

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4676-05  
Bill No.: HCS for SCS for SB 648  
Subject: Motor Vehicles; Licenses - Driver's; Revenue Department  
Type: Original  
Date: May 4, 2012

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Bill Summary: This proposal expands the list of qualified persons who may accompany temporary instruction permit holders who are under 16 to include licensed persons who are 25 years of age or older who have been licensed for a minimum of three years.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |            |            |            |
|-----------------------------------------------------------|------------|------------|------------|
| FUND AFFECTED                                             | FY 2013    | FY 2014    | FY 2015    |
|                                                           |            |            |            |
|                                                           |            |            |            |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---------------------------------------------------------------|------------|------------|------------|
| FUND AFFECTED                                                 | FY 2013    | FY 2014    | FY 2015    |
|                                                               |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 16 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---------------------------------------------------------------|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                          | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</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 FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|-----------------------------------------------------------|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</b> |
|                                                           |                |                |                |
|                                                           |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

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).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--------------------------------------------|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Corrections, Office of the State Courts Administrator and Department of Mental Health** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version of this proposal, officials from the **Office of the State Public Defender and Department of Transportation** each assumed the proposal would have no fiscal impact on their respective organizations.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration (DIFP)** state based on a projection from the Missouri Tow Truck Association, it is estimated that 1,000 individuals in the state of Missouri will be required to be licensed. In addition, a 3% grown rate has been estimated. The following board specific expenses are being calculated to determine the additional appropriation needed by the division to support the board.

0.5 - Principle Assistant II needed to provide as the senior executive officer of the licensing agency.

0.5 - Processing Technician II needed to provide technical support, process applications for licensure, and respond to inquires related to the licensure law and/or rules and regulations.

Printing and Postage expenses for the first year include printing of rules, applications, letterheads and envelopes, as well as cost associated with initial licensure. Subsequent year's printing and postage is based on a board of similar size (Tattoo Professionals). Estimated cost for FY 2013 is \$12,500 and \$2,423 for every year after.

During the first year of implementation, cost are calculated for the design, program and implementation of the licensure program for new boards. It is estimated 30 hours for design, program and implementation of licensure program at \$18 per hour. Total cost is \$540 for FY 2013.

**Oversight** assumes DIFP is provided with core funding to handle a certain amount of activity each year. Oversight assumes DIFP could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DIFP could request funding through the appropriation process.

ASSUMPTION (continued)

Section 302.130

Officials from the **Department of Revenue** state this section of the proposal would expand the list of qualified persons who may accompany temporary instruction permit holders who are under sixteen years of age to include 'a person who is at least twenty-five years of age who has been licensed for a minimum of three years and has received written permission from the parent or legal guardian to escort or accompany the driver'. The proposed changes will require the Department to:

- Draft updates to procedures, manuals, forms and web site information.
- Draft updates to printed and electronic versions of the driver guide.
  - o It is assumed these changes will be included upon next review and reorder and will not require additional costs for destruction of the prior manuals and reissuance of updated manuals.

**FY 13**

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Administrative Analyst I -          | 10 hrs @ \$24 (1 ½) per hr = \$240  |
| Management Analysis Specialist II - | 10 hrs @ \$23 per hr = \$230        |
| Revenue Band Manager II -           | 10 hrs @ \$30 per hr = <u>\$300</u> |
|                                     | <b>Total = \$770</b>                |

|                                                  |                              |
|--------------------------------------------------|------------------------------|
| Update web page - Administrative Analyst III -   | 10 hrs @ \$22 = \$220        |
| Update forms - Management Analysis Spec I -      | 40 hrs @ \$20 = \$800        |
| Update procedures - Management Analysis Spec I - | 40 hrs @ \$20 = <u>\$800</u> |
|                                                  | <b>Total = \$1,820</b>       |

In summary, DOR assumes a cost of \$2,590 ( \$770 + \$1,820 + \$2,120) in FY 2013 to provide for the implementation of the changes in this section of the proposal.

