

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0173-02
Bill No.: SB 50
Subject: Motor Vehicles; Licenses - Driver's; Motor Carriers
Type: Original
Date: February 6, 2007

Bill Summary: Amends various provisions relating to commercial drivers licenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Federal Funds	(\$27,600,000)	(\$52,600,000)	\$52,600,000
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$27,600,000)	(\$52,600,000)	\$52,600,000

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
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 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** state this proposal has no fiscal impact on the Courts.

Officials from the **Department of Public Safety - Office of the Director** and **Missouri State Highway Patrol** state there is no fiscal impact to their agencies.

Officials from the **Department of Revenue** state that the **Office of Administration Information Technology** estimates that this legislation could be implemented utilizing existing resources of 2 FTE's at a CITS 1 level (\$4,546) for 3 months. However, if priorities shift and additional FTE/overtime would be needed to implement, the cost will be approximately \$27,276. The effort includes extensive change to the Missouri Driver's License system (MODL).

According to officials from the **Department of Transportation (DOT)**, Section 302.545 provides that a person who is less than 21 years of age and whose driving privilege has been suspended or revoked for driving with 2/100 of one percent of blood alcohol content shall not have their record expunged if the person was holding a commercial driver's license at the time of the offense, and the person had a blood alcohol content of at least 4/100 of one percent. If the driver's blood alcohol content is under 4/100 or one percent, their record may be expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs.

According to an official from the Federal Motor Carrier Safety Administration, this provision would be a violation of 49 Code of Federal Regulation (C.F.R.), Section 384.225, which requires a state to retain records of commercial driver's license holder's traffic violations, in any type of vehicle, for a certain amount of time, which is determined based on the nature of the violation. The applicable section in this case is section 384.225(d), which requires this type of conviction to be retained for at least 3 years.

As currently written, the proposed legislation would subject the state to the withholding of federal funds pursuant to 49 C.F.R. Section 384.401.

- For the first year of a violation, 5% of funds, or approximately \$25 million
- For second and subsequent years, 10% of funds, or approximately \$50 million

Missouri would also be subject to withholding of Motor Carrier Safety Assistance Program

ASSUMPTION (continued)

(MCSAP) and New Entrant grant moneys. The amount Motor Carrier Services would lose under such a withholding would be approximately \$2,600,000.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Federal Government</u>			
<u>Loss - Withholding of Federal Funds</u> (§ 302.545)	(\$25,000,000)	\$50,000,000	\$50,000,000
<u>Loss - Federal grant money</u> (§ 302.545)	<u>(\$2,600,000)</u>	<u>(\$2,600,000)</u>	<u>(\$2,600,000)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>(\$27,600,000)</u>	<u>(\$52,600,000)</u>	<u>(\$52,600,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

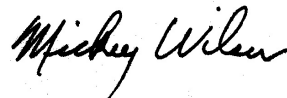
§ 302.545

This proposed legislation provides that a person who is less than 21 years of age and whose driving privilege has been suspended or revoked for driving with 2/100 of one percent of blood alcohol content shall not have their record expunged if the person was holding a commercial driver's license at the time of the offense, and the person had a blood alcohol content of at least 4/100 of one percent. If the driver's blood alcohol content is under 4/100 or one percent, their record may be expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs.

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 Transportation
Office of State Courts Administrator
Department of Public Safety
 Office of the Director
 Missouri State Highway Patrol
Department of Revenue



Mickey Wilson, CPA
Director
February 6, 2007