

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3937-03
Bill No.: SCS for SBs 872, 754 & 669
Subject: Motor Vehicles; Crimes and Punishment; Law Enforcement Officers and Agencies; Emergencies; Roads and Highways; Transportation Department
Type: Original
Date: February 20, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	(\$192,721)	(\$169,091)	(\$172,918)
Total Estimated Net Effect on General Revenue Fund	(\$192,721)	(\$169,091)	(\$172,918)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Highway	\$141,703	\$188,940	\$188,940
Head Injury	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$141,703 to Unknown	\$188,940 to Unknown	\$188,940 to Unknown

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$47,235 to Unknown	\$62,980 to Unknown	\$62,980 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation** assume this proposal increases the fines for certain repeat traffic offenses in work zones and creates the crime of "endangerment of a highway worker" and "aggravated endangerment of a highway worker". This proposal could have a positive fiscal impact if the number of work zone deaths and injuries are decreased.

Officials of the **Department of Corrections** state they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Director's Office** and the **Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Revenue (DOR)** assume changes to Sections 304.580, 304.582 and 304.584 would result in fewer than 100 of these types of convictions to be reported for point assessment. This would create a minimal impact that would be handled with existing resources.

DOR also assumes changes made to Section 304.022 would not fiscally impact the agency.

In response to changes in Section 304.351, DOR assumes this part of the proposal will require program modifications to be made to the MODL driver licensing system in order to create three new suspension types, modify the suspension update program, create three new notices of loss, and create new action entry and inquiry screens.

These program modifications will also require testing before implementation.

FY07

960	Estimated programming hours
<u>x 25.42</u>	Overtime hourly rate for Computer Information Technologist III (CIT III) position
\$24,403	Total MODL Overtime Amount Required

252	Estimated hours needed for requirements, design, test case development, and system testing
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<u>x 23.21</u>	Hourly overtime rate for Computer Information Tech II (CIT II)
\$5,849	Testing Costs

DOR's Driver License Bureau assumes that this legislation will produce an estimated 15,455 court ordered suspensions per year. The figures were obtained from the Highway Patrol and are based on figures from 2004 accidents with injuries that resulted from Failure to Yield Right-Of-Way and Careless and Imprudent offenses.

15,455	Number of accidents with injuries arising from failure to yield right-of-way and careless and imprudent driving citations
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<u>X 100%</u>	Estimated percentage of drivers to be convicted of causing an injury accident due to failing to yield right-of-way or careless and imprudent driving
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15,455	Estimated number of Orders of Suspensions received per year
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ASSUMPTION (continued)

This legislation is estimated to produce 59 Orders of Suspensions a day.

15,455	Estimated number of Order of Suspensions received per year
<u>/ 260</u>	Days per year
59	Estimated number of Orders of Suspensions received per day

This proposal will required 3.5 Revenue Licensing Technician I positions in the Driver License Bureau in order to process the additional workload that will result from this legislation. Duties required of these additional employees include: editing the Order of Suspensions from the courts, entering data to the driver license system, mailing notices of suspension, editing and entering reinstatement fees to the driver license system, answering telephone inquiries, imaging all original and supporting documentation, certifying records, processing Limited Driving Privileges, and responding to correspondence inquiries.

The Driver License Bureau is making the assumption the effective date on this bill is 8-28-06, therefore, in FY07 they will incur forms cost of \$688.10, envelope cost of \$1,418 and postage cost of \$13,116.20. For Fiscal Years 2008 and 2009, DOR assumes forms cost of \$850.86, envelope costs of \$1,701.56 and postage costs of \$15,739.43.

It is assumed a \$20.00 reinstatement fee will be assessed on these suspensions resulting in an estimated increase in revenue of \$188,937 in FY07 and \$251,920 in Fiscal Years 2008 and 2009.

FY07	
15,455	Number of suspensions per year
<u>x81.5%</u>	Percentage of reinstatement of these suspensions
12,596	Total number of suspensions estimated to be reinstated per year
<u>x \$20</u>	Amount of reinstatement fee
\$251,920	Total amount of reinstatement fees
\$251,920	Total amount of reinstatement fees
<u>/ 12</u>	Number of months in a fiscal year
\$ 20,993	Monthly amount of estimated reinstatement fees collected
<u>x9</u>	Number of months in FY)& cases could be reinstated
\$188,937	Total amount of estimated reinstatement fees to be collected in FY07
\$141,703	State Highway Fund
\$28,341	Cities
\$18,894	Counties

ASSUMPTION (continued)

FY08 & 09

12,596	Total number of suspensions estimated to be reinstated per year
<u>x\$20</u>	Amount of reinstatement fee
\$251,920	Total amount of estimated reinstatement fees to be collected for FY08 & FY09
\$188,940	State Highway Fund
\$37,788	Cities
\$25,192	Counties

In response to a previous version of this proposal, officials of the **Office of State Court Administrator (CTS)** assumed, because of the increased penalties, some cases may become protracted. CTS would not expect the total number of cases to be great enough to impact the budget of the judiciary.

