

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1896-02  
Bill No.: HB 1176  
Subject: Crimes and Punishment; Alcohol  
Type: Original  
Date: March 31, 2015

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Bill Summary: This proposal modifies provisions relating to intoxication-related offenses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$213,461)	(\$83,828)	(\$84,685)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$213,461)</b>	<b>(\$83,828)</b>	<b>(\$84,685)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</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 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
General Revenue	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>2 FTE</b>	<b>2 FTE</b>	<b>2 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### Section 302.302.11

Officials from the **Department of Revenue (DOR)** assume this language will prohibit the assessment of 12 points for any aggregate felony alcohol convictions. This will only apply to felony-alcohol convictions resulting in personal injury or death as felony DWI's are assessed 12 points under Section 302.302.1(9), RSMo. This will require programming to revise the point assessment routine for specific convictions to the Missouri Driver License (MODL) system.

#### Section 302.304.5 (until December 31, 2016 and after January 1, 2017)

DOR assumes this proposal will change the length of the license withdrawal from a one-year revocation to a 90-day suspension for any driver convicted of a second or subsequent DWI or BAC. This is in conflict with the provisions of Section 302.304.7, RSMo, which imposes a revocation for a driver who accumulates 12 points in a 12-month period. Any second or subsequent DWI convictions are assessed 12 points pursuant to Section 302.302.1(9), RSMo. It's unclear which provision would be followed if this language becomes law. This will require programming to revise the point assessment and license withdrawal routine in the MODL system.

#### Section 302.304.17 (until December 31, 2016 and after January 1, 2017)

DOR also assumes this proposal language changes the monitoring period of an ignition interlock device (IID) to the last three months of the six month IID requirement, currently the monitoring period is six months. If a person violates within the last three months of the six-month period, the period for maintaining the IID will be extended for additional periods of three months until the driver has completed three months with no violations.

Currently, the Department electronically notifies the IID manufacturer of the start and end dates of the six-month monitoring period. The manufacturers monitor for IID violations and only notify the Department if a person is violation-free during the monitoring period. If the manufacturer does not notify the Department, then the Department automatically extends the IID requirement for one additional six-month period.

The proposed language will require the monitoring dates and IID requirement to be extended, after the initial 6-month period, for an additional three months when a violation occurs during each three-month period.

ASSUMPTION (continued)

Since the Department does not currently receive violations, significant programming will be required so electronic violations can be received from the IID manufacturers. The Department will extend the drivers IID requirement and notify the manufacturers of the new three-month monitoring start and end dates. This will occur until the driver completes a three-month period without violations.

Section 302.309.3(4)(6) (until December 31, 2016 and after January 1, 2017)

DOR assumes the proposed language removes the IID requirement on second or subsequent alcohol offenders prior to the Department or court granting a Limited Driving Privilege (LDP), except for drivers denied a license for 5 or 10 years.

Removes the following hard walk periods prior to granting a LDP:

- 30-day on Point-Alcohol suspensions and revocations
- 30-day on Administrative Alcohol suspensions
- 45-day on Administrative Alcohol revocations
- 90-day on Chemical revocations (first and subsequent offenses)

Felony DWI offenders will be eligible for a LDP without participating in DWI court. Non-felony DUID and state offenses for leaving the scene of an accident will still be ineligible for a LDP without participating in DWI court. This ineligibility is for a lifetime.

Programming will be required to remove the IID requirement and hard walk periods on LDP's issued by the Department.

Section 302.309.3(9) (until December 31, 2016 and after January 1, 2017)

DOR assumes the proposed language removes a DWI courts requirement to not grant a LDP until a driver participates in the program for 45 days.

Section 302.525.2(3) (until December 31, 2016 and after January 1, 2017)

DOR assumes proposed language removes the 30-day hard walk period before a Restricted Driving Privilege (RDP) may be issued by the Department to drivers under administrative alcohol suspensions when the driver has a prior alcohol-related enforcement contact outside of 5-years. This will require programming to the Restricted Driving Privilege routine.

ASSUMPTION (continued)

Section 302.525.5

DOR assumes the proposed language changes the monitoring period of an IID to the last three months of the six month IID requirement, currently the monitoring period is six months. If a person violates within the last three months of the six-month period, the period for maintaining the IID will be extended for additional periods of three months until the driver has completed three months with no violations.

Currently, the Department electronically notifies the IID manufacturer of the start and end dates of the six-month monitoring period. The manufacturers monitor for IID violations and only notify the Department if a person is violation-free during the monitoring period. If the manufacturer does not notify the Department, then the Department automatically extends the IID requirement for one additional six-month period.

The proposed language will require the monitoring dates and IID requirement to be extended, after the initial 6-month period, for an additional three months when a violation occurs during each three-month period.

Since the Department does not currently receive violations, significant programming will be required so electronic violations can be received from the IID manufacturers. The Department will extend the drivers IID requirement and notify the manufacturers of the new three-month monitoring start and end dates. This will occur until the driver completes a three-month period without violations.

Statistics show the Department receives over 200 inquiries daily regarding the IID requirements under current law. Since the required IID installation period could change every three months for an indefinite period of time, each driver may contact the Department multiple times to determine when his or her device may be removed.

