

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5880-01  
Bill No.: SB 805  
Subject: Motor Vehicles; Licenses - Motor Vehicle; Roads and Highways; Transportation;  
Crimes and Punishment  
Type: Original  
Date: March 5, 2012

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Bill Summary: This proposal increases the penalties and driver license suspension periods for those who fail to yield the right-of-way in certain instances.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
General Revenue	\$0	Could exceed \$100,000	Could exceed \$100,000
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>Could exceed \$100,000</b>	<b>Could exceed \$100,000</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Highway Fund	Unknown to Less than \$100,000	Unknown to Less than \$100,000	Unknown to Less than \$100,000
State School Moneys*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Unknown to Less than \$100,000</b>	<b>Unknown to Less than \$100,000</b>	<b>Unknown to Less than \$100,000</b>

\* Offsetting savings and losses in Fiscal Years 2014 and 2015

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Local Political Subdivisions*</b>	<b>Could exceed \$100,000</b>	<b>Unknown to Less than \$100,000</b>	<b>Unknown to Less than \$100,000</b>

\* Offsetting Revenues and Losses in Fiscal Years 2014 and 2015

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol** and **Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal, Officials from the **St. Louis County Police Department** assumed the proposal would have no fiscal impact on their organization.

Officials from the **Clark County Sheriffs Department** and **Cole County Sheriffs Department** did not respond to our request for fiscal impact.

In response to a similar proposal, officials from the **Office of the State Courts Administrator** state the proposed legislation would increase the fine for failure to yield the right-of-way. In FY 2011, there were 1,717 failure to yield the right-of-way violations with a guilty disposition; it is unknown how much additional revenue the increase in fines would produce.

Since it is unknown how much additional revenue the increase in fines would produce, for fiscal note purposes only, **Oversight** will estimate revenue as: 'Could exceed \$100,000'.

Officials from the **Department of Elementary and Secondary Education** state there is no anticipated state cost to the foundation formula associated with this proposal. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to school districts 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.

ASSUMPTION (continued)

**Oversight** assumes the proposal would result in increased fine revenues to local governments. Oversight assumes the revenues from the increased fines would be distributed to local school districts, which would reduce the distributions the school districts would receive from the state school moneys fund, ultimately resulting in a savings to the General Revenue Fund. Oversight has reflected the fiscal impact to the State School Moneys Fund and General Revenue Fund for fiscal years 2014 and 2015, because any increase in fees distributed to schools increases the deduction in the foundation formula the following year.

Section 304.351

Officials from the **Department of Revenue (DOR) - Driver License Bureau (DLB)** state the Department is unable to determine how many court ordered suspensions will be received to process. Today the Revenue Processing Tech I can process 104 court orders daily. If we receive 104 court orders daily we would require 1 FTE to process. For every additional 104 court orders received daily an additional FTE would be requested through the appropriation process.

The proposed changes will require programming and testing of the failure to yield the right-of-way suspensions when involving a fatality. The DLB estimates 80 hours of system testing by one Administrative Analyst. The DLB estimates 80 hours of system testing by one Management Analysis Specialist II.

**FY13**

Administrative Analyst -	80 hrs @ \$16 per hr =	\$1,280
Management Analyst Specialist II -	80 hrs @ \$23 per hr =	<u>\$1,840</u>

**Total= \$3,120**

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>

**Total = \$1,820**

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR) - Information Technology - OA-ITSD** state the Department's response to a proposal similar to or identical to this one in a previous session 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 \$1,590 calculated on 60 FTE hours @ \$26.50 = \$1,590

**Oversight** assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs 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.

**Department of Revenue** states reinstatement fees collected is unknown. Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Since it is unknown how much additional revenue the reinstatement fees collected would produce, for fiscal note purposes only, **Oversight** will estimate revenue as: Unknown to less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>GENERAL REVENUE</b>			
<u>Savings</u> - Reduced transfers to State School Moneys Fund	<u>\$0</u>	Could exceed <u>\$100,000</u>	Could exceed <u>\$100,000</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<u><b>\$0</b></u>	<b>Could exceed</b> <u><b>\$100,000</b></u>	<b>Could exceed</b> <u><b>\$100,000</b></u>

FISCAL IMPACT - State Government  
 (continued)

FY 2013  
 (10 Mo.)