Section 302.304.5

DOR states this section adds the language "unless the person agrees to equip his or her vehicle with a functioning, certified ignition interlock device (IID), in which case, there shall be no period of suspension and the person shall instead have a ninety-day period of restricted driving privilege." This will require programming and testing of the Missouri Driver License (MODL) system to allow for a 90-day Restricted Driving Privilege (RDP) if the person agrees to have the ignition interlock installed.

KC:LR:OD

ASSUMPTION (continued)

- Requires programming and testing of the Missouri Driver Licensing (MODL) system to:
  - o Add a compliance to the first offense Driving While Intoxicated (DWI) suspension allowing for the agreement to install IID;
  - o Not require 30-day hard walk period of the IID information is added;
  - o Issue 90-day RDP with IID requirement;
  - o Keep all other edits the same; and
  - o Change MODL generated notices.
- Requires updates to the following:
  - o Procedures;
  - o Correspondence Letters;
  - o Department's Web site; and
  - o Missouri Driver Guide.
- Requires training of staff.
- Requires a review of administrative rules for possible revisions.

**FY13**

|                                                             |                |
|-------------------------------------------------------------|----------------|
| Administrative Analyst I - 80 hours @ \$24 (1 ½) per hour = | \$1,920        |
| Management Analyst Spec II - 80 hours @ \$23 per hour =     | \$1,840        |
| Revenue Band Manager I - 20 hours @ \$25 per hour =         | <u>\$500</u>   |
| <b>Total =</b>                                              | <b>\$4,260</b> |

|                                                                  |                |
|------------------------------------------------------------------|----------------|
| Update web page - Administrative Analyst III - 10 hrs @ \$22 =   | \$220          |
| Update forms - Management Analysis Spec I - 40 hrs @ \$20 =      | \$800          |
| Update procedures - Management Analysis Spec I - 40 hrs @ \$20 = | <u>\$800</u>   |
| <b>Total =</b>                                                   | <b>\$1,820</b> |

In summary, DOR assumes a cost of \$2,590 ( \$4,260 + \$1,820) in FY 2013 to provide for the implementation of the changes in this section of the proposal.

ASSUMPTION (continued)

Section 577.041.10

DOR states this section of the proposal removes the language "more than once" for violating the provisions of this section in order for a person to file proof with the Director of Revenue that any motor vehicle being operated is equipped with a functioning, certified ignition interlock device for reinstatement.

This section also increases the time-frame that the person is required to maintain the ignition interlock device, from six months to one year, immediately following the date of reinstatement.

This will require programming and testing of MODL to require the IID on all refusals and increase the time period to one year after reinstatement. The Department will need to update forms, correspondence, the Department's web site, procedures, and train staff.

- Requires programming and testing of MODL system to:
  - o Require IID on all refusals for reinstatement;
  - o Require IID for one year from the date of reinstatement; and
  - o Change MODL generated notices.
- Requires updates to the following:
  - o Procedures;
  - o Correspondence letters;
  - o Department's web site;
  - o Missouri Driver Guide; and
  - o The revocation notice served by the arresting law enforcement officer based on changes to the ignition interlock requirements.
- Print 160,000 new forms
- Replace the current supply of the forms in central stores - 28,800
- Mail 131,200 copies of the updated forms to 656 law enforcement agencies (200 forms each).
- Requires training of staff.
- Requires a review of administrative rules for possible revisions.

ASSUMPTION (continued)

**FY13**

|                                                             |                |
|-------------------------------------------------------------|----------------|
| Administrative Analyst I - 80 hours @ \$24 (1 ½) per hour = | \$1,920        |
| Management Analyst Spec II - 80 hours @ \$23 per hour =     | \$1,840        |
| Revenue Band Manager I - 20 hours @ \$25 per hour =         | <u>\$500</u>   |
| <b>Total =</b>                                              | <b>\$4,260</b> |

|                                                                  |                |
|------------------------------------------------------------------|----------------|
| Update web page - Administrative Analyst III - 10 hrs @ \$22 =   | \$220          |
| Update forms - Management Analysis Spec I - 40 hrs @ \$20 =      | \$800          |
| Update procedures - Management Analysis Spec I - 40 hrs @ \$20 = | <u>\$800</u>   |
| <b>Total =</b>                                                   | <b>\$1,820</b> |

