

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2747-05
Bill No.: Perfected SCS for SBs 721, 757, 818 & 930
Subject: Crimes and Punishment; Evidence; Law Enforcement Officers and Agencies.
Type: Original
Date: March 13, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Highway Fund	(\$134,431) to (Unknown)	(\$94,799) to (Unknown)	(\$96,811) to (Unknown)
Spinal Cord Injury	\$0 to \$152,713	\$0 to \$253,618	\$0 to \$253,618
Head Injury*	\$0	\$0	\$0
Motorcycle Safety Trust Fund	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>All</u> State Funds	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

* Offsetting revenues and expenditures of \$703,618 per year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 15 pages.

FISCAL ANALYSIS

ASSUMPTION

Revisions to the Model Traffic Ordinance chapter (Sections 300.075 - 300.585);

Officials from the **Department of Public Safety - Missouri Highway Patrol, Department of Transportation, Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume this part of the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **University City Police Department, the Logan-Rogersville Fire Protection District** and the **Independence Police Department** each assumed this part of the proposal would not fiscally impact their respective agencies.

In response to similar legislation from last year, officials from the **St. Louis Metropolitan Police Department, the Raytown Police Department** and the **Springfield Police Department** each assumed this part of the proposal would not fiscally impact their respective agencies.

Requires permit drivers to display sign bearing "Permit Driver" (Section 302.130);

Officials from the **Department of Revenue (DOR), Division of Motor Vehicle and Drivers Licensing** will incur costs associated with creating, printing and maintaining the required sign that will be posted on the vehicle.

142,748	Average number of permits issued annually
x <u>\$.0362</u>	Costs for producing the required card/sticker
\$5,167.47	Annual Cost

To implement this legislation, DOR will require additional funds. In the past, the programs included in this legislation have been paid for with highway funds. This year, however, highway funds may not be available for this purpose as a result of legislation enacted by the General Assembly in 2000 that limits the use of highway funds.

If highway funds are not available, then another source of funding must be identified to pay for the cost of implementing this legislation.

ASSUMPTION (continued)

RS:LR:OD (12/01)

Officials from the **Office of the Secretary of State (SOS)** stated this bill requires permit drivers to display a "Permit Driver" sign while operating a motor vehicle, this sign is obtained from the Department of Revenue. DOR will implement rules for issuance of the permit sign. Based on experience with other divisions, the rules, regulations and forms issued by DOR could require as many as approximately 8 pages in the Code of State Regulations. For any given rule, roughly one-half again as many pages are published in the Missouri Register as are published in the Code because of cost statements, fiscal notes and notices that are not published in the Code. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual costs could be more or less than \$492 estimated. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn.

Oversight assumes 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 cost, the SOS could request funding through the appropriation process.

Officials from the **Office of State Courts Administrator** and the **Department of Public Safety** assume there will not be a fiscal impact on their agency from this part of the proposal.

Drivers must take certain actions when emergency vehicle is approaching and obey signals of sheriff or deputy sheriff (Sections 304.022, 575.010, and 575.145);

Officials from the **Department of Transportation, Office of the State Courts Administrator** and the **Department of Public Safety - Missouri Highway Patrol** each assume this part of the proposal would not fiscally impact their respective agencies.

In response to similar legislation from last year, officials from the **Office of the State Public Defender** assumed that existing staff could provide representation for those 25-50 cases arising where indigent persons were charged with failure to stop for a law enforcement officer, and the 10-25 cases arising where indigent persons were charged with failure to change lanes when an emergency vehicle is stopped. 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 in the additional cases.

ASSUMPTION (continued)

In response to similar legislation, officials from the **Office of Prosecution Services (OPS)** assumed that the cost to prosecutors is estimated not to exceed \$100,000.

Oversight assumes Prosecuting attorneys could prosecute infractions of the proposed legislation

with existing resources.

Officials from the **Department of Corrections (DOC)** state that currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender, per day or an annual cost of \$1,219 per offender).

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.

