

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0230-02
Bill No.: SB 267
Subject: Motor Vehicles; Licenses - Motor Vehicle; Roads and Highways; Transportation;
 Crimes and Punishment
Type: Original
Date: February 27, 2015

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

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|-------------------|------------|------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| General Revenue | (\$23,650) | \$0 | \$0 |
| Total Estimated Net Effect on General Revenue | (\$23,650) | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|--|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| Various State Funds | Less than \$100,000 | Less than \$100,000 | Less than \$100,000 |
| Highway Fund | Less than \$100,000 | Less than \$100,000 | Less than \$100,000 |
| Total Estimated Net Effect on Other State Funds | Less than \$100,000 | Less than \$100,000 | Less than \$100,000 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any Of the three fiscal years after implementation of the act.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED | FY 2016 | FY 2017 | FY 2018 |
| Local Government | Less than \$100,000 | Less than \$100,000 | Less than \$100,000 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue (DOR)** assume this proposal increases the penalty for any person who pleads guilty to or is found guilty of a failure to yield the right-of-way violation in which the offender is found to have caused serious injury or has caused a fatality and requires the court to order a failure to yield the right-of-way suspension when applicable. In the event of a fatality, the proposed legislation would require the offender to complete a driver improvement program.

Administrative Impact

DOR states that there are no statistics available for the Department to determine how many court ordered suspensions will be received to process. If the volume is so significant that it cannot be absorbed by existing staff, additional FTE(s) will be requested through the appropriations process.

The proposed changes will require programming and user acceptance testing of the Missouri Driver License system (MODL) for updates on the failure to yield the right-of-way suspensions when involving a fatality.

- The Driver License Bureau estimates 80 hours of user acceptance testing by one Administrative Analyst.
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- The Driver License Bureau estimates 80 hours of user acceptance testing by one Management Analysis Specialist II.

FY `16

| | |
|--|-------------------------------------|
| Administrative Analyst - | 80 hrs @ \$25 (1 ½ times) = \$2,000 |
| Management Analyst Specialist II - | 80 hrs @ \$24 = \$1,920 |
| Update web page - Administrative Analyst III - | 10 hrs @ \$23 = \$230 |
| Update forms - Management Analysis Spec I - | 40 hrs @ \$21 = \$840 |
| Update procedures - Management Analysis Spec I - | 40 hrs @ \$21 = \$840 |
| OA-ITSD - | 238 hrs @ \$75 = <u>\$17,820</u> |
| | Total = \$23,650 |

ASSUMPTION (continued)

Revenue Impact

DOR states that since there are no statistics available for the Department to determine how many court ordered suspensions will be received to process, the potential impact from increased reinstatement fees are unknown.

Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Since it is unknown how many convictions there will be as a result of this proposal, **Oversight** will estimate an increase in revenue from the failing to yield the right-of-way fine of "Less than \$100,000" to Various State Funds. Oversight will also estimate an increase in revenue from the reinstatement fees of "Less than \$100,000" to the Highway Fund, Cities and Counties.

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 costs related to this proposal therefore, Oversight will show the estimated cost for programming, testing and implementation to the General Revenue in FY 2016 only.

Officials from the **Office of the Secretary of State (SOS)** assume 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.

ASSUMPTION (continued)

Officials from the **Department of Transportation**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Corrections**, the **Department of Elementary and Secondary Education**, the **Office of the State Courts Administrator** and the **Joint Committee on Administrative Rules** each assume the proposal will have no fiscal impact on their respective organizations.

| <u>FISCAL IMPACT - State Government</u> | FY 2016 (10 Mo.) | FY 2017 | FY 2018 |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| GENERAL REVENUE | | | |
| <u>Cost - DOR</u> Programming, testing and implementation | <u>(\$23,650)</u> | <u>\$0</u> | <u>\$0</u> |
| ESTIMATED NET EFFECT TO THE GENERAL REVENUE | <u>(\$23,650)</u> | <u>\$0</u> | <u>\$0</u> |
| VARIOUS STATE FUNDS | | | |
| <u>Revenue - DOR</u> failing to yield the right-of-way fine | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> |
| ESTIMATED NET EFFECT TO VARIOUS STATE FUNDS | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> |
| HIGHWAY FUND | | | |
| <u>Revenue - DOR</u> Reinstatement fees (75%) | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> |
| ESTIMATED NET EFFECT TO THE HIGHWAY FUND | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2016 (10 Mo.) | FY 2017 | FY 2018 |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| LOCAL POLITICAL SUBDIVISIONS | | | |
| <u>Revenue - Cities</u> | Less than | Less than | Less than |
| Reinstatement fees (15%) | \$100,000 | \$100,000 | \$100,000 |
| <u>Revenue - Counties</u> | Less than | Less than | Less than |
| Reinstatement fees (10%) | <u>\$100,000</u> | <u>\$100,000</u> | <u>\$100,000</u> |
| ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> | Less than <u>\$100,000</u> |

FISCAL IMPACT - Small Business

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

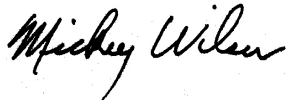
FISCAL DESCRIPTION

Currently, a person who causes physical injury or death to another person by failing to yield the right-of-way is subject to additional monetary penalties and driver's license suspensions. This act increases the maximum penalty for a person who causes physical injury to a person by failing to yield the right-of-way from \$200 to \$1,000, and requires a minimum penalty of \$500 to be assessed. In the case of serious physical injury this act increases the maximum penalty from \$500 to \$3,000, and requires a minimum penalty of \$1,000 to be assessed. The act further makes the 90 day suspension period mandatory rather than discretionary in the case of serious physical injury. This act increases the maximum penalty for a person who causes the death of another person by failing to yield the right-of-way from \$1,000 to \$10,000, and requires a minimum of \$5,000 to be assessed. The act also requires the court to issue an order of suspension for a minimum of 6 months up to one year. In addition, the person who causes a fatality by failing to yield the right-of-way must successfully complete a driver-improvement program.

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
 Missouri Highway Patrol
Office of the State Courts Administrator
Department of Elementary and Secondary Education
Office of the Secretary of State
Department of Corrections
Joint Committee on Administrative Rules
Department of Transportation



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February 27, 2015

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February 27, 2015