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

A sweep of MODL shows 67,852 individuals are currently revoked for a chemical refusal. The Department assumes this law will be retroactive at the time it is implemented. Prior to implementation, the Department will need to issue a notice informing these individuals of:

- The IID requirement for first offenders;
- The extended time-frame the IID is required after reinstatement; and
- The requirement for the 'special' driver license for all revocations pursuant to this section.

|                                     |                 |
|-------------------------------------|-----------------|
| Cost for forms - 67,852 @ .025 =    | \$1,696         |
| Cost for envelopes - 67,852 @ .04 = | \$2,714         |
| Cost for postage - 67,852 @ .45 =   | <u>\$30,533</u> |
| <b>Total =</b>                      | <b>\$34,943</b> |

In summary, DOR assumes a cost of \$63,897 ( \$4,260 + \$1,820 + \$22,874 + \$34,943) in FY 2013 to provide for the implementation of the changes in this section of the proposal.

ASSUMPTION (continued)

Section 577.600.5

DOR states the Department is unable to determine the fiscal impact of this subsection as written as the intent of the law is unclear. As stated in this subsection, a person who has installed an approved ignition interlock device under section 577.600 is required to do so only if ordered by the court and upon reinstatement.

If the intent is for the person to avoid a suspension or revocation upon the court order for ignition interlock, the language in section 577.600 will not support it. The suspension or revocation will not be active as the language in section 577.600 is "at reinstatement"; therefore there is no impact to the Department.

If the intent of the law is to prohibit a subsequent alcohol-related suspension or revocation from being imposed during the period of the court ordered ignition interlock when the person has not tampered with the device and the person has applied for the special driver's license, then the Department would be required to do a complete evaluation of the MODL system to determine the impact.

- Requires programming and testing of MODL system to:
  - o Add new fields allowing for various time-frames for the court issued IID based on the number of convictions as determined by the court;
  - o Track IID violations and extend the 'special driver's license' requirement pursuant to section 577.606 for 90 days until there is a continuous, violation free 90-day period; and
  - o Generate a notice to the citizen when the five-year IID requirement has been met on life time court orders.
  
- Requires updates to the following:
  - o Procedures;
  - o Correspondence letters; and
  - o Department's web site.
  
- Requires training of staff.
- Requires a review of administrative rules for possible revisions.



ASSUMPTION (continued)

**FY13**

|                                                             |                |
|-------------------------------------------------------------|----------------|
| Administrative Analyst I - 80 hours @ \$24 (1 ½) per hour = | \$1,920        |
| Management Analyst Spec II - 80 hours @ \$23 per hour =     | <u>\$1,840</u> |
| <b>Total =</b>                                              | <b>\$3,760</b> |

|                                                                  |                |
|------------------------------------------------------------------|----------------|
| Update web page - Administrative Analyst III - 10 hrs @ \$22 =   | \$220          |
| Update forms - Management Analysis Spec I - 40 hrs @ \$20 =      | \$800          |
| Update procedures - Management Analysis Spec I - 40 hrs @ \$20 = | <u>\$800</u>   |
| <b>Total =</b>                                                   | <b>\$1,820</b> |

In summary, DOR assumes a cost of \$5,580 ( \$3,760 + \$1,820) in FY 2013 to provide for the implementation of the changes in this section of the proposal.

Section 577.606.2

DOR states the Department shall also issue to any person required to use an ignition interlock device, a special driver license signifying that the driver must not operate a vehicle that does not contain an ignition interlock device. Costs associated with the issuance of the special license may be assessed to the individual, not to exceed fifty dollars, as well as any costs associated with the reissuance of the person's regular driver license, as determined by the Department, not to exceed an additional fifty dollars. This contradicts the costs associated with a driver license in section 302.177. This will require development and design for a new special driver license; a change order analysis from the document production vendor; programming and testing of the Over-The-Counter licensing system (OTC), the Missouri Electronic Driver's Licensing system (MEDL), the Central Driver Information System (CDIS), and MODL; and updates to the driver guide and procedures, and training of internal and license office staff.