Funding changes for the Spinal Cord Injury Fund (Section 304.027);

Officials from the **University of Missouri (UM)** state this part of the proposal deals with the spinal cord injury fund establishment, funds to be deposited into the fund, and authorizes the Curators of the University of Missouri to award funds for research in the area of spinal cord injury from appropriations from this fund. UM states they see no significant financial impact generated from this section. UM states it should be noted that there will be a greater influx of monies into this fund from the new \$2 surcharge for all violations than was received under the current statutes.

UM stated the Spinal Cord Injury Fund has received roughly \$37,000, and that the university does not have spending authority to spend out of this fund yet.

Officials from **CTS** states that, using FY 2001 caseload analysis, the total amount received for the fund would be \$703,618 in any given year.

ASSUMPTION (continued)

In the fiscal note for Truly Agreed to and Finally Passed HB 302 and 38 from the 2001 session, **Oversight** estimated the revenue going into the Spinal Cord Injury Fund from the \$25 surcharge on alcohol related offenses to be \$0 to \$450,000 (\$375,000 in the first year). From its inception on August 28, 2001 to December 31, 2001, the fund received \$37,000. Oversight does not believe enough time has passed to change the estimated annual revenue into the fund, therefore, has reversed the estimated revenue reflected in the fiscal note for TAFP HB 302 and 38 from

2001.

Oversight has ranged the fiscal impact of the new \$2 surcharge on all criminal cases to \$0 to the estimate provided by CTS. Oversight assumes a one-month delay between the first fees assessed and deposited with the State Treasurer, therefore, Oversight has reflected \$527,713 ($\$703,618 / 12 \times 9$ months) for FY 2003.

Creation of the Head Injury Fund (Section 304.028);

Officials from the **Department of Revenue (DOR)** state that information contained on their Missouri Driver License System (MODL) indicates an average of 130,178 state speeding convictions per year and 18,750 intoxication-related offenses entered per year. Therefore, DOR estimates an additional \$372,320 in new funding each year to the Head Injury Fund.

	130,178	State Speeding Convictions
_____ +	18,750	Intoxication Related Convictions
	148,928	Total Convictions
x	\$2.50	Additional Fine for Head Injury Council per traffic conviction
	<u>\$372,320</u>	Anticipated new funding for Head Injury Fund

DOR states it should be noted that speeding convictions where the operator was driving 5 m.p.h. or less over the posted speed limit are **not** recorded on DOR's records as these convictions are not point assessable. DOR assumes the number of speeding convictions not sent to their agency due to the speed cap limit is unknown and could be significant. DOR recommends the State Courts Administrator's Office be asked for input regarding this issue.

Officials from CTS states this part of the proposal creates the "Head Injury Fund" to be financed by a \$2.00 surcharge on criminal and traffic cases, as well as ordinance violations. CTS assumes that, using FY 2001 caseload analysis, the total amount received for the fund would be \$703,618 in any given year.

ASSUMPTION (continued)

Oversight assumes a one-month delay between the first fees assessed and deposited with the State Treasurer, therefore, the fiscal note reflects only nine months of revenue in FY 2003.

2003 -	\$703,618 x 9/12 = \$527,713
2004 and 2005-	\$703,618

Officials from the **Office of Administration - General Services Division (COA)** state this proposal would provide for a funding source for services which would be administered by the

Missouri Head Injury Advisory Council, which is advisory to all agencies providing services to individuals with traumatic brain injuries and their families. The COA states the Missouri Head Injury Advisory Council staff and related expenses has been a core budget item since 1986 and is officed in the Truman State Office Building. COA deferred to the revenue estimates provided by DOR and CTS. COA states that if this proposal is enacted, they would use the proceeds to contract for the services stated in the proposal.

COA states that the amount of funding generated will depend on the number of criminal or traffic offenses and the collection of the surcharge imposed on those offenses. COA states that most states have trust funds that experience variances from year to year depending on the number of fines.

