

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0093S.01I  
Bill No.: SB 353  
Subject: Transportation; Crimes and Punishment; Judges; Drugs and Controlled  
Substances; Alcohol; Department of Revenue  
Type: Original  
Date: February 25, 2025

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Bill Summary: This proposal creates a DWI diversion program.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	(Could exceed \$322,272)	(Could exceed \$223,955)	(Could exceed \$227,487)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$322,272)</b>	<b>(Could exceed \$223,955)</b>	<b>(Could exceed \$227,487)</b>

\*DOR FTE and FUSION costs plus unknown costs for OSCA.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Highway Fund (0644)	(\$92,423)	(\$110,903)	(\$110,903)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$92,423)</b>	<b>(\$110,903)</b>	<b>(\$110,903)</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
General Revenue	3 FTE	3 FTE	3 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Government</b>	<b>(\$30,807)</b>	<b>(\$36,967)</b>	<b>(\$36,967)</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§557.520 – DWI Diversion Program**

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

#### **Administrative Impact**

Extensive programming to the current Missouri Driver License (MODL) system, internally referred to as FUSION, would be required to enter court ordered diversion information received from the prosecuting or circuit attorney and notifying the program participant of their compliance requirements through system generated notices.

This proposed language is requiring DOR to be notified of violations from the ignition interlock device for program participants. DOR does not currently receive or maintain records of violations. Currently, DOR requires the approved Missouri manufacturers to track and maintain this data and only certify a driver once they have successfully completed the required monitoring time-period. These legislative changes would require DOR to track and interpret this data specifically related to this diversion program. There are currently six (6) approved manufacturers in Missouri. Multiple new electronic file exchanges to each manufacturer would need to be developed to exchange data daily between DOR and each manufacturer. This would require an additional file reporting violations to be developed and electronically exchanged for each approved manufacturer. Multiple reports would need to be generated to ensure the integrity of the data and meet the current DOR auditing processes.

Any defendant who is found guilty of any intoxicated-related traffic offense and who has previously utilized the DWI diversion program, DOR will evaluate the conviction as a second offense. This would cause the point value related to the conviction to increase from 8 points to 12 points and add an ignition interlock (IID) requirement for reinstatement. This also would require changes made to the five and ten-year denial evaluation routine.

In FY 2024, DOR received 37,647 DWI reports making the potential for offenders enrolled into this diversion program to be extensive. If DOR assumes that 50% of offenders would be accepted into this new program, DOR would plan to receive approximately 18,824 court orders notifying enrollment. DOR would require a new team of personnel to receive these enrollments, track and process the compliance paperwork, manage the vendor relationships with IID changes, and develop/implement a continuous monitoring process for any device violations and court actions for program participants.

A customer service representative can process 224 court-ordered documents per day. DOR anticipates receiving approximately 59 each day, which would require one additional staff member for processing.

Associate Customer Service Rep. (\$2,917 month)  
FY25 = \$29,170 (10 months)  
FY26 = \$35,004  
FY27 = \$35,004

In addition to a processing FTE, DOR anticipates the need for an additional FTE for call center inquiries.

Customer Service Representative – Zone 3 (\$3,536 month)  
FY25 = \$35,360 (10 months)  
FY26 = \$42,432  
FY27 = \$42,432

DOR estimates a need for at least one FTE to oversee the implementation and management of this new program. This position would require a more robust skill set including knowledge of the court and administrative process, customer and vendor relationship management, and quality assurance tracking and reporting.

Customer Service Rep. (\$3,150 month)  
FY25 = \$31,500 (10 months)  
FY26 = \$37,800  
FY27 = \$37,800

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates for 3 FTE as provided by DOR.

**DOR** notes, to implement the proposed legislation, DOR will be required to:

- Complete business requirements and design documents to modify the Missouri Driver License System (FUSION)
- Complete programming and user acceptance testing for the new diversion program for driving privileges, IID violation reporting and tracking of the violations, dismissed charges of the program, criminal cases imposed and their penalties on the drivers.
- Testing with the ignition interlock manufacturers of the new files exchanges
- FUSION generated notices
- Conviction routine evaluation
- Update policies, procedures, reports, forms, and the DOR website.
- Update Code of Regulation
- Training for employees

FY 2026 – Driver License Bureau (testing of forms and website updates)

Research/Data Analyst 1300 hrs. @ \$30.19 per hr. = \$39,247

Research/Data Assistant 1300 hrs. @ \$20.25 per hr. = \$26,325

Administrative Manager 1000 hrs. @ \$32.77 per hr. = \$32,770

FY 2026 – Strategy and Communications Office (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$24.19 per hr. = \$8,128

Total = **\$106,470**

**Oversight** assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

FUSION Impact

**DOR** notes

Implementation Consultant 600 hrs. @ \$225 per hr. = **\$135,000**

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the FUSION impact as provided by DOR.

Revenue Impact

**DOR** notes previous fiscal note responses did not include the potential for a loss in reinstatement fees collected by the department. After further review, the department may see a loss in revenue generated due to not receiving first-time DWI convictions, resulting in an action that would require a reinstatement fee to be paid.

