

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0356-01  
Bill No.: SB 36  
Subject: Alcohol; Crimes and Punishment; Probation and Parole; Licenses - Motor Vehicles; Motor Vehicles; Revenue Department; Drunk Driving/Boating; Evidence  
Type: Original  
Date: January 12, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Highway Funds	(\$34,293) to (\$84,293)	\$42,977	\$55,438
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$34,293) to (\$84,293)</b>	<b>\$42,977</b>	<b>\$55,438</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Cities	\$8,460	\$24,961	\$27,864
Counties	\$5,621	\$16,641	\$18,576
<b>Local Government</b>	<b>\$14,051</b>	<b>\$41,602</b>	<b>\$46,440</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 10 pages.

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## FISCAL ANALYSIS

### ASSUMPTIONS

In response to previous versions of this proposal, officials of the **Department of Public Safety - Missouri State Highway Patrol and Office of Prosecution Services** assume this proposal would have no fiscal impact to their agencies.

In response to previous versions of this proposal, officials of the **Office of the Attorney General** assumed this proposal would have no fiscal impact to their agency.

In response to previous versions of this proposal, officials of the **State Public Defender (SPD)** assume that existing staff could provide representation for those 50 - 75 cases arising where indigent persons were charged with "driving while intoxicated at .08%." However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials of the **Office of State Courts Administrator (CTS)** assume there will be an increased caseload as a result of this proposal. However, they have no way of quantifying the increase at this time. In a response to a similar proposal in the prior session (SB 782, 2000) CTS said they would not expect a significant impact on the budget of the judiciary.

Officials from the **Department of Corrections (DOC)**, in a response to a similar proposal in the prior session (SB 782, 2000) assumed the impact of that proposal would be minimal and could be absorbed with existing resources.

Officials from the **Department of Health** assume no impact to the agency.

Officials of the **Missouri Department of Transportation (MoDOT)** stated that this proposal would have no direct fiscal impact on their agency. However, they advise that according to the National Highway Traffic Safety Administration, a state must pass several new statutory provisions in order to remain eligible for full federal highway funding.

A. .08 BAC. - Congress, in the recently enacted FY 2001 U.S. Dept of Transportation Appropriations bill, requires states to enact and enforce by October 1, 2003, a .08 BAC law. States that do not comply will have 2 percent of their National Highway System (NHS), Surface Transportation Program (STP) and Interstate Maintenance (IM) funds withheld from their apportionment for that federal fiscal year.

ASSUMPTIONS - continued

B. In the Transportation Equity Act for the 21st Century (TEA 21) Restoration Act, Congress requires states to adopt laws that would prohibit the possession of open alcoholic beverage containers. If a state fails to pass a conforming open container law by October 1, 2000, a state must transfer 1 and ½ percent of its NHS, STP and IM funds.

C. In the Transportation Equity Act for the 21st Century (TEA 21) Restoration Act, Congress requires states to adopt laws that would increase the penalties for repeat offenders of intoxication-related offenses. If a state fails to pass a conforming repeat offender law by October 1, 2000, a state must transfer 1 and ½ percent of its NHS, STP and IM funds.

Fiscal impact of not enacting .08 BAC Mandate:

October 1, 2003 - 2.0 percent of Interstate Maintenance, National Highway System and Surface Transportation funds will be withheld from the State's apportionment = \$8.1 million.

Fiscal impact of not enacting Repeat Offender Mandate:

October 1, 2001 - 1.5 percent of Interstate Maintenance, National Highway System and Surface Transportation funds will be transferred to the Section 402 Safety Program = \$6.2 million.

October 1, 2002 - 3.0 percent of Interstate Maintenance, National Highway System and Surface Transportation funds will be transferred to the Section 402 Safety Program = \$12.8 million.

October 1, 2003 - 3.0 percent of Interstate Maintenance, National Highway System and Surface Transportation funds will be transferred to the Section 402 Safety Program = \$13.1 million.

Because these financial penalties are prospective and would result from the failure of the state of Missouri to act timely, **Oversight** has excluded these amounts from the fiscal impact.

The current ignition interlock device program only prohibits operation of a motor vehicle that is not equipped with an ignition interlock device. This proposal requires that individuals under court order to install ignition interlock devices cannot operate or own a motor vehicle that is not equipped with an ignition interlock device.

ASSUMPTIONS - continued

The Department of Revenue will be required to edit applications for motor vehicle titles to ensure the applicant does not have an ignition interlock requirement. In order to accomplish this, programming will be necessary to the Field Audit System for Titling and Registration (FASTR). This system will require an interface to the Missouri Drivers License System (MODL) in order to determine the ignition interlock requirement of each person titling a motor vehicle. Although the Driver and Vehicle Services Bureau anticipates this to have minimal impact to processing title and registration applications, the cost of programming the FASTR system is unknown. The Driver and Vehicle Services Bureau anticipates that the costs for such programming will not exceed \$50,000.