Oversight assumes the COA would utilize all of the proceeds generated from this proposal in the year it is received by the State Treasurer.

Officials from the **State Treasurer's Office, Department of Transportation, Department of Health and Senior Services, and the Department of Public Safety - Missouri Highway Patrol** each assume this part of the proposal would not fiscally impact their respective agencies.

Expanding the crime of resisting or interfering with an arrest, (Section 575.150);

In response to similar legislation, **CTS** assumed this part of the proposal would not fiscally impact their agency.

For the purpose of this proposed legislation, the **Office of the State Public Defender (SPD)** has assumed that existing staff could provide representation for those cases arising where indigent persons were charged with the expanded definition of resisting or interfering with arrest. Last fiscal year, the State Public Defender System provided representation in 463 such cases. This legislation increases the penalty to a Class D felony from a Class C misdemeanor. Passage of more than one bill increasing

ASSUMPTION (continued)

penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

In response to similar legislation, the **OPS** each assumed their agencies could absorb the additional costs resulting from this part of the proposal.

Weight limits on County road and bridges, (SA 1);

Officials from the **Department of Transportation (DHT)** state this part of the proposal would not fiscally impact their agency.

Failure to yield provisions, (SA 2);

Officials from the **Department of Public Safety – Capitol Police, – State Highway Patrol**, and the **Department of Transportation** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Revenue (DOR)** assume the proposal creates a new thirty-day, ninety-day, and six-month suspension type. The Driver and Vehicle Services Bureau and the Information Technology Bureau must develop new codes, suspension types, suspension evaluation routines, notices of loss, and modify inquiry screens for the Missouri Drivers License System (MODL) to accommodate convictions for this legislation. DOR estimates the total cost of programming be \$33,644 (1,584 hours of overtime MODL programming x \$21.24/hour). This cost will impact FY 03.

DOR estimates this legislation will produce an estimated 15,213 suspensions per year. This figure is based on state charges of failure to yield right-of-way, and state charges of careless and imprudent driving that resulted in an injury accident. These figures were obtained from the State Highway Patrol. DOR estimates 64 “Orders of Suspension” per day. This will require approximately 10 hours per day to set up these suspensions. Ten hours = 1.25 Clerk Typists II, each at \$19,764 per year, plus fringe benefits and equipment.

ASSUMPTION (continued)

DOR estimates the legislation to generate 15,213 telephone calls per year. This will require one Telephone Information Operator I at \$21,192 per year, plus fringe benefits and equipment.

The DOR estimates that 50 percent of these actions will generate correspondence, or 7,607 per year. This will require .75 of a Clerk Typist II, each at \$19,764 per year, plus fringe benefits and equipment.

The DOR assumes the State Data Center will incur costs of approximately \$5,000 for FY 03.

The DOR assumes postage will be required for the additional suspension notices and

correspondence. DOR estimates the postage costs to be \$7,920 in FY 03, \$9,504 in FY 04, and \$9,504 in FY 05.

The DOR assumes there will be no reinstatement fees on these suspensions, resulting in no revenue impact.

In summary, the total fiscal impact to the DOR is estimated to be \$141,235 in FY 03, \$101,001 in FY 04, and \$103,323 in FY 05.

Oversight has adjusted salaries to more closely reflect actual starting salaries. Oversight assumes the FTE would be housed within existing facilities. Therefore, no additional rent, renovation, janitorial, and utility expenses would be incurred.

Abandoned vehicles, (SA 3);

Officials from the **Department of Transportation** and the **Department of Public Safety - Missouri Highway Patrol** each assume this part of the proposal would not fiscally impact their agencies.

Zone in Kansas City, (SA 5);

Officials at the **Department of Transportation (DHT)** assume that the proposal would have no fiscal impact on their agency. However, DHT stipulates that the increased weight limits will cause wear and shortened pavement life.

ASSUMPTION (continued)

Oversight notes that this will likely result in higher maintenance costs in the long term for both DHT and local governments.

