

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0198-03  
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 43  
Subject: Motor Vehicles; Transportation; Roads and Highways  
Type: Original  
Date: June 6, 2013

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Bill Summary: Changes the laws regarding commercial motor vehicles.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	Up to (\$100,000)	Up to (\$166,560)	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>Up to (\$100,000)</b>	<b>Up to (\$166,560)</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<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 12 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</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 2014</b>	<b>FY 2015</b>	<b>FY 2016</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 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

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

Officials from the **Joint Committee on Administrative Rules** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a previous version, officials from the **Department of Transportation and Boone County Sheriff's Department** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to a similar proposal from this year (HB 771), officials from the **Office of the Secretary of State (SOS)** assumed 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 Secretary of State's Office for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve 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.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

### §302.060

Officials from the **Department of Revenue (DOR)** state the proposed language will now require a court to order the reinstatement on a 5-year denial, rather than give the court discretion to order it. This could potentially increase the volume of court orders received by the Department. The impact to the Department is unknown, however, a Revenue Processing Tech I (RPT I - A10/L) can process 30 court orders per day. If the volume of court orders the Department receives increases, additional FTE will be requested through the appropriation process.

ASSUMPTION (continued)

§302.304.5

DOR assumes the proposed language changes a driver's eligibility for a Restricted Driving Privilege (RDP) when they install an ignition interlock device (IID). The language also requires the driver to complete the 30-day RDP extension period "without any" violations before he or she is eligible for full reinstatement.

§ 302.304.17

This revision will require a driver suspended or revoked for a conviction for an intoxication-related traffic offense and who has a prior "alcohol-related enforcement contact as defined under section 302.525" showing on his or her driver record, to install IID as a condition of reinstatement.

§ 302.309.3

DOR assumes the proposed language under this section will do the following:

- Allow for the issuance of a Limited Driving Privilege (LDP) to a driver who is revoked for refusing to submit to a chemical test without the driver first serving a 90-day hard walk period.
- Require the court to issue a LDP to a driver who has been denied a license for 5 or 10 years without the driver first serving a hard walk period providing the driver installs an ignition interlock with camera and GPS features.
- Eliminates the ineligibility of a person receiving a LDP only once every 5 years.

The number of LDP applications received by the Department for persons suspended or revoked for refusing a chemical test or other alcohol-related suspensions and revocations may increase. In addition, more drivers will be required to have IID to be eligible for a LDP on alcohol suspensions and revocation. This requires the Department to track the installation and status of the IIDs for these drivers. The impact to the Department is unknown, however, a Revenue Processing Tech I (RPT I - A10/L) can process 50 LDP applications and court-ordered LDPs per day. If the volume of LDP applications and court orders the Department receives increases, additional FTE will be requested through the appropriation process.

ASSUMPTION (continued)

Requires programming and testing of the Missouri Driver License (MODL) system along with training staff.

- Administrative Analyst I- 80 hrs @ \$24 (1 ½) per hr = \$1,920
- Management Analyst Spec II- 80 hrs @ \$23 per hr = \$1,840
- Revenue Band Manager I- 40 hrs @ \$25 per hr = \$1,000
- **Total = \$4,760**

Requires updates to letters, forms, procedures, Department's website and Missouri Driver Guide.

- Administrative Analyst III - 10 hrs @ \$22 \$220
- Management Analysis Spec I - 40 hrs @ \$20 \$800
- **Total = \$1,020**

The IT portion of this section is estimated with a level of effort calculated on 180 hours at \$27.05 per hour totaling **\$4,869**.

In summary, DOR assumes a cost of \$10,649 (\$4,760 + \$1,020 + \$4,869) in FY 2013 to provide for the implementation of the changes in this section of the proposal.

Note: This proposal will become effective July 1, 2013. The cost of this section to the DOR is for FY 13 only, and will not be reflected in the fiscal note.

§ 302.525.2

The proposed language changes a driver's eligibility for a Restricted Driving Privilege (RDP) when he or she installs an IID.

The proposed changes in these sections, 302.060, 302.304 and 302.525, will require the **Department of Revenue (DOR)** to:

- Make revisions to the Notices of Suspension issued by law enforcement to an alcohol offender

ASSUMPTION (continued)

- Print 160,000 new Notices of Suspension replacement of the supply of forms in central stores (28,800 Notices).
- Mail 131,200 forms to 656 law enforcement agencies (656 x 200 forms each= 131,200).

