

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3937-06  
Bill No.: Truly Agreed To and Finally Passed HCS for SS for SCS for SB 872, 754 & 669  
Subject: Motor Vehicles; Crimes and Punishment; Law Enforcement Officers and Agencies; Emergencies; Roads and Highways; Transportation Department  
Type: Original  
Date: May 26, 2006

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	(\$192,721 to \$292,721)	(\$269,091) to Unknown	(\$272,918) to Unknown
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$192,721 to \$292,721)</b>	<b>(\$269,091) to Unknown</b>	<b>(\$272,918) to Unknown</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
State School Moneys*	\$0	\$0	\$0
Highway	\$141,703	\$188,940	\$188,940
<b>Total Estimated Net Effect on <u>Other</u> State Funds*</b>	<b>\$141,703</b>	<b>\$188,940</b>	<b>\$188,940</b>

\* Offsetting savings and losses to State School Moneys Fund in FY 2008 and FY 2009.

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 14 pages.

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Local Government</b>	<b>\$47,235 to Unknown</b>	<b>Unknown to (Unknown)</b>	<b>Unknown to (Unknown)</b>

**FISCAL ANALYSIS**

ASSUMPTION

Child Passenger Restraint System (Sections 210.106, 307.178, 307.182, 210.104, 210.107);

In response to a previous version of this proposal, officials of the **Department of Transportation (MoDOT)** stated if the legislation is enacted the state will be eligible to receive a federal Child Safety and Child Booster Seat Incentive grant through FY 2009. If the grant application submitted by the state is not approved the fiscal impact of the legislation would be zero. However, if the grant application is approved the state will be eligible for grant funding up to a maximum of \$850,000. The grant could be less than \$850,000 if other states become eligible for the grant by enacting similar laws. Therefore, MoDOT estimates the positive fiscal impact of the legislation to range from \$0 - \$850,000 per year.

In response to a previous version of this proposal, MoDOT stated the educational materials with revised law information would have to be redesigned and printed, but the cost will be absorbed by MoDOT.

ASSUMPTION (continued)

**Oversight** assumes the receipt of federal incentive grant moneys resulting from this proposal is speculative and therefore, have not included the estimate in the fiscal note.

Officials from the **Office of Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$1,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials of the **Department of Elementary and Secondary Education** state there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

The proposal allows for violators to have the charges and fines resulting from this proposal be dismissed if the violator brings in or show supporting documentation that an appropriate child restraint system has been purchased. However, violators of the subsection requiring children at least eighty pounds or more than four feet nine inches tall to be secured by a booster seat appropriate for the child are to be penalized \$10, and are not allowed to have their charges dismissed with proof of purchase of a booster seat. **Oversight** assumes there will be fine revenue resulting from this part of the proposal.

ASSUMPTION (continued)

In response to a previous version of this proposal, officials of the **Office of Prosecution Services** assumed the proposal would not have a significant direct fiscal impact on County Prosecutors.

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

In response to a similar proposal from this year (HB 1043), officials from the **Office of the State Public Defender** assumed the proposal would not fiscally impact their agency.

Traffic Safety Issues (Sections 302.302, 304.022, 304.070, 304.351, 304.580, 304.582, 304.585, 565.024, 565.060, 577.020 & 577.021);

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

Officials from the **Office of State Courts Administrator (CTS)** state the legislation would enact new provisions relating to child safety restraints and enact various provisions relating to the safe operation of motor vehicles ensure the safety of highway workers, emergency workers, and other motorists.

The legislation would also amend the right-of-way statute by imposing additional surcharges and license suspensions when the violation resulted in physical injury, serious physical injury, or death to any person. There are provisions for appeal of suspensions.

Because of the increased penalties, CTS would expect that some cases may become protracted.

CTS would not expect, however, that the total number of cases would be great enough to impact the budget of the judiciary.

Officials from the **Department of Corrections (DOC)** state that at this time, they are unable to determine the number of people who would be convicted under the provisions of this bill and therefore the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect

ASSUMPTION (continued)

of various new legislation, if adopted as statute.

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 either through incarceration (FY05 average of \$39.13 per inmate, per day or an annual cost of \$14,282 per inmate) or 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 additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

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.