**Oversight** has ranged the programming costs from \$0 to \$50,000 in FY 2002 depending on whether DOR must make programming changes to the FASTR system to track the issuance of ignition interlock devices on the vehicle registration statements.

The Driver and Vehicle Services Bureau assumes that in the short term (3 to 5 years), this legislation will increase the number of administrative alcohol arrests pursuant to section 302.500 RSMo, by 16.7%. The Driver and Vehicle Services Bureau also assumes the same increase (16.7%) on alcohol related convictions.

These increases will result in the following increased workloads in the Driver and Vehicle Services Bureau:

<u>Work Process</u>	<u>Volume of Increase</u>
Administrative Alcohol Arrest Documentation =	3,826
Alcohol Related Convictions =	2,406
Notices of Suspension/Revocation =	6,232
Reinstatement Notices =	4,241
Correspondence Inquiries =	<u>1,122</u>
<b>Total Increased Documentation for Processing:</b>	<b>17,827</b>

In order to process this increased documentation **the Driver and Vehicle Services Bureau will require one additional FTE (clerk typist II)**. The requested Clerk Typist II position will be responsible for responding to correspondence inquiries, entering arrest and conviction data, reinstatement fees, proof of insurance (required for reinstatement), and alcohol education completion certificates into automated computer systems. **Oversight** assumes the additional clerk typist duties could be absorbed with existing resources.

ASSUMPTIONS - continued

**POSTAGE**

The Driver and Vehicle Services Bureau will require additional postage funding as a result of an estimated 11,595 documents required to be mailed. This documentation includes notices of suspension/revocation, notices of reinstatement, and responses to correspondence inquiries.

Additional postage funding will also be required in order to facilitate the reprinting of Alcohol Influence Reports (form DOR-2389) and the Notice of Suspension/Revocation (form DOR-2385) which is given to the offender at the time of arrest.

The Driver and Vehicle Services Bureau will distribute 100,000 of each of these forms to law enforcement agencies throughout the state. Postage for this distribution of forms is estimated to be \$3,100.

**Oversight** assumes DOR could absorb the cost of postage for the flyers, and has excluded such costs from the fiscal impact.

**FORMS**

The Driver and Vehicle Services Bureau will be required to modify two forms in order to identify the appropriate reduction in the blood alcohol content threshold and the increased penalties for driving while intoxicated. This will require reprinting of Alcohol Influence Reports (form DOR-2389) and the Notice of Suspension/Revocation (form DOR-2385) which is given to the offender at the time of arrest.

The Driver and Vehicle Services Bureau will distribute 100,000 of each of these forms to law enforcement agencies throughout the state. Costs for reprinting these forms are estimated to be \$6,000.

**Oversight** assumes DOR could absorb the cost of production of the forms, and has excluded such costs from the fiscal impact.

**REVENUE INCREASE**

Additional suspension and revocation actions will be imposed as a result of lower blood alcohol content threshold.

The Driver and Vehicle Services Bureau estimates 4,241 additional reinstatements annually. This estimate is based on statistics obtained from the Missouri Drivers License (MODL) System.

ASSUMPTIONS - continued

Fiscal Year 2002 estimates are based on only three months calculations for administrative alcohol and point accumulation suspensions. This is due to the requirement of a one month notice prior to enforcement of the suspension, a two month suspension period, and a four month period of restricted driving prior to reinstatement. In addition, the effective date of this legislation is assumed to be August 28, 2001 which reduces the total months in the fiscal year to ten months.

Administrative alcohol license revocations are also not calculated in fiscal year 2002 or 2003 as these actions are two year sanctions. The first administrative alcohol revocations will not be eligible for reinstatement until August 28, 2003 under this assumption (FY 2004).