•	Cost for printing - 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>

Requires programming and testing of the Missouri Driver License (MODL) system along with training staff.

•	Administrative Analyst I- 300 hrs @ \$24 (1 ½) per hr =	\$7,200
•	Management Analyst Spec II- 300 hrs @ \$23 per hr =	\$6,900
•	Revenue Band Manager I- 80 hrs @ \$25 per hr =	<u>\$2,000</u>
	<b>Total =</b>	<b>\$16,100</b>

Requires updates to letters, forms, procedures, department's website and the Missouri Driver Guide.

•	Administrative Analyst III - 10 hrs @ \$22	\$220
•	Management Analysis Spec I - 80 hrs @ \$20	<u>\$1600</u>
	<b>Total =</b>	<b>\$1,820</b>

The IT portion of this section is estimated with a level of effort calculated on 430 hours at \$27.05 per hour totaling **\$12,984**.

In summary, DOR assumes a cost of \$53,778 (\$22,874 + \$16,100 + \$1,820 + \$12,984) in FY 2014 to provide for the implementation of the changes in this proposal.

§302.700, 302.720, 302.735 & 302.740

The proposed changes in these sections will require the **Department of Revenue (DOR)** to:

- Develop requirements and complete end user testing to modify the Missouri Electronic Driver License (MEDL) system and supporting systems to implement changes which include mandated Commercial Learner's Permit (CLP) term, standardization of restrictions and endorsements for CLP's, modifications to CDL and CLP document forms;

ASSUMPTION (continued)

- Work with the new license contractor to incorporate required changes to the printed license or permit documents;
- Modify current Code of State Regulations related to third party testing and CLP issuance;
- Develop system changes and procedures to implement required secondary review of all CDL and CLP transactions and supporting documentation.

**Testing CLP Issuance and Restriction Changes**

Administrative Analyst -	660 hrs @ \$16 per hr =	\$10,560
Management Analyst Specialist II -	660 hrs @ \$23 per hr =	\$15,180
Revenue Band Manager II -	132 hours @ \$30 per hour=	<u>\$3,960</u>
	<b>Total =</b>	<b>\$29,700</b>

**Personnel Services Bureau**

Update web page - Administrative Analyst III - 40 hrs @ \$22 =	\$880
Update forms - Management Analysis Spec I - 80 hrs @ \$20 =	\$1,600
Update procedures - Management Analysis Spec I -120 hrs @ \$20 =	<u>\$2,400</u>
	<b>Total = \$4,880</b>

MorphoTrust costs for modification to the CLP document = **\$28,000**.

OA-ITSD staff will need to make programming changes to the Missouri Driver License System, Missouri Electronic Driver License System - Central Issuance and Central Driver Information System.

The level of effort is calculated at 3324 FTE hours @ \$27.05 per hour = **\$89,914**.

In summary, DOR assumes a cost of \$152,494 (\$29,700 + \$4,880 + \$28,000 + \$89,914) in FY 2014 to provide for the implementation of the changes in this proposal in this section.

§302.755

The proposed changes in this section will require the **Department of Revenue (DOR)** to:

- Include CDL permit holders in the disqualification routine;
- 'Stack' most CDL disqualifications;
- Include texting and hand-held mobile telephone convictions (commercial motor vehicles only) in the serious disqualification routine;
- Updates to Procedures, Correspondence letters and Department's website;

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ASSUMPTION (continued)

- Requires training of staff;
- Requires a review of administrative rules for possible revisions.

OA-ITSD staff will need to make programming changes to the Missouri Driver License (MODL) system.

The level of effort is calculated at 400 hours at \$27.05 per hour totaling **\$10,820**.

§304.820

This proposal amends existing provisions for hand-held mobile phone and electronic texting to prohibit such use while operating a commercial motor vehicle (CMV), so as to comply with federal requirements in this regard.

The proposed changes in this section will require the **Department of Revenue (DOR)** to:

- Include current MODL codes for texting while driving (1153, 2153, 3153) in the serious disqualification routine when the CMV indicator is 'Y'; and
- Develop new MODL codes for driving a CMV with a hand-held mobile telephone and include it in the serious disqualification routine.

