

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6092-01
Bill No.: SB 893
Subject: Motor Vehicles; Licenses - Driver's; Revenue Department; Drunk Driving /
 Boating
Type: Original
Date: April 2, 2012

Bill Summary: This proposal requires certain offenders to undergo criminal history checks in order to have their driver's licenses reinstated or have limited driving privileges granted.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Criminal Records	\$21,578	\$25,894	\$25,894
Total Estimated Net Effect on Other State Funds	\$21,578	\$25,894	\$25,894

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would require certain offenders to undergo criminal history checks in order to have their driver's licenses reinstated or have limited driving privileges granted.

The Department of Revenue states that in 2011, the average annual requests for reinstatements for a five-year revocation were 486, reinstatements for ten-year revocations were 378, and requests for limited driving privileges were 313. Therefore, for purposes of this fiscal note, MHP will use 1,177 ($486 + 378 + 313 = 1,177$) as the number of individuals requesting to have their driver's license either reinstated or to request limited driving privileges for FY13, FY14, and FY15.

The charge for each background check processed is \$36.25. Twenty dollars for the state fingerprint check and an additional \$16.25 for the federal check ($\$20 + 16.25 = \36.25). Of this amount, the state retains the \$20 fee and \$2 of the federal charge of \$16.25 for a pass-thru fee. Additionally, if the electronic fingerprint option is used through a third-party vendor, an additional \$12.95 charge will be assessed. This amount is paid directly to the vendor at the time of application.

Estimated Revenue:

1,177 x \$36.25 (state/federal background check)	\$42,666
--	----------

Estimated Expense:

1,177 x \$14.25 (federal background check charge)	\$16,772
---	----------

MHP estimates an annual net impact to the Criminal Records Fund of \$25,894.

Officials from the **Department of Revenue (DOR)** assume the proposal would have the following administrative impact on their Driver License Bureau (DLB):

Sections 302.060 and 302.309 - the proposed changes will require:

- programming and testing for compliance when reinstating a five-year alcohol denial;
- drafting Internal staff procedures; and
- training and testing.

ASSUMPTION (continued)

The Driver License Bureau estimates 80 hours of system testing and training by one Administrative Analyst as well as an estimated 80 hours of system testing and training 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

DOR also estimates the following expenses:

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

DOR's Information Technology - OA-ITSD state their 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 \$6,360 based upon the value of the level of effort calculated on 240 FTE hours @ \$26.50 = \$6,360.

In summary, DOR assumes a total cost of \$11,300 (\$3,120 + \$1,820 + \$6,360) in FY 2013 to implement the changes within this proposal.

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.

Officials from the **Office of the State Courts Administrator** and the **Department of Transportation** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
CRIMINAL RECORDS			
<u>Income - MHP</u>			
An estimated 1,177 applications for criminal history checks at \$36.25 each	\$35,555	\$42,666	\$42,666
<u>Expense - MHP</u>			
An estimated 1,177 applications for criminal history checks x \$14.25 paid to the FBI for a federal background check	<u>(\$13,977)</u>	<u>(\$16,772)</u>	<u>(\$16,772)</u>
ESTIMATED NET EFFECT TO THE CRIMINAL RECORDS FUND	<u>\$21,578</u>	<u>\$25,894</u>	<u>\$25,894</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal requires certain offenders to undergo criminal history checks in order to have their driver's licenses reinstated or have limited driving privileges granted.

This proposal provides a definition for the term "criminal history check" for the drivers' license chapter (Section 302.010).

Under current law, the Department of Revenue is prohibited from issuing a driver's license to anyone who has been convicted of more than two driving while intoxicated convictions.

RS:LR:OD

FISCAL DESCRIPTION (continued)

However, a person may petition the court after 10 years from the date of the last conviction to have a new license issued. If, after reviewing the person's record, it is found that the petitioner has not been convicted of alcohol-related offenses during the preceding 10 years, then the court may order the director to issue the petitioner a driver's license. This act requires the court to review the results of a criminal history check prior to making that determination (Section 302.060).

Under current law, the Department of Revenue is prohibited from issuing a driver's license to anyone convicted twice within a 5 year period of violating any driving while intoxicated law or any other intoxication-related traffic offense or to a person who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. Under the terms of this act, after the expiration of 5 years from the date of the last conviction, a person may petition the court to have a new license issued. The court must review the petitioner's record, including the results of a criminal background check, to determine whether the petitioner has not be convicted of and has no pending charges for alcohol-related offenses. If satisfied, the court may order the director to issue the petitioner a driver's license (Section 302.060).

Persons who petition the court for a reinstatement of his or her driver's license under this act must submit a criminal record review application with the Missouri State Highway Patrol. The petitioner shall submit 2 sets of fingerprints. One set of fingerprints will be used by the highway patrol to search the criminal history repository while the other set will sent to the FBI for searching the federal criminal history files. The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check.

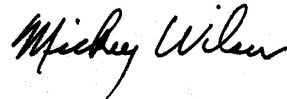
The act makes similar provisions for those who apply for limited driving privileges (hardship license). Under the terms of the act, the court or the director must review the results of a criminal history check prior to granting any limited driving privilege to any person denied a license for a period of 10 years or any person that cannot obtain a license for a period of 5 years. If the court or director finds that the person applying for the limited driving privileges has been convicted or has pending charges for offenses related to alcohol, controlled substances, or drugs, during the preceding 3 years (for 10 year denial petitioners) or preceding 2 years (for 5 year denial petitioners), then the limited driving privilege shall be denied. The person who petitions the court for a limited driving privilege must submit a criminal record review application with the Missouri State Highway Patrol. The petitioner shall submit 2 sets of fingerprints. One set of fingerprints will be used by the highway patrol to search the criminal history repository while the other set will sent to the FBI for searching the federal criminal history files. The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check (Section 302.309).

FISCAL DESCRIPTION (continued)

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
Office of the State Courts Administrator
Department of Transportation



Mickey Wilson, CPA
Director
April 2, 2012