In response to similar legislation from last year, the **City of Kansas City (CKC)** assumed that any fiscal benefit from this proposal cannot be quantified. CKC noted that the proposal is believed to be beneficial to the city and could enhance commerce.

Electronic personal assistive mobility device, (SA 6);

In response to similar legislation from this year (SB 1098), officials with the **Department of Transportation (DHT)** assumed the proposal allows restricted vehicles to operate on any road in the state. The speed differential will cause issues with the motoring public. As with bicycles, DHT will then be required to provide safe travel routes for vehicles that do not contribute to the Highway Trust Fund.

DHT notes that any fiscal impact cannot be determined due to the uncertainty of the intention of this legislation.

Oversight assumes cities and counties could incur the same costs on streets and county roads as DHT would incur on state and federal highways.

Officials with the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal has no fiscal impact on their agency.

Driving while license revoked by another state, (SA 8);

Officials from the **Office of State Courts Administrator** assume the proposed legislation would cause an increase in cases filed, particularly in those counties that adjoin a major highway or are in a resort/vacation area. The agency has no way of estimating that increase at this time, but a significant increase would be reflected in future budget requests.

Oversight assumes the fiscal impact on the Office of State Courts Administrator would be minimal and could be absorbed by existing resources. Oversight further assumes this agency will request additional funds in the future should they be needed.

ASSUMPTION (continued)

Officials from the **Department of Revenue, Department of Transportation and Missouri State Highway Patrol** assume no fiscal impact to their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
HIGHWAY FUND			
<u>Cost</u> - Department of Revenue (Sec. 302.130) Issuance of "Permit Driver" sticker or sign	(\$2,583)	(\$5,167)	(\$5,167)

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<u>Costs</u> – Department of Revenue (failure to yield suspensions)			
Personal Services (3 FTE)	(\$46,843)	(\$57,616)	(\$59,057)
Personal Services (Overtime)	(\$33,644)	\$0	\$0
Fringe Benefits	(\$16,868)	(\$20,748)	(\$21,266)
Equipment and Expense	<u>(\$34,493)</u>	<u>(\$11,268)</u>	<u>(\$11,321)</u>
Total Costs – Department of Revenue	(\$131,848)	(\$89,632)	(\$91,644)
 <u>Cost</u> – DHT			
Establishing Safe Travel Routes for electric personal assistive mobility devices	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
 ESTIMATED NET EFFECT ON HIGHWAY FUNDS	 <u>(\$134,431) to (Unknown)</u>	 <u>(\$94,799) to (Unknown)</u>	 <u>(\$96,811) to (Unknown)</u>

SPINAL CORD INJURY FUND

<u>Income</u> - fees for \$2 surcharge on all criminal cases	\$0 to \$527,713	\$0 to \$703,618	\$0 to \$703,618
<u>Loss</u> - delete \$25 surcharge on DWI-related offenses.	\$0 to <u>(\$375,000)</u>	\$0 to <u>(\$450,000)</u>	\$0 to <u>(\$450,000)</u>

ESTIMATED NET EFFECT TO THE SPINAL CORD INJURY FUND	 <u>\$0 to \$152,713</u>	 <u>\$0 to \$253,618</u>	 <u>\$0 to \$253,618</u>
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HEAD INJURY FUND

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	\$0 to	\$0 to	\$0 to
<u>Revenue</u> - \$2 surcharge on all criminal cases	\$527,713	\$703,618	\$703,618
	\$0 to	\$0 to	\$0 to
<u>Costs</u> - Missouri Head Injury Advisory Council	\$527,713	\$703,618	\$703,618
ESTIMATED NET EFFECT TO THE HEAD INJURY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

MOTORCYCLE SAFETY TRUST FUND

<u>Income</u> - \$200 to \$1,000 court costs for failure to yield right of way and causing injury or death	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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ESTIMATED NET EFFECT TO MOTORCYCLE SAFETY TRUST FUND	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>UNKNOWN</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
CITIES AND COUNTIES			
<u>Cost</u> – Establishing Safe Travel Routes for electric personal assistive mobility devices	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal requires drivers to take certain actions, including yielding the right-of-way when possible, when an emergency vehicle is approaching.