OA-ITSD Staff will need to make programming changes to MODL. The level of effort is calculated at 120 hours at \$27.05 per hour totaling **\$3,246**.

§ 565.087, § 565.088 & § 565.089

In response to a similar proposal (HB 776), officials from the **Department of Corrections (DOC)** stated penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for up to a class B felony, however the offender charged with any of the crimes outlined in this proposal could already be charged and prosecuted pursuant to current assault statutes.

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 of direct offender costs either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

The following factors contribute to DOC's minimal assumption:

KC:LR:OD



ASSUMPTION (continued)

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders;
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

In response to a similar proposal (HB 776), officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons faced with the enhanced penalties for assault of a mass transit system worker. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to a similar proposals from this year (SB 263), officials from the **Office of Prosecution Services (OPS)** assumed the proposal would have no measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

§ 577.041

A driver who has been revoked for refusing to submit to a chemical test will be required to install an IID as a condition of reinstatement if the driver has a prior alcohol-related enforcement contact showing on his or her driver record.

The proposed changes in this section will require revisions to the Notice of Loss served by law enforcement to the offender.

- Print 160,000 notices;
- Replace the supply of forms in central stores - 28,800 Notices;
- Mail 131,200 forms to 656 law enforcement agencies. (656 x 200 forms each= 131,200).

ASSUMPTION (continued)

•	Cost for printing - 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>

Requires programming and testing of the Missouri Driver License (MODL) system along with training staff.

•	Administrative Analyst I- 240 hrs @ \$24 (1 ½) per hr =	\$5,760
•	Management Analyst Spec II- 240 hrs @ \$23 per hr =	\$5,520
•	Revenue Band Manager I- 80 hrs @ \$25 per hr =	<u>\$2,000</u>
	<b>Total =</b>	<b>\$13,280</b>

Requires updates to letters, forms, procedures, department's website, and Missouri Driver Guide.

•	Administrative Analyst III - 10 hrs @ \$22 =	\$220
•	Management Analysis Spec I - 80 hrs @ \$20 =	<u>\$1600</u>
	<b>Total =</b>	<b>\$1,820</b>

The IT portion of this section is estimated with a level of effort calculated on 240 hours at \$27.05 per hour totaling **\$6,492**.

In summary, DOR assumes a cost of \$44,466 (\$22,874 + \$13,280 + \$1,820 + \$6,492) in FY 2014 to provide for the implementation of the changes in this section of the proposal.

DOR assumes a total programming and administrative cost (not related to the request of two additional FTE) of \$10,649 in 2013, \$98,244 (\$53,778 + \$44,466) in 2014 and \$166,560 (\$152,494 + \$10,820 + \$3,246) in FY 2015 to provide for the implementation of the changes in this proposal.

**Oversight** assumes DOR will not need the two additional FTE.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the personal service cost related to this proposal. Oversight assumes some of DOR's anticipated work hours could be performed during the normal work day and not create an additional expense to their budget; therefore, Oversight will range the cost to DOR as up to \$100,000 for FY '14 and up to \$166,560 for FY '15.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Costs - DOR</u>			
Administrative changes to prepare for updates in the proposal	<u>Up to</u> <u>(\$100,000)</u>	<u>Up to</u> <u>(\$166,560)</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>Up to</u></b> <b><u>(\$100,000)</u></b>	<b><u>Up to</u></b> <b><u>(\$166,560)</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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 changes provisions of law concerning: 1) Issuance of driver's licenses to certain Driving While Intoxicated (DWI) offenders; 2) Restricted Driving Privileges and Ignition Interlock Devices; 3) Limited Driving Privileges; 4) Administrative suspensions for alcohol-related enforcement contacts; and 5) refusals to submit to chemical test suspensions and Ignition Interlock Devices.

Under current law, Missouri allows vehicles equipped with idle reduction technology to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds. This proposal increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit.

This proposal also changes the laws regarding commercial motor vehicles to conform with Federal Motor Carrier Safety Administration regulations.

FISCAL DESCRIPTION (continued)

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

SOURCES OF INFORMATION

Department of Revenue  
Department of Transportation  
Department of Agriculture  
City of Kansas City  
Boone County Sheriff's Department  
Joint Committee on Administrative Rules  
Office of the Secretary of State  
Department of Public Safety  
Office of the State Courts Administrator



Ross Strobe  
Acting Director  
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