Section 577.606.3

DOR states any person required to receive a special license, as described in subsection 2 of this section, shall be required to have such license for the duration of the restricted driving period, and until such person maintains a period of ninety days without the ignition interlock device registering a level of alcohol above the level set on the device by the Department of Revenue,

ASSUMPTION (continued)

and with no reports of confirmed tampering or circumventions. If the monthly monitoring reports show that the person has any confirmed alcohol readings or has tampered with the device, the restriction shall be extended for a period of ninety days until there is a continuous, violation-free, ninety-day period in which case the person's regular driver license shall be reissued. This will require programming and testing of MODL to add all types of violations, received from the IID manufacturers, to the record and extend the 'special driver's license' as needed for both Department reinstatements and the court ordered requirements.

- Requires programming and testing of various driver licensing systems:
  - o Development of business requirements and design for new 'special driver's license' issuance process;
  - o Request for change order analysis from the document production vendor;
  - o Completion of MEDL CI system update to determine issuance of the special license type;
  - o User testing of changes to the license issuance system and vendor license production process;
  - o Create a database to receive files from the IID manufacturer for the monthly calibration reports and evaluate the information to determine any violations;
  - o Allow various types of IID violations to be added in MODL and extend the 'special driver's license' requirement for 90 days until there is a continuous, violation free 90-day period;
  - o MODL to generate a notice when the 'special driver license' requirement has been extended due to violations received from the manufacturer;
  - o MODL to generate a notice when a court ordered IID is added and the license status is not suspended, revoked, denied, etc. to notify the citizen of the requirement to obtain the 'special driver's license';
  - o MODL to generate a notice when the IID restriction is no longer required and the person is eligible to receive a reissuance of their regular driver license; and
  - o Revise the administrative alcohol suspension/revocation notice served by the arresting law enforcement officer based on the 'special driver's license' requirements.
- Print 160,000 new forms
- Replace the current supply of the forms in central stores - 28,800
- Mail 131,200 copies of the updated forms to 656 law enforcement agencies (200 forms each).
- Requires updates to the following:

ASSUMPTION (continued)

- o Procedures;
  - o Correspondence letters;
  - o Department's web site; and
  - o Missouri Driver Guide.
- 
- Requires training of staff.
  - Requires a review of administrative rules for possible revisions.

**FY13**

Costs for the license issuance vendor, MorphoTrust U.S.A., is estimated at \$28,000 based on a prior "not to exceed" estimate for a change to the current card if physical layout of information is not modified. The Department assumes the layout of information would be the same for this new design; it may only be a change to the header and/or special indicators.

**FY13 - License Issuance**

|                                                              |                 |
|--------------------------------------------------------------|-----------------|
| Administrative Analyst I - 240 hours @ \$24 (1 ½) per hour = | \$5,760         |
| Management Analyst Spec II - 280 hours @ \$23 per hour =     | \$6,440         |
| Revenue Band Manager II - 80 hours @ \$30 per hour =         | <u>\$2,400</u>  |
| <b>Total =</b>                                               | <b>\$14,600</b> |

|                                                                  |                |
|------------------------------------------------------------------|----------------|
| Update web page - Administrative Analyst III - 10 hrs @ \$22 =   | \$220          |
| Update forms - Management Analysis Spec I - 40 hrs @ \$20 =      | \$800          |
| Update procedures - Management Analysis Spec I - 40 hrs @ \$20 = | <u>\$800</u>   |
| <b>Total =</b>                                                   | <b>\$1,820</b> |

**FY13 - MODL and Database Testing**

|                                                              |                 |
|--------------------------------------------------------------|-----------------|
| Administrative Analyst I - 320 hours @ \$24 (1 ½) per hour = | \$7,680         |
| Management Analyst Spec II - 320 hours @ \$23 per hour =     | \$7,360         |
| Revenue Band Manager I - 160 hours @ \$25 per hour =         | <u>\$4,000</u>  |
| <b>Total =</b>                                               | <b>\$19,040</b> |

A sweep of MODL shows 52,486 individuals who are currently suspended, revoked, or denied and requires the ignition interlock for reinstatement (this does not include revocations pursuant to section 577.041).