FY 2014

FY 2015

**STATE SCHOOL MONEYS FUND**

Savings - Reduced distributions to local  
 school districts

\$0

Could exceed  
 \$100,000

Could exceed  
 \$100,000

Losses - Reduced transfers in from  
 General Revenue Fund

\$0

(Could exceed  
\$100,000)

(Could exceed  
\$100,000)

**ESTIMATED NET EFFECT ON  
 STATE SCHOOL MONEYS FUND**

**\$0**

**\$0**

**\$0**

**HIGHWAY FUND**

Income - Additional revenue from  
 reinstatement fees

Unknown to  
 Less than  
\$100,000

Unknown to  
 Less than  
\$100,000

Unknown to  
 Less than  
\$100,000

**ESTIMATED NET EFFECT ON  
 HIGHWAY FUNDS**

**Unknown to  
 Less than  
\$100,000**

**Unknown to  
 Less than  
\$100,000**

**Unknown to  
 Less than  
\$100,000**

FISCAL IMPACT - Local Government

FY 2013  
(10 Mo.)

FY 2014

FY 2015

**LOCAL POLITICAL SUBDIVISIONS**

Income - Cities and Counties- additional revenue from reinstatement fees

Unknown to  
Less than  
\$100,000

Unknown to  
Less than  
\$100,000

Unknown to  
Less than  
\$100,000

Revenues - Local School Districts income from fines

Could exceed  
\$100,000

Could exceed  
\$100,000

Could exceed  
\$100,000

Losses - Local School Districts Reduced distributions from State School Moneys Fund

\$0

(Could exceed  
\$100,000)

(Could exceed  
\$100,000)

**ESTIMATED NET EFFECT ON  
LOCAL POLITICAL SUBDIVISIONS**

**Could exceed  
\$100,000**

**Unknown to  
Less than  
\$100,000**

**Unknown to  
Less than  
\$100,000**

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Under current law, persons who cause physical injury or death to a person by failing to yield the right-of-way are subject to additional monetary penalties and driver's license suspensions (Section 304.351).

Under current law, a person who causes physical injury to a person by failing to yield the right-of-way shall be assessed a penalty of up to \$200 and may have his or her driving privilege suspended for 30 days. This proposal increases the penalty from "up to \$200" to "up to \$1,000", with a minimum penalty of \$500. The proposal also makes the 30 day suspension mandatory rather than discretionary.

Under current law, a person who causes serious physical injury to another by failing to yield the right-of-way is subject to an additional penalty of up to \$500 and may have his or her driving privilege suspended for 90 days.

KC:LR:OD

FISCAL DESCRIPTION (continued)

This proposal increases the penalty from "up to \$500" to "up to \$3,000", with a minimum \$1,000 additional penalty. The proposal further makes the 90 day suspension mandatory rather than discretionary.

Under current law, a person causes the death of another by failing to yield the right-of-way is subject to an additional penalty of up to \$1,000 and may have his or driving privilege suspended for 6 months.

This proposal increases the additional penalty from "up to \$1,000" to "up to \$10,000", with a minimum \$5,000 additional penalty. In lieu of a discretionary 6 month suspension, the proposal requires the court to issue an order of suspension of up to one year, but no less than 6 months. In addition, the person who causes a fatality by failing to yield the right-of-way must successfully complete a driver-improvement program (Section 304.351).

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

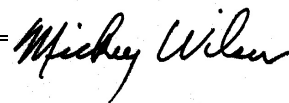
SOURCES OF INFORMATION

Department of Revenue  
Department of Public Safety  
Department of Transportation  
Office of the State Courts Administrator  
Department of Elementary and Secondary Education  
St. Louis County Police Department

NOT RESPONDING

Clark County Sheriff  
Cole County Sheriff

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Mickey Wilson, CPA



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