Administrative Impact

Due to the significant programming, coordination with the Ignition Interlock manufacturers and portions of this bill which are revised in HB 1371 and SB 491(crime code revision) , the Department will be unable to meet the August 28, 2015 effective date. Therefore we are requesting an implementation date of January 1, 2017. OA-ITSD estimate a cost of \$71,280 will be required to implement the changes in this proposal.

ASSUMPTION (continued)

Section 302.302 for FY 2016

This section will require programming and user acceptance testing of the MODL system along with training of staff.

Administrative Analyst I- 80 hrs @ \$25 (1 ½) per hr =	\$2,000
Management Analyst Spec II- 80 hrs @ \$24 per hr =	\$1,920
Revenue Band Manager I- 40 hrs @ \$27 per hr =	<u>\$1,080</u>
<b>Total =</b>	<b>\$5,000</b>

This section will also require updates to letters, forms, procedures, the department website and the Missouri Driver's Guide.

Administrative Analyst III - 10 hrs @ \$23	\$230
Management Analysis Spec I - 40 hrs @ \$21	<u>\$840</u>
<b>Total =</b>	<b>\$1,070</b>

Section 302.304 and 302.525 for FY 2016

This section will require programming and user acceptance testing of the MODL system along with training staff.

Administrative Analyst I- 300 hrs @ \$25 (1 ½) per hr =	\$7,500
Management Analyst Spec II- 300 hrs @ \$24 per hr =	\$7,200
Revenue Band Manager I- 160 hrs @ \$27 per hr =	<u>\$4,320</u>
<b>Total =</b>	<b>\$19,020</b>

This section will also require updates to letters, forms, procedures, the department website and the Missouri Driver's Guide.

Administrative Analyst III - 80 hrs @ \$23	\$1,840
Management Analysis Spec I - 80 hrs @ \$21	<u>\$1,680</u>
<b>Total =</b>	<b>\$3,520</b>

ASSUMPTION (continued)

Revisions to the Notices of Suspension issued by law enforcement to an alcohol offender, pursuant to Section 302.525, RSMo will be required.

- Print 160,000 new Notices of Suspension
- Replace the supply of forms in central stores - 28,800 Notices.
- Mail 131,200 forms to 656 law enforcement agencies. (656 x 200 forms each= 131,200)

Cost for printing - 160,000 @\$0.12=	\$19,200
Cost for envelopes - 656 @\$0.12=	\$79
Cost for postage - 656 @\$5.48=	<u>\$3,595</u>
<b>Total =</b>	<b>\$22,874</b>

Statistics show the Department receives over 200 inquiries daily regarding the IID requirements under current law. Since the required IID installation period could change every three months for an indefinite period of time, each driver may contact the Department numerous times to determine when his or her device may be removed. A Revenue Processing Tech I (RPT I) can answer 100 calls per day. The Department requests at least 2 FTE to handle the additional contacts. If the increase in contact and inquires cannot be handled with the two requested FTE in this fiscal note the Department may require additional FTE(s) through the appropriations process.

Section 302.309 for FY 2016

This section will require programming and user acceptance testing of the MODL system along with training staff.

Administrative Analyst I- 120 hrs @ \$25 (1 ½) per hr =	\$3,000
Management Analyst Spec II- 120 hrs @ \$24 per hr =	\$2,880
Revenue Band Manager I- 60 hrs @ \$27 per hr =	<u>\$1,620</u>
<b>Total =</b>	<b>\$7,500</b>

This section will also require updates to letters, forms, procedures, the department website and the Missouri Driver's Guide.

Administrative Analyst III - 10 hrs @ \$23	\$230
Management Analysis Spec I - 40 hrs @ \$21	<u>\$840</u>
<b>Total =</b>	<b>\$1,070</b>

ASSUMPTION (continued)

Revenue Impact

Removing the hard walk period without IID on repeat alcohol offenders could potentially place the state out of compliance with MAP 21. This would be a \$19,000,000 loss of federal grant money.

For fiscal note purposes, **Oversight** assumes Missouri will be in compliance with federal law and will not show a loss of grant money.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, the **Department of Corrections**, **Office of the State Courts Administrator** and the **Office of the State Public Defender** 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
<b>GENERAL REVENUE</b>			
<u>Cost - DOR</u>			
Personal Service	(\$81,600)	(\$53,837)	(\$54,375)
Fringe Benefits	(\$23,101)	(\$27,998)	(\$28,278)
Expense and Equipment	<u>(\$108,760)</u>	<u>(\$1,993)</u>	<u>(\$2,042)</u>
<u>Total Cost - DOR</u>	<u>(\$213,461)</u>	<u>(\$83,828)</u>	<u>(\$84,695)</u>
FTE Change - DOR	2 FTE	2 FTE	2 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$213,461)</u></b>	<b><u>(\$83,828)</u></b>	<b><u>(\$84,695)</u></b>
Estimated Net FTE Change for to the General Revenue Fund	2 FTE	2 FTE	2 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2016 (10 Mo.)	 FY 2017	 FY 2018
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>



FISCAL IMPACT - Small Business

A direct fiscal impact to Ignition Interlock Manufacturers and Installers could be expected as a result of this proposal.

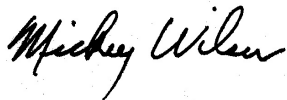
FISCAL DESCRIPTION

This proposal modifies provisions relating to intoxication-related offenses.

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  
Office of the State Courts Administrator  
Department of Corrections  
Office of the State Public Defender  
Office of Prosecution Services



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March 31, 2015

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