

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1178-01
Bill No.: HB 499
Subject: Transportation; Department of Revenue; Roads and Highways; Emergencies
Type: Original
Date: January 30, 2019

Bill Summary: This proposal requires automatic driver’s license revocation when a driver strikes a highway worker in a construction or work zone and when a driver strikes an emergency responder in an emergency zone.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$66,632) to (\$228,277)	\$0 to (\$80,631)	\$0 to (\$81,312)
Total Estimated Net Effect on General Revenue	(\$66,632) to (\$228,277)	\$0 to (\$80,631)	\$0 to (\$81,312)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	0 or 3 FTE	0 or 1 FTE	0 or 1 FTE
Total Estimated Net Effect on FTE	0 or 3 FTE	0 or 1 FTE	0 or 1 FTE

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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

To implement the proposed legislation, the Department will be required to:

- Complete programming and user acceptance testing to create a new action type in the Missouri Driver License (MODL) system;
- Create new procedures, training manuals, notices, and forms;
- Update the Missouri Driver Guide and the Department website; and
- Train staff.

FY 2020 - Driver License Bureau

Administrative Analyst I	1176 hrs. @ \$14.70 per hr.	= \$17,287
Management Analysis Spec II	1176 hrs. @ \$20.57 per hr.	= \$24,190
Revenue Manager	1008 hrs. @ \$20.59 per hr.	= <u>\$20,755</u>
Total		= \$62,232

FY 2020 - Personnel Services Bureau

Administrative Analyst III	336 hrs. @ \$19.80 per hr.	= \$6,653
Management Analysis Spec I	336 hrs. @ \$18.42 per hr.	= <u>\$6,189</u>
Total		= \$12,842

Total Costs = **\$75,074**

Oversight assumes DOR may hire additional staff due to the amount of hours required to implement this proposal. However, DOR also may handle this internal work without seeking additional appropriation authority. Oversight assumes DOR may hire two additional FTE to staff for the two positions listed above that are anticipated to need over 1,080 of work. Therefore, Oversight will range the fiscal impact to DOR from \$0 (work hours specified above will be handled by existing staff with no actual additional state expenditures) to an additional 2 FTE for FY 2020 (\$100,783) only.

OA-ITSD services will be required at a cost of **\$127,494** (1,699.92 hours x \$75 per hour) in FY 2020.

ASSUMPTION (continued)

Administrative Impact (continued)

Oversight also notes ITSD assumes that every new IT project/system will be bid out because all their resources are at full capacity. For this bill, ITSD assumes they will contract out the programming changes needed to the MODL system. ITSD estimates the project would take 1,699.92 hours at a contract rate of \$75 per hour for a total cost to the state of \$127,494. Oversight notes that an average salary for a current IT Specialist within ITSD is \$51,618, which totals roughly \$80,000 per year when fringe benefits are added. Assuming that all ITSD resources are at full capacity, Oversight assumes ITSD may (instead of contracting out the programming) hire an additional IT Specialist to perform the work required from this bill. Therefore, Oversight will range the fiscal impact from the cost of contracting out the work (\$127,494) to hiring an additional FTE IT Specialist (roughly \$80,000 per year).

DOR notes below are the yearly number of MoDOT highway workers struck in work zones. The number of emergency responders is unknown, but is assumed that the statistics are similar.

Year	Number
2012	8
2013	4
2014	7
2015	12
2016	10
2017	5
2018	7
Total	53

The average total per year is 8 highway workers.

A Revenue Processing Tech I (RPT I) can process 48 revocations per day, including returned mail and other related documents. The Department assumes it can absorb the additional processing with existing staff. If the number of documents received is higher than anticipated, additional FTE will be requested through the appropriations process.

ASSUMPTION (continued)

Administrative Impact (continued)

Oversight does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will not reflect a fiscal impact to DOR on the fiscal note.

Revenue Impact

A \$20 reinstatement fee is imposed for reinstatement of any license suspensions. Due to the low number of suspensions anticipated the expected revenue increase will be minimal.

Any fees collected would be distributed 75% Highway Fund, 15% Cities, and 10% Counties.

Oversight does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will not reflect an increase in fine revenue on the fiscal note.

Officials at the **Office of Prosecution Services (OPS)** assume no measurable impact to their organization. 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.

Oversight does not have any information to the contrary in regards to OPS' assumptions; therefore, Oversight will not reflect a fiscal impact to OPS as they have indicated they can absorb any costs from this proposal.

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

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Officials from the **St. Louis County Department of Justice Services, St. Louis County Police Department and Joplin Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the local law enforcement agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary.

ASSUMPTION (continued)

Therefore, Oversight will reflect a zero impact on the fiscal note for these local law enforcement agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other law enforcement agencies were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost - DOR - Administrative costs</u> (ranged from using existing staff to hiring five (2) additional FTE for FY 2020)	\$0 to (\$100,783)	\$0	\$0
Cost - DOR - ITSD costs (ranged from contracting out programming to hiring one (1) additional FTE IT Specialist)	(\$66,632) to (\$127,494)	\$0 to (\$80,631)	\$0 to (\$81,312)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(\$66,632) to (\$228,277)	\$0 to (\$80,631)	\$0 to (\$81,312)
Estimated Net FTE Change for General Revenue	0 or 3 FTE	0 or 1 FTE	0 or 1 FTE
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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 bill allows the Director of the Department of Revenue to order the revocation of a driver's license upon notification by any law enforcement officer that the license holder was involved in a physical accident involving a highway worker within a designated construction zone or work zone.

An individual whose driver's license is revoked may seek reinstatement by either taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license is immediately reinstated, or petitioning for a hearing before a circuit division or associate division of the court in the county in which the work zone accident occurred. The individual may request that the court issue an order staying the revocation until such time as the petition for review can be heard.

The Department of Revenue administrative adjudication to reinstate a driver's license that was revoked and any evidence provided to the department related to such adjudication, cannot be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution.

The bill does not prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles.

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 Transportation
Department of Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
St. Louis County Department of Justice Services
St. Louis County Police Department
Joplin Police Department



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January 30, 2019

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January 30, 2019