**FY 02**

2,094	Administrative Alcohol Suspensions
<u>1,171</u>	Point Accumulation Suspensions
3,265	Total Suspension Reinstatements
3,265	Total Suspension Reinstatements
<u>/ 12</u>	Months per Year
272	Suspension Reinstatements per Month
<u>x 3</u>	Months of Eligible Reinstatement for Suspensions
816	Total Suspension Reinstatements for FY02
<u>+ 433</u>	Point Accumulation Revocations Reinstatements
<b>1,249</b>	<b>Additional Reinstatements for FY02</b>
<u>x \$45</u>	Reinstatement Fee
<b>\$56,205</b>	<b>Total Increased Reinstatement Fee Collection FY02</b>

**FY 03**

3,265	Total Suspension Reinstatements
<u>+ 433</u>	Total Point Revocation Reinstatements
3,698	Total Reinstatements for FY03
<u>x \$45</u>	Reinstatement Fee
<b>\$166,410</b>	<b>Total Increased Reinstatement Fee Collection for FY03</b>

ASSUMPTIONS - continued

**FY 04**

514	Total Administrative Alcohol Revocations Reinstatements Annually
<u>/ 12</u>	Months per Year
43	Administrative Alcohol Revocations Reinstatements per Month
<u>x 10</u>	Number of Months Administrative Revocations are Eligible for Reinstatement
430	Total Administrative Revocation Reinstatements for FY 04
3,265	Total Suspension Reinstatements
<u>+ 433</u>	Total Point Revocation Reinstatements
4,128	Total Reinstatements for FY04
<u>x \$45</u>	Reinstatement Fee
<b>\$185,760</b>	<b>Total Increased Reinstatement Fee Collection for FY04</b>

**FEE DISTRIBUTION**

**FY 02**

<b>\$42,152</b>	<b>Highway Fund</b>
<b>\$8,430</b>	<b>Cities</b>
<b>\$5,621</b>	<b>Counties</b>

**FY 03**

<b>\$124,808</b>	<b>Highway Fund</b>
<b>\$24,961</b>	<b>Cities</b>
<b>\$16,641</b>	<b>Counties</b>

**FY 04**

<b>\$139,320</b>	<b>Highway Fund</b>
<b>\$27,864</b>	<b>Cities</b>
<b>\$18,576</b>	<b>Counties</b>

ASSUMPTIONS - continued

**DIVISION OF ADMINISTRATION (DOR)**  
**General Counsel's Office**

The General Counsel's Office assumes the same impact as the Driver and Vehicle Services Bureau (16.7% increase in arrests). The General Counsel's Office expects an increase in the number of hearings requested as a result in the lower blood alcohol threshold. The immediate impact is expected to be more significant as more individuals will challenge the legitimacy of lower alcohol threshold and whether or not an individual is impaired at the lower limit. This will require three additional Legal Counsels and one Clerk Typist III in order to process the additional administrative hearings that are associated with the increased number of arrests.

This FTE request is based on current administrative hearing volumes statewide. Nearly half of all hearings are held in the metropolitan areas of Kansas City and St. Louis. One additional Legal Counsel will be needed in each of these areas to absorb the additional hearings that will be requested. The remaining Legal counsel will be used out of the Jefferson City office and will be required to travel to many regions of the state to absorb additional hearing volumes statewide.

The requested Clerk Typist III will be responsible for docketing hearings, scheduling hearings, and preparing hearing documentation.

**Oversight** assumes that one General Counsel and one Clerk Typist II could handle the additional workload, consistent with DOR's response to a similar proposal in the prior session. The costs to DOR have been adjusted accordingly.



<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>HIGHWAY FUNDS</b>			
<u>Income - Department of Revenue</u>			
Reinstatement fees	\$42,152	\$124,808	\$139,320
<u>Cost - Department of Revenue</u>			
Personal Service	(\$49,250)	(\$60,578)	(\$62,092)
Fringe Benefits	(\$16,415)	(\$20,190)	(\$20,695)
Expense and Equipment	(\$10,780)	(\$1,063)	(\$1,095)
Computer programming	0 to (\$50,000)	\$0	\$0
Total cost	(\$76,445) to (\$126,445)	(\$81,831)	(\$83,882)
<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<b><u>(\$34,293) to (\$84,293)</u></b>	<b><u>\$42,977</u></b>	<b><u>\$55,438</u></b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2002 (10 Mo.)	FY 2003	FY 2004
Cities	\$8,430	\$24,961	\$27,864
Counties	\$5,621	\$16,641	\$18,576
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<b><u>\$14,051</u></b>	<b><u>\$41,602</u></b>	<b><u>\$46,440</u></b>

FISCAL IMPACT - Small Business

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

## DESCRIPTION

This bill would lower Missouri's current excessive BAC standard from .10 to .08, change Missouri's anti-consumption law to an anti-possession law as regards to operation of a motor vehicle and would increase jail times and require either impoundment of a motor vehicle or installation of an ignition interlock device on motor vehicles of repeat offenders.

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

## SOURCES OF INFORMATION

Department of Corrections  
Department of Health  
Department of Transportation  
Department of Public Safety - Missouri Highway Patrol  
Department of Revenue  
State Courts Administrator  
Office of Prosecution Services  
State Public Defender  
Attorney General



Jeanne Jarrett, CPA  
Director  
January 12, 2001