DOR states 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
<u>x 23.21</u>	Hourly overtime rate for Computer Information Tech II (CIT II)
\$5,849	Testing Costs

ASSUMPTION (continued)

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

X 100%            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

15,455            Estimated number of Orders of Suspensions received per year

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

15,455            Estimated number of Order of Suspensions received per year

  / 260            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.

ASSUMPTION (continued)

FY 2007

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

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 similar version of this proposal (SB 872), 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.

In response to a similar version of this proposal (SB 872), officials from the **Department of Transportation** assumed the 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.

ASSUMPTION (continued)

**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 (Section 304.351). Oversight will also assume an unknown number of second or subsequent violations of highway work zone safety (Section 304.582), endangerment of a highway worker (Section 304.585), as well as failure to protect child at least eighty pounds or more than four feet, nine inches in height be securing them in a child passenger restraint system or booster seat (Subsection 307.182.2(4)) will occur.

**Oversight** further assumes these penalties will be collected by and paid to local political subdivisions, specifically local school districts. These would be considered a deduction in the following year's allocation from the state to the School State Moneys fund and then to the local school districts, resulting in a savings to the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>GENERAL REVENUE</b>			
<u>Savings</u> - Savings from reduced appropriations to the State School Moneys Fund resulting from increased fine revenue (Sections 304.351, 304.582, 304.178, 304.585 & 307.182)	\$0	Unknown	Unknown
<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)
<u>Costs</u> - Department of Corrections			
Incarceration for offenders of various sections - up to a class B felony	(Less than <u>\$100,000</u> )	(Less than <u>\$100,000</u> )	(Less than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$192,721 to \$292,721)</u></b>	<b><u>(\$269,091) to Unknown</u></b>	<b><u>(\$272,918) to Unknown</u></b>



<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
(continued)	(10 Mo.)		

**STATE SCHOOL MONEYS FUND**

<u>Savings</u> - Lower distribution to local school districts from increased local fine revenue (Section 304.351, 304.582, 304.585 & 307.182)	\$0	Unknown	Unknown
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<u>Loss</u> - Smaller transfer in from General Revenue Fund resulting from increased fine revenue	\$0	(Unknown)	(Unknown)
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<b>ESTIMATED NET EFFECT TO STATE SCHOOL MONEYS FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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**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>
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<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<b><u>\$141,703</u></b>	<b><u>\$188,940</u></b>	<b><u>\$188,940</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2007	FY 2008	FY 2009
	(10 Mo.)		

**POLITICAL SUBDIVISIONS**

<u>Revenues</u> – Counties Reinstatement fees (Section 304.351)	\$18,894	\$25,192	\$25,192
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<u>Revenues</u> – Cities Reinstatement fees (Section 304.351)	\$28,341	\$37,788	\$37,788
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<u>FISCAL IMPACT - Local Government</u> (continued)	FY 2007 (10 Mo.)	FY 2008	FY 2009
<u>Revenue - Local Political Subdivisions</u> (school districts)			
Fines for violations of Highway Work Zone Safety (Section 304.582); failure to yield which causes injury, serious injury or death (Section 304.351); endangering workers (Section 304.585); and child restraints (Section 307.182)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<u>Loss - Local Political Subdivisions</u> (school districts)			
Reduction in state funds for schools the following year since fine revenue is a deduction in the calculation for school funding	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<b><u>\$47,235 to Unknown</u></b>	<b><u>Unknown to (Unknown)</u></b>	<b><u>Unknown to (Unknown)</u></b>

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal 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

DESCRIPTION (continued)

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 4 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 a highway worker is injured or killed in a workzone, the offender shall be subject to a fine of not more than \$5,000 for an injury and not more than \$10,000 if death resulted and have 12 points assessed to his or her license.

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 4 points (Senate perfect version provided 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 penalty 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 (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).

DESCRIPTION (continued)

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 misdemeanor (Section 304.022).

INVOLUNTARY MANSLAUGHTER/ASSAULT IN 2ND DEGREE - Under this act, a person commits the crime of involuntary manslaughter in the 1st degree if he or she fails to move over into another lane of traffic or slow down when he or she approaches a stationary emergency vehicle and with criminal negligence causes the death of an emergency worker. A violation in this nature is a Class B felony (Section 565.024). Under this act, a person commits the crime of assault in the 2nd degree if he or she fails to move over into another lane of traffic or slow down when he or she approaches a stationary emergency vehicle and with criminal negligence causes injury to an emergency worker performing his or her official duties. These provisions are also contained in HB 1310 (2006).