In FY 2022 DOR generated 3,222 point suspensions for non CDL first time alcohol convictions.

In FY 2023 DOR generated 3,299 point suspensions for no CDL first time alcohol convictions.

In FY 2024 DOR generated 3,286 point suspensions for no CDL first time alcohol convictions.

The reinstatement fee for a first-time alcohol conviction point suspension is \$45.00.

FY 2026

\$147,870	Reinstatement fees for 3,286 point suspension actions
/ 12	Number of months in a year
\$ 12,323	Decrease in reinstatement fees collected monthly
x 10	Number of months in first year after bill passage
\$123,230	Decrease in reinstatement fees collected in first year of bill passage

FY 2027 & FY 2028

\$147,870 Reinstatement fees for 3,286 point suspension actions

Estimated potential decrease in reinstatement fees collected annually = \$147,870

Fees collected are distributed 75% Highway Fund, 15% Cities, and 10% Counties.

It is unknown how many people will be enrolled in this DWI Diversion program. For the purposes of the revenue impact estimate, 100% enrollment is being used to calculate the loss in highway funds.

**Oversight** notes §557.520.13 requires the person in the program to pay a fee that is based on a discounted schedule for offenders with income at or below 150% of the federal poverty level. Oversight will assume the fee is paid to the ignition interlock device producer and not to the state. Oversight also notes DOR's response includes that the proposal duplicates another program located in the State Code of Regulations 7, CSR 60-2.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

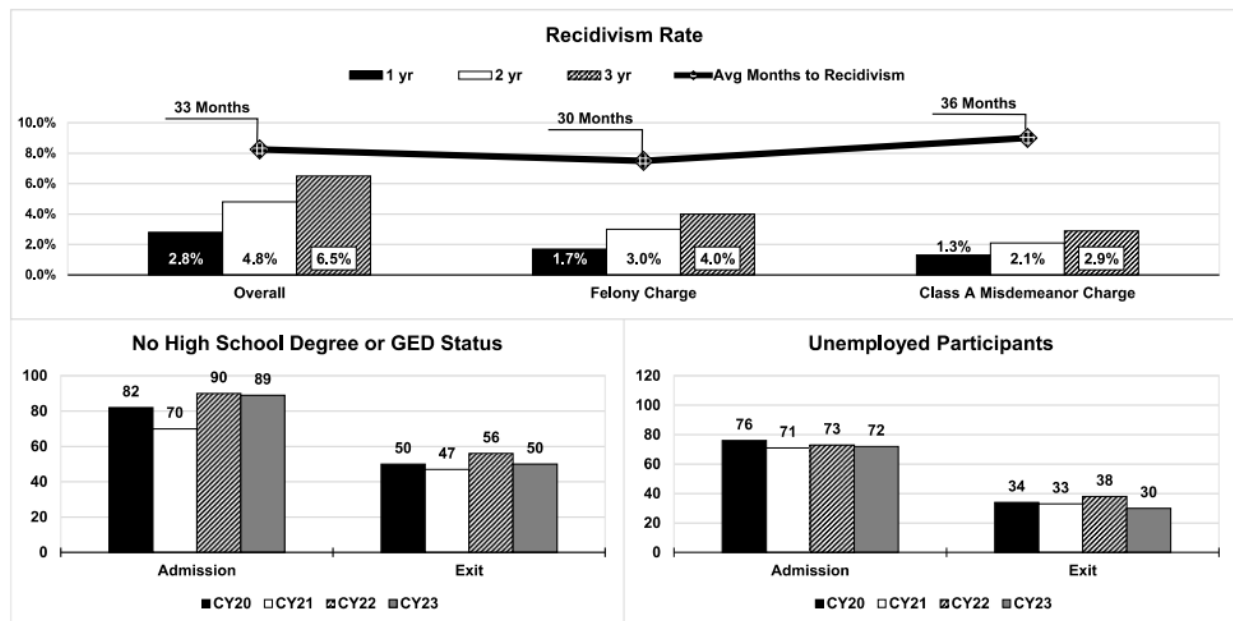
**Oversight** provides the following information from OSCA's DWI Treatment Court Program according to their FY 2026 Budget Book Request:

### DWI Treatment Court Activity

DWI Court focuses on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content.

						5 Year
<u>PROGRAM STATISTICS</u>	<u>CY23</u>	<u>CY22</u>	<u>CY21</u>	<u>CY20</u>	<u>CY19</u>	<u>Average</u>
Participants Served	1,016	985	956	966	1,194	1,023
Programs	27	25	23	23	23	24
Community Service Hours Performed	67,926	66,026	60,790	80,829	81,088	71,332
Retention Rate	N/A	N/A	93%	94%	93%	N/A
Graduation Rate	91%	88%	88%	92%	89%	90%