KC:LR:OD

ASSUMPTION (continued)

The Department assumes this law will be retroactive at the time it is implemented. Prior to implementation, the Department will need to issue a notice informing these individuals of the 'special driver's license' requirement pursuant to this section.

|                                     |                 |
|-------------------------------------|-----------------|
| Cost for forms - 52,486 @ .025 =    | \$1,312         |
| Cost for envelopes - 52,486 @ .04 = | \$2,099         |
| Cost for postage - 52,486 @ .45 =   | <u>\$23,619</u> |
| <b>Total =</b>                      | <b>\$27,030</b> |

The Administrative Alcohol Suspension/Revocation notice served by the arresting law enforcement officer will need revised based on the 'special driver license' requirements.

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

In summary, DOR assumes a cost of \$85,364 ( \$14,600+ \$1,820 + \$19,040 + \$27,030 + 22,874) in FY 2013 to provide for the implementation of the changes in this section of the proposal.

Based on the number of changes this proposal provides, FTE will be required to answer phone calls, prepare correspondence, and assist in-person customers. A sweep of MODL shows 73,294 individuals who are currently suspended, revoked, or denied and require the ignition interlock device for reinstatement. Additionally, there are 47,044 persons revoked for a first offense refusal who will now be required to have the ignition interlock device for reinstatement. Due to the provisions provided in section 577.606 requiring the 'special driver's license', the Department's requirement to track violations reported by the IID manufacturers, and the requirement to extend the 'special driver's license' based on these violations, the Department assumes a large percentage of the people affected by these changes will contact the Department. The Department assumes the law is retroactive and additional requirements will be sent to the persons that already have an IID requirement (73,294); therefore, additional inquiries will be made when these letters are mailed. Although the number of contacts is unknown, based on discussions with other states that currently have laws for first offenders and for persons who violate the IID, each person required to have IID could potentially contact the Department numerous times because of multiple IID violations and the extension of time the "special" license is required. For the purposes of this fiscal note, the Department will assume that a person will contact us at least two times per year.

ASSUMPTION (continued)

73,294 - Currently requires IID  
+ 47,044 - Will require IID  
120,338 - Persons required to install IID for reinstatement  
X 50% - Percent of persons who will contact the Department  
60,169 - Number of persons contacting the Department per year  
X 2 - Average number of times each person will contact the Department per year  
120,338 - Number of contacts per year  
/ 260 - Number of working days per year  
463 - Number of persons who will contact DOR daily

Currently an RPT I is required to answer 100 phone calls per day; an RPT I is required to answer 30 correspondence per day, handle in-person contacts, and provide phone assistance as needed. Therefore, at least 5 FTE are needed to handle the additional contacts. There is no way to determine the impact to the Department based on all the required changes in this proposal, specifically the violations reported by the IID manufacturers from the monthly monitoring reports. The Department may require additional FTE to enforce the provisions in this section. The additional FTE will be requested through the appropriation process.

Legal Services:

- This legislation will create a need for additional FTE legal counsel.
  - o FTE Legal Counsel - \$50,076

The Department's response to a similar proposal in prior years would have indicated the Department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the Department's driver license legacy systems, changes cannot be made without significant impact to the Department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$55,120 calculated on 2,080 FTE hours.

**Oversight** assumes DOR's estimate of expense and equipment cost for new FTE's could be overstated. If DOR is able to use existing desks, file cabinets, chairs, etc., the estimate for equipment and expenses for fiscal year 2013 could be reduced. Oversight assumes DOR could absorb the personal service cost related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process. Oversight will range the cost to DOR as Less than \$100,000.