In response to a previous version of this proposal, officials of the **Office of Prosecution Services** assumed no fiscal impact on County Prosecutors.

Officials from the **Office of the State Public Defender (SPD)** did not respond to our request for fiscal impact. However, **Oversight** assumes the proposal would not fiscally impact the SPD.

Oversight will assume an unknown number of violations of failure to yield the right-of-way resulting in physical injury, serious physical injury or death to a person will occur. Oversight will assume an unknown positive fiscal impact to the Head Injury Fund from Section 304.351.

Oversight will also assume an unknown number of violations of highway work zone safety will occur. Based on DOR's assumption that fewer than 100 of these types of convictions would occur, Oversight will assume an small unknown positive fiscal impact to the local political subdivisions from the fines.

This proposal could increase Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
GENERAL REVENUE			
<u>Costs</u> – Department of Revenue			
Personal Service (4 FTE)	(\$78,556)	(\$96,624)	(\$99,039)
Fringe Benefits	(\$34,612)	(\$42,573)	(\$43,637)
Equipment and Expense	<u>(\$79,553)</u>	<u>(\$29,894)</u>	<u>(\$30,242)</u>
<u>Total Costs</u> – Department of Revenue	(\$192,721)	(\$169,091)	(\$172,918)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$192,721)</u>	<u>(\$169,091)</u>	<u>(\$172,918)</u>
HIGHWAY FUNDS			
<u>Revenues</u> – Department of Revenue			
Reinstatement fee (Section 304.351)	<u>\$141,703</u>	<u>\$188,940</u>	<u>\$188,940</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>\$141,703</u>	<u>\$188,940</u>	<u>\$188,940</u>
HEAD INJURY FUND			
<u>Revenues</u> - additional fines for failing to yield the right-of-way when violations result in physical injury, serious physical injury or death (Section 304.351)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO THE HEAD INJURY FUND	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>UNKNOWN</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – Counties			
Reinstatement fees (Section 304.351)	\$18,894	\$25,192	\$25,192
<u>Revenues</u> – Cities			
Reinstatement fees (Section 304.351)	\$28,341	\$37,788	\$37,788
<u>Revenue</u> - Local Political Subdivisions			
Fines for violations of Highway Work Zone Safety (Section 304.582)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>\$47,235 to Unknown</u>	<u>\$62,980 to Unknown</u>	<u>\$62,980 to Unknown</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

This act enacts various provisions relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers and other motorists.

HIGHWAY WORK ZONE SAFETY - This act increases various penalties for offenses occurring within highway work zones or construction zones. Under this act, any person convicted of a second or subsequent moving violation within a work zone shall be assessed a fine of \$75. The act provides that a person who is convicted of speeding or passing a vehicle within a work zone when a highway worker is present a second or subsequent time shall be assessed a fine of \$300 in addition to any other fine authorized by law (Section 304.582). The act also creates the crime of "endangerment of a highway worker." The act provides that if a person commits the offense of endangerment of a highway worker in which no injury or death results the person shall be subject to a fine of not more than \$1,000 and shall have 8 points assessed to their driver's license. The person shall be guilty of aggravated endangerment of a highway worker if a death or injury results. If an highway worker is injured or killed in a workzone, the offender

DESCRIPTION (continued)

shall be subject to a fine of not more than \$5,000 for an injury and not more than \$10,000 if death resulted.

Under the act, a person commits the offense of endangerment of a highway worker if the motorist:

- (1) Exceeds the posted speed limit by 15 mph or more;
- (2) Passes another vehicle in a work zone and such offense results in the death or injury of a highway worker;
- (3) Fails to stop for a work zone flagman or fails to obey traffic control signals erected in the work zone;
- (4) Physically assaults or attempts to assault a highway worker with a motor vehicle or other instrument;
- (5) Intentionally strikes or moves barrels, barriers, signs or other devices erected to control the flow of traffic for a reason other than avoidance of an obstacle, an emergency or to protect the health and safety of another person; or
- (6) Commits various offenses in which points may be assessed under section 302.302 (section 304.585).

The act provides for the assessment of 8 points for an endangerment of a highway worker violation and 12 points for an aggravated endangerment of a highway worker violation (Section 302.302).

CLUTCH'S LAW (FAILURE TO YIELD) - This act imposes an additional fine and driver's license suspension on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. The additional fines collected under this provision will be credited to the Head Injury Fund (Section 304.351). This act is commonly known as "Clutch's Law". This section has an effective date of January 1, 2007. This portion of the act is similar to HB 1080 (2004).

MOVE-OVER LAW - This act increases the penalty on motorists who fail to move over when approached by an oncoming emergency vehicle and motorists who fail to move over when approaching a stationary emergency vehicle from a Class B misdemeanor to a Class A

DESCRIPTION (continued)

misdemeanor (Section 304.022).

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

Office of Prosecution Services
Office of State Courts Administrator
Department of Transportation
Department of Revenue
Department of Public Safety
Department of Corrections

NOT RESPONDING: Office of the State Public Defender



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