Source: OSCA FY26 Budget Request



Officials from the **Department of Corrections**, the **Department of Public Safety (Office of the Director, Missouri Highway Patrol)**, the **Missouri Department of Transportation**, the **Office of the State Public Defender**, the **Missouri Office of Prosecution Services, Kansas City**, the **Phelps County Sheriff's Office**, the **Kansas City Police Department** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from 2024, SCS for SB 1200, officials from the **City of O’Fallon** and the **City of Springfield** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, county prosecutors and local law enforcement agencies were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>GENERAL REVENUE FUND</b>			
<u>Costs – DOR §557.520 p. 4</u>			
Personal Service	(\$96,030)	(\$117,541)	(\$119,892)
Fringe Benefits	(\$77,969)	(\$94,486)	(\$95,429)
Equipment & Expense	(\$13,273)	(\$11,928)	(\$12,166)
Total Costs – DOR	(\$187,272)	(\$223,955)	(\$227,487)
FTE Change – DOR p. 4	3 FTE	3 FTE	3 FTE
<u>Cost – DOR – FUSION impact</u>	(\$135,000)	\$0	\$0
<u>Costs – OSCA - potential increase in additional case work from this program §557.520 p. 6</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Could exceed \$322,272)</u></b>	<b><u>(Could exceed \$223,955)</u></b>	<b><u>(Could exceed \$227,487)</u></b>
Estimated Net FTE Change for the General Revenue Fund	3 FTE	3 FTE	3 FTE
<b>HIGHWAY FUND (0644)</b>			
<u>Revenue Loss – DOR - from reinstatement fees §557.520 p 5</u>	(\$92,423)	(\$110,903)	(\$110,903)
<b>ESTIMATED NET EFFECT ON THE HIGHWAY FUND (0644)</b>	<b><u>(\$92,423)</u></b>	<b><u>(\$110,903)</u></b>	<b><u>(\$110,903)</u></b>



<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue Reduction/Loss – Cities (15%)</u> - (\$557.520) – reduction in reinstatement fees received p. 5	(\$18,484)	(\$22,180)	(\$22,180)
<u>Revenue Reduction/Loss – Counties (10%)</u> - (\$557.520) – reduction in reinstatement fees received p. 5	(\$12,323)	(\$14,787)	(\$14,787)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>(\$30,807)</b>	<b>(\$36,967)</b>	<b>(\$36,967)</b>

#### FISCAL IMPACT – Small Business

Small businesses who install and/or service a certified ignition-interlock system could be impacted from this proposal.

#### FISCAL DESCRIPTION

This act creates a DWI diversion program which allows a prosecuting or circuit attorney to divert the case to a DWI diversion program if the defendant meets the following criteria:

- The defendant has not previously been convicted of an intoxicated-related traffic offense;
- The defendant is not currently enrolled in another diversion program;
- The defendant does not hold a commercial driver's license;
- The offense did not occur while operating a commercial vehicle;
- The offense did not result in the injury or death of another person; and
- The defendant did not refuse a breathalyzer test.

The court may continue the diverted case for a period of up to 2 years and order the defendant to comply with terms and conditions of the program as determined by the prosecuting or circuit attorney. Any defendant who has a case continued pursuant to this act shall also have any proceeding relating to the suspension of his or her license continued by the Department of Revenue.

As part of the program requirements, the prosecuting or circuit attorney may require installation of an ignition interlock device for a period of not less than one year and require the defendant to participate in a victim impact panel. If the prosecuting or circuit attorney requires an ignition interlock device, the court shall notify the defendant that he or she is required to install an ignition interlock device as well as notify the defendant of any other requirements of the program.

Any person required to install an ignition-interlock device shall be subject to penalties as provided under current law. The court may require the defendant to pay all or part of the costs, unless the court finds the defendant indigent.

Additionally, the Department of Revenue shall inform the defendant of the requirements of the DWI diversion program and shall keep records of the installation of any ignition interlock devices. Any certified ignition interlock device provider shall inform the Department of any tampering of the device as provided in the act.

After the completion of the DWI diversion program and if the defendant has complied with all the imposed terms and conditions, the court shall dismiss the criminal case against the defendant, record the dismissal, and transmit the record to the central repository. The Department of Revenue shall also dismiss any proceeding to suspend the defendant's license. If the defendant does not comply with the terms of the program, the prosecuting or circuit attorney may file a motion to terminate the defendant from the diversion program and set the case on the next available criminal docket.

Finally, this act provides that a prosecuting or circuit attorney may divert intoxicated-related offenses to other diversion programs as provided in law.

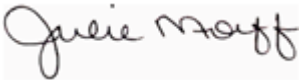
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Revenue  
Office of the State Courts Administrator  
Department of Corrections  
Department of Public Safety  
Department of Public Safety - Office of the Director  
Department of Public Safety - Missouri Highway Patrol  
Missouri Department of Transportation  
Office of the State Public Defender  
Missouri Office of Prosecution Services  
Kansas City  
Phelps County Sheriff's Office  
Kansas City Police Department

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St. Louis County Police Department  
O'Fallon  
Springfield

A handwritten signature in cursive script, appearing to read "Julie Morff".

Julie Morff  
Director  
February 25, 2025

A handwritten signature in cursive script, appearing to read "Jessica Harris".

Jessica Harris  
Assistant Director  
February 25, 2025