SCHOOL BUS - This act enhances the penalties for those who fail to stop for school buses that are loading or unloading children. Under the act, any person who fails to properly yield for a school bus and the failure to yield results in the injury of any child shall be guilty of a Class D felony. Any person who fails to properly yield for a school bus where such violation causes the death of any child shall be guilty of a Class C felony. This provision is contained in SB 1079 (2006)(Section 304.070).

BAC OR CHEMICAL TESTS (ALAN WOODS LAW)- Under this act, a person involved in a motor vehicle accident that results in serious physical injury is deemed to have given consent to chemical tests of the person's blood, breath, saliva or urine to determine alcohol or drug content. The act also modifies the type of information that must be provided to the person subjected to the chemical test. Under the act, the person shall receive information regarding the type of test administered and the procedure followed, the time of the collection of blood, breath or urine, the numerical results of the test indicating the blood alcohol content, the type and status of any permit held by the person performing the test, and the date of performance of the most recent maintenance of the breath testing instrument. Full information regarding the test does not include manuals, schematics or software of the instrument used to test the person or other material not in possession of the state. Law enforcement officers are directed to conduct chemical tests to motorists suspected of driving a motor vehicle involved in a collision which resulted in a fatality or serious physical injury (section 577.020 and section 577.021). These

provisions can be found in the House Committee Substitute version of SB 969 (2006).

DESCRIPTION (continued)

**CHILD PASSENGER RESTRAINT LAW** - This act modifies the law with respect how motorist must restrain children in motor vehicles.

This act modifies the law with respect to the use of child passenger safety restraint systems and booster seats. The act requires children of certain ages, weights and heights to be restrained by either a child passenger restraint system, booster seat or safety belt.

**AGE/WEIGHT/HEIGHT CLASSIFICATION** -

1. **LESS THAN 4 YEARS OLD** - This act requires children less than four years old, regardless of weight, to use an appropriate child passenger restraint system.
2. **LESS THAN 40 POUNDS** - The act requires children weighing less than 40 pounds, regardless of age, to be secured in a child passenger restraint system appropriate for the child.
3. **LESS THAN 8 YEARS OLD/80 POUNDS OR UNDER 4'9"** - Children (ages 4-7) and who weigh at least 40 pounds but less than 80 pounds, and are less than 4'9" tall must be secured in a child passenger restraint system or booster seat appropriate for that child.
4. **GREATER THAN 80 POUNDS OR TALLER THAN 4'9"** - Children who are at least 80 pounds or children taller than 4'9" shall be secured by a vehicle safety belt or booster seat appropriate for that child.

The act allows a child to be transported in back seat without a booster seat if the child is secured with a lap belt if the vehicle is not equipped with combination lap and shoulder belt for booster seat installation.

The act also provides that when transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children under this scenario shall not be in violation of the child seat restriction law.

A violation of the child passenger restraint/booster provisions is an infraction and the fine is \$50 plus court costs. The fine for violating the safety belt provision of the act is \$10. Charges for violating the child passenger restraint and booster seat provisions shall be dismissed or withdrawn if the driver provides evidence that he or she acquired a child passenger restraint

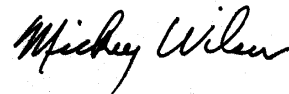
DESCRIPTION (continued)

system or booster seat prior to or at his or her hearing. The act does not apply to public carriers for hire or to students four years of age or older who are passengers on a school bus designed for carrying eleven passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses (Sections 307.178 and 307.182).

The act provides that if there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat unless the vehicle is designed only for a front-seated area. This provision does not apply to passengers who are accompanying an intermediate driver's license holder. Under current law, all passengers accompanying a intermediate driver's license holder must be properly restrained. (Subsection 7 of Section 307.178). The act provides that the \$10 fine for failing to wear a seat belt shall apply to "persons" rather than just "drivers" (section 307.178.5).

SOURCES OF INFORMATION

Department of Public Safety  
Department of Transportation  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the Secretary of State  
Department of Revenue  
Department of Elementary and Secondary Education  
Office of Prosecution Services



Mickey Wilson, CPA  
Director  
May 26, 2006