| <u>FISCAL IMPACT - State Government</u>                    | FY 2013<br>(10 Mo.)                   | FY 2014                               | FY 2015                               |
|------------------------------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <b>GENERAL REVENUE</b>                                     |                                       |                                       |                                       |
| <u>Cost - Department of Revenue</u><br>Administrative cost | Less than<br><u>\$100,000</u>         | Less than<br><u>\$100,000</u>         | Less than<br><u>\$100,000</u>         |
| <b>ESTIMATED NET EFFECT TO THE<br/>GENERAL REVENUE</b>     | <b>Less than<br/><u>\$100,000</u></b> | <b>Less than<br/><u>\$100,000</u></b> | <b>Less than<br/><u>\$100,000</u></b> |
| <br><u>FISCAL IMPACT - Local Government</u>                | <br>FY 2013<br>(10 Mo.)               | <br>FY 2014                           | <br>FY 2015                           |
|                                                            | <b><u>\$0</u></b>                     | <b><u>\$0</u></b>                     | <b><u>\$0</u></b>                     |

FISCAL IMPACT - Small Business

Ignition interlock device (IID) manufacturers and installers will have a positive impact.

FISCAL DESCRIPTION

This proposal enacts various provisions relating to the regulation of transportation.

This proposal expands the list of qualified persons who may accompany a temporary instruction permit holder who is under 16 years of age. Under current law, a temporary instruction permit holder may only drive a motor vehicle when accompanied by a grandparent, parent, legal guardian, or a qualified driving instructor. This act expands the list of qualified drivers to include persons who are at least 25 years age, have been licensed for a minimum of three years and have received written permission from the parent or legal guardian to escort or accompany the driver (Section 302.130).

This proposal requires towing companies to be licensed by the division of professional registration. The act prohibits local governments from contracting with towing companies that are not licensed with the division. The act also requires towing companies to have a lot of enclosed building of at least 2,000 square feet, including fencing of at least 6 feet high. The act requires towing companies to maintain regular business hours from 8 am to 5 pm. The act also

FISCAL DESCRIPTION (continued)

impose minimum liability insurance requirements upon towing companies. The act requires tow drivers to be certified by the Towing and Recovery Association of America (TRAA). The act sets forth the minimum certification levels. This provision can also be found in HCS/SS/SCS/SB 470 (Section 304.154).

This proposal provides that any person whose license is suspended due to a first conviction of driving while intoxicated or driving with blood alcohol content of .08 or more will not have his or her driver's license suspended if he or she agrees to equip his or her vehicle with an ignition interlock device, but instead will have a 90-day period of restricted driving privilege.

The proposal requires that any person who has a driver's license suspended for the refusal upon the request of law enforcement to submit to a test for blood alcohol content to have an ignition interlock device installed on all motor vehicles operated by the person for a period of not less than one year. The court must require any person who is found guilty or pleads guilty to an intoxication-related traffic offense to not operate any motor vehicle unless equipped with ignition interlock device for a period of not less than 90 days if convicted of a first intoxication-related traffic offense, not less than one year if convicted of a second, not less than five years if convicted of a third or fourth, and for the duration of the person's life if convicted of a fifth. A person convicted of his or her fifth intoxication-related traffic offense is eligible to have his or her restriction reviewed by the department after operating a motor vehicle equipped with an ignition interlock device in full compliance for five years.

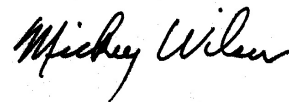
The proposal requires that any ignition interlock device required by these provisions to have photo identification technology and global positioning system features. The act requires the Department of Revenue to issue a special driver's license to any person required to use an ignition interlock device that signifies that the driver must not operate a vehicle that does not contain a device. Costs associated with issuing the special license or reissuing the person's regular driver's license, upon completion of the restricted driving period, are to be paid by the individual, but are not to exceed \$50. Any person required to have this special license must have it for the duration of the restricted driving period and until the person maintains a period of 90 days without the ignition interlock device registering a level of alcohol above the level set by the department and without any reports of tampering or circumventing the device. If a violation occurs, the restricted driving period must be extended for an additional 90 days.

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

KC:LR:OD

SOURCES OF INFORMATION

Department of Revenue  
Department of Public Safety  
Department of Transportation  
Office of the State Courts Administrator  
Department of Mental Health  
Department of Corrections  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Insurance, Financial Institutions and Professional Registration



Mickey Wilson, CPA  
Director  
May 4, 2012