Current Missouri law requires drivers to obey traffic-related signals and directions given by members of the Missouri Highway Patrol (Section 43.170, RSMo). Failure to follow such direction is a misdemeanor offense. This proposal extends the reach of the current law by also requiring drivers to obey signals and directions given by sheriffs and deputy sheriffs.

This proposal creates the "Head Injury Fund" for use by the Missouri Head Injury Advisory Council. A new Section 304.028 creates the Fund for the receipt of judgments, grants, private donations, and other moneys. Such funds will be used for the integration of medical, social, and educational services and for outreach to individuals with traumatic head injury and their families. Unexpended balances will not transfer to general revenue. This section also adds a \$2.00 surcharge for violations of any county ordinance or state criminal or traffic law. Such surcharge will be deposited into the Head Injury Fund.

This proposal also modifies the language on the Spinal Cord Injury Fund. Instead of a \$25 fee for every intoxicated related offense, a \$2 surcharge will be assessed on every violation of criminal or traffic offense. The money will be deposited in the Spinal Cord Injury Fund.

DESCRIPTION (continued)

The proposal also;

- modifies the mental state required of a person who fails to comply with an lawful order of a police officer or fire department official from willfully to knowingly;

- includes blue flashing lights for authorized emergency vehicles;

- removes the requirement that the motorman of a streetcar stop the streetcar upon the approach of an authorized emergency vehicle;

- removes the provision of law regarding written accident reports;

- removes the exclusion that written accident reports shall not be used as evidence in a court proceeding;

- expands the rule that a driver shall not follow an emergency vehicle closer than 500 feet.

The current restriction only applies to fire engines;

removes a provision of law regarding when police officers are authorized to remove motor vehicles;

requires the Director of the Department of Revenue to issue stickers or signs which bear the words "PERMIT DRIVER" to permit drivers. The sticker or sign may be affixed to the rear window of the motor vehicle by the permit driver.

adds resisting or interfering with a detention or stop to the current crime of resisting or interfering with arrest;

creates the presumption that a person is fleeing a vehicle stop if the person continues to operate a motor vehicle after seeing emergency lights or hearing a siren from the law enforcement vehicle that is pursuing the person; and

makes resisting or interfering with an arrest for a felony a class D felony, otherwise, resisting or interfering with an arrest or stop is a class A misdemeanor.

The proposal also deletes language requiring the approval of the division engineer of the state transportation department for county engineers to establish maximum weight limits for vehicles using

DESCRIPTION (continued)

county roads and bridges.

The proposal also would amend the right-of-way statute by imposing additional fines and driver's license suspensions when the violation results in physical injury, serious physical injury, or death to any person.

The proposal also adds to the definition of "abandoned property" to include any motor vehicle involved in an accident whereby a law enforcement official requests such vehicle to be removed from the scene because the operator or owner is unable to arrange for the abandoned property's timely removal.

This proposal also expands the commercial zone around Kansas City from 12 miles to 15 miles for truck weight limitation purposes.

This proposal also allows personal assistive mobility devices to be operated on streets, highways, sidewalks, and bicycle paths and grants operators the rights and duties applicable to pedestrians.

This proposal would also add driving while a person's license has been canceled, suspended, or

revoked under the laws of another state to the crime of driving while revoked in Missouri.

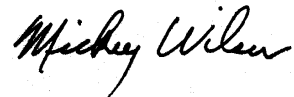
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Transportation
Department of Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services
Department of Corrections
State Treasurer's Office
Department of Revenue
Office of Administration
Department of Health and Senior Services
University of Missouri
University City Police Department
Logan-Rogersville Police Department

SOURCES OF INFORMATION (continued)

Independence Police Department
St. Louis Metropolitan Police Department
Raytown Police Department
Springfield Police Department



Mickey Wilson, CPA
Acting Director

March 13, 2002

