contacts.
X 2- Average number of contacts per person each year.
68,538- Number of contacts per year.
/ 260- Number of working days per year.
264- Number daily contacts.
/ 100- Number of calls a RPT I can answer daily.
2.63= 3 FTE needed to handle additional customer contacts

Currently an RPT I (A10/L) can answer 100 phone calls per day or answer 30 written inquiries and assist in-person customers. As such, at least 3 FTE are needed to handle the additional customer contacts. Since the Department cannot determine the exact number of contacts it will receive based on this proposal, additional FTE may be needed. The additional FTE will be requested through the appropriation process.

ASSUMPTION (continued)

DOR assumes the following changes will need to be implemented to provide for the changes in this legislation:

- Requires programming and testing of the Missouri Driver License (MODL) system along with training staff.

Administrative Analyst I- 240 hrs @ \$24 (1 ½) per hr =	\$5,760
Management Analyst Spec II- 240 hrs @ \$23 per hr =	\$5,520
Revenue Band Manager I- 80 hrs @ \$25 per hr =	<u>\$2,000</u>
Total =	\$13,280

Requires updates to the following

- Letters;
- Forms;
- Procedures;
- Department's website; and
- Missouri Driver Guide.

Administrative Analyst III - 10 hrs @ \$22	\$220
Management Analysis Spec I - 80 hrs @ \$20	<u>\$1600</u>
Total =	\$1,820

The IT portion of this section is estimated with a level of effort calculated on 890 hours at \$27.05 per hour totaling \$24,075.

DOR assumes a cost of \$105,944 (\$4,800 + \$8,474 + \$22,874 + \$30,621 + \$13,280 + \$1,820) in FY 2014 to provide for the implementation of the changes in these sections for this proposal.

In summary, DOR assumes a cost of \$154,468 (\$48,524 + \$105,944) to provide for the implementation of the changes in this proposal.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the costs related to this proposal. Oversight will assume administrative cost to provide for the changes in this proposal to the DOR could exceed \$100,000. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2014	FY 2015	FY 2016
GENERAL REVENUE			
<u>Cost- DOR</u>	(Could exceed	(Could exceed	(Could exceed
Administrative Cost	<u>\$100,000</u>)	<u>\$100,000</u>)	<u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Could exceed	(Could exceed	(Could exceed
	<u>\$100,000</u>)	<u>\$100,000</u>)	<u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2014	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business manufacturers and installers of ignition interlock devices will be positively fiscally impacted by this legislation.

FISCAL DESCRIPTION

This bill changes the laws regarding alcohol-related traffic offenses. In its main provisions, the bill:

- (1) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition or who has been convicted twice within a five-year period of driving while intoxicated or any other intoxication-related traffic offense, if the court finds that he or she has not been convicted, pled guilty to, or been found guilty of, and has no charges pending for any offense related to alcohol, controlled substances, or drugs, has no other alcohol-related enforcement contacts during the preceding five years, and his or her habits and conduct show he or she no longer poses a threat to public safety (Section 302.060, RSMo);
- (2) Specifies that an operator must be given the option to complete a driver-improvement program through an online or in-person course to stay the assessment of points against a license

FISCAL DESCRIPTION (continued)

(Sections 302.302 and 476.385);

(3) Allows a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, then the license will not be reinstated until the person completes an additional 30-day period of restricted driving privilege without any violations. Only one additional 30-day period of restricted driving privilege may be granted (Section 302.304);

(4) Repeals the provision that makes a person ineligible to receive a limited driving privilege if at the time of application, he or she has previously been granted the privilege within the immediately preceding five years or his or her license has been suspended or revoked for the first time offense of failure to submit to a chemical test if the person has not completed the first 90 days of the revocation. The bill specifies that a person who has failed to submit to a chemical test is ineligible to receive a limited driving privilege unless the person files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device immediately upon his or her license revocation (Section 302.309);

(5) Repeals the provisions permitting a circuit court or the department to allow a person who has been convicted more than twice for driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license for a person who has been convicted twice for driving while intoxicated and has had his or her license for a period of five years to apply for a limited driving privilege if he or she has served at least 45 days of the disqualification or revocation (Section 302.309);

(6) Requires a circuit court to grant a limited driving privilege to a person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has no alcohol-related enforcement contacts since the contact that resulted in his or her license suspension or revocation (Section 302.309);

FISCAL DESCRIPTION (continued)

(7) Allows a person whose driving record shows no prior alcohol related enforcement contacts in the immediately preceding five years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during such 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or that the device has been tampered with or circumvented, then the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege without any violations. Only one additional 30-day period of restricted driving privilege may be granted (Section 302.525); and

(8) Specifies that if a person under arrest or who has been stopped upon suspicion of driving while intoxicated refuses to submit to a chemical test upon the request of a law enforcement officer, his or her license must be subject to a period of restricted driving privilege or immediately revoked. The bill allows a person whose driving records shows no prior refusals to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person is equipped with a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the device has registered a confirmed BAC level above the alcohol setpoint or indicate that the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional 30-day period of restricted driving privilege without any violations. Only one such additional 30-day period may be granted. If he or she fails to maintain proof of the device with the department, the privilege will be terminated. Currently, any refusal leads to a license revocation (Section 577.041). The bill's provisions become effective on July 1, 2013.

This legislation has an emergency clause.

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

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SOURCES OF INFORMATION

Department of Revenue
Office of the State Courts Administrator

A handwritten signature in black ink, appearing to read "Ross Strope".

Ross Strope
Acting Director
April 9, 2013