

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1364-01
Bill No.: HB 623
Subject: Licenses - Driver's; Crimes and Punishment
Type: Original
Date: February 17, 2017

Bill Summary: This proposal prohibits the fine collection center from taking an individual's drivers' license for failure to appear for a traffic violation.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue Fund			
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
State Highways and Transportation Department	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on Other State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

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 2018	FY 2019	FY 2020
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Revenue (DOR)** assume state and federal law requires that DOR be notified when the holder of a commercial driver license fails to appear or pay (see definition of "conviction" below). This bill may require the DOR to violate §302.347, which contains Missouri provisions adopting federal record keeping requirements, 49 CFR Part 384, specifically, §384.225(d), to report to the CDLIS (Commercial Driver's License Information System) all "convictions" as defined under §302.700.2(12), RSMo for offenses committed in any type of vehicle for a commercial driver's license (CDL) holder or those required to hold a CDL. Because this bill makes failure to appear actions discretionary and vests power in the prosecutor to request a sanction, in application this bill may jeopardize federal compliance (49 CFR Part 384) for Missouri's CDL program, and risk the loss of substantial federal highway funding to the state via withholding (49 CFR § 383.401), possible decertification (49 CFR § 384.405), and the ability to issue commercial driver license credentials.

§302.700.2(12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay.

§302.341

The proposed legislation will only allow a court to notify a defendant of its intent to suspend his or her driving privileges for failure to comply with a moving traffic violation if the prosecutor in that jurisdiction requests the court to do so. Thereafter, if the defendant doesn't comply with the notification within 30 days, the court may notify the Department of Revenue to suspend the defendant's driving privileges. It is unclear how county prosecutors will respond to this change.

§476.385

This section allows the centralized bureau (Fine Collections Center) to notify the Department of Revenue of any defendant who failed to comply with a moving traffic violation and is subject to suspension under §302.341, RSMo. However, the Department would not be allowed to suspend the defendant's driving privileges until the prosecutor in that jurisdiction requests suspension from the local circuit court and the same is granted. Therefore, the notices to the DOR by the Fine Collections Center will serve no purpose and will be discarded.

ASSUMPTION (continued)

Administrative Impact

Based on this legislation, the volume of Failure to Appear or Pay Traffic Violation suspension notices may decrease. There are no statistics available to determine the decreased amount of suspensions the DOR can expect.

The proposed changes will require form revisions and procedure changes.

Update forms - Management Analysis Spec I -	40 hrs. @ \$20.94 = \$838
Update procedures - Management Analysis Spec I -	40 hrs. @ \$20.94 = \$838
	Total = \$1,676

If the amount of Failure to Appear or Pay Traffic Violation suspension notices that are processed decrease, the amount of reinstatement fees collected will also decrease. Fees will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Oversight assumes the cost to update forms and procedures for the Department of Revenue can be absorbed internally or requested through future appropriations.

Officials at the **Office of the State Courts Administrator**, the **Missouri Department of Transportation** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County**, the **Callaway County Commission** and the **City of Kansas City** each assume no fiscal impact to their respective entities from this proposal.

In response to similar legislation from 2016, HB 2377, officials at the **City of Columbia** assumed no fiscal impact from this proposal.

Oversight assumes this proposal prohibits the fine collection center from taking an individual's drivers' license for failure to appear for a traffic violation without a court order at the request of the prosecutor. Oversight assumes there could be a reduction to the number of drivers' licenses that would be taken and then later reinstated, which could lead to a loss in revenue to the Department of Revenue. Therefore, Oversight will reflect a unknown loss in reinstatement fee revenue for this fiscal note.

ASSUMPTION (continued)

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Benton, Bollinger, Boone, Buchanan, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, Daviess, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, St. Charles, St. Francois, Taney, Warren, Wayne, Webster and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2018	FY 2019	FY 2020
	(10 Mo.)		
STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND			
<u>Loss</u> - Department of Revenue - in revenue for reinstatement of drivers' licenses (75%)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
POLITICAL SUBDIVISIONS			
<u>Loss</u> - Cities - in revenue for reinstatement of drivers' licenses (15%)	(Unknown)	(Unknown)	(Unknown)
Loss - Counties - in revenue for reinstatement of drivers' licenses (10%)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<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.

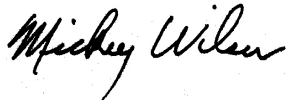
FISCAL DESCRIPTION

Currently, if an individual charged with a moving traffic violation fails to appear in court as directed or without good cause fails to pay any fine or court costs assessed against him or her for the violation within the period specified or as otherwise approved by the court, the court is required to order the Director of the Department of Revenue to suspend the individual's driving privileges if the charges are not disposed of and fully paid within 30 days from the date of the mailing. This bill specifies that the court may order the department director to suspend the driving privileges at the request of the prosecutor having original jurisdiction.

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
Missouri Department of Transportation
Office of Prosecution Services
St. Louis County
City of Kansas City
Callaway County Commission
City of Columbia



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February 17, 2017

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February 17, 2017