

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3103-02  
Bill No.: HB 1546  
Subject: Motor Vehicles; Department of Revenue; Licenses - Driver's; Crimes and Punishment  
Type: Original  
Date: February 24, 2020

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Bill Summary: This proposal modifies the penalty for certain traffic offenses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<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 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</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 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

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

#### §304.003.1

This section states that courts shall not issue a warrant for a person's failure to respond, pay the fine, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of a warrant of arrest, the court shall notify the department of revenue and a hold will be placed on the driving record to deny the driver a license until all delinquent fines and fees in connection with the traffic offense have been satisfied.

#### Administrative Impact

To implement the proposed changes, the Department will be required to:

- Update the electronic form 1454A to add selection for action to be taken pursuant to proposed section §304.003.1 RSMo.
- Update procedures to include reference to proposed section and form changes.

#### FY 2020 - Personnel Services Bureau

Administrative Analyst III	10 hrs. @ \$19.80	= \$198
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<b>Total Costs</b>		<b>= \$198</b>
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The Department assumes there will be an unknown increase in the volume of notices of Lieu of Bail holds as we already apply these actions pursuant to section §544.045, RSMo. If the increase in volume of notices is significant, the Department will request additional FTE through the appropriations process.

**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.

Officials from the **Office of the State Public Defender (SPD)** assume they are currently providing legal representation in caseloads in excess of recognized standards. Assuming that half of the speeding cases are for less than 20 miles per hour over the speed limit, SPD could experience a caseload reduction of approximately 100 misdemeanors.

ASSUMPTION (continued)

Per the Rubin Brown, Missouri Report, a misdemeanor should take an attorney approximately 11.70 hours.  $11.70 \text{ hours} \times 100 = 1,170$  attorney hours or approximately 0.50 FTE. The 0.50 FTE gained from these cases being reduced to an infraction from a misdemeanor would be used to reduce wait lists in overloaded offices.

**Oversight** assumes SPD could see a reduction in caseload as a result of this proposal; however, Oversight will not reflect the potential 0.50 FTE as a savings because SPD still has a need to use this FTE for their current caseloads.

Officials from the **Department of Corrections (DOC)** assume the proposal will have no fiscal impact on their organization. DOC states this proposal modifies misdemeanors which do not fall under the supervision of DOC.

Officials from the **Department of Public Safety - Missouri Highway Patrol, Office of Prosecution Services, Office of the State Courts Administrator and Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

**Oversight** notes the following charges were filed in 2019 for the sections in the bill:

Section Number	Charge	FY 2019 Number of Infractions	FY 2019 Number of Misdemeanors
304.010	Exceeded posted speed limit	14,870	39,808
304.011	Driving too slow in certain circumstances	N/A	12
304.013	Unlawful operation of an all-terrain vehicle	N/A	128
304.015	Failure to drive on appropriate lane or side of roadway	8	5,338
304.016	Failure to pass a vehicle appropriately	N/A	289
304.017	Following another vehicle too closely	N/A	1,790
304.019	Failure to signal properly	N/A	895

Section Number	Charge	FY 2019 Number of Infractions	FY 2019 Number of Misdemeanors
304.032	Unlawful operation of a utility vehicle	N/A	14
304.035	Failure to obey/stop at railroad crossing	N/A	32
304.044	Driver of bus/truck following too closely to another bus/truck	N/A	24
304.079	Failure to provide authorization for disabled parking	N/A	44
304.271	Failure to obey traffic control device	N/A	411
304.281	Failure to yield right of way in intersection/crosswalk and turning right on red when prohibited	N/A	644
304.301	Failure to proceed with caution past a flashing yellow signal and failure to stop at a flashing red light at stop line/crosswalk	2	18
304.341	Various failures to make proper turn	N/A	82
304.351	Various failures to yield	N/A	2,273
304.892	Overtake or pass another vehicle in an active emergency zone	N/A	2

**Oversight** notes the following penalties per the Missouri Sentencing Advisory Commission:

Offense Type	Punishment
Infraction	Fine or fine and forfeiture
Class C misdemeanor	Up to 15 days in jail and a fine not to exceed \$700
Class D misdemeanor	A fine not to exceed \$500

**Oversight** notes, in the proposal, the state penalties are generally being reduced (i.e. from C misdemeanors to infractions, B misdemeanors to C misdemeanors, etc.). The fiscal impact to the state will depend upon judicial sentencing. However Oversight will reflect an unknown reduction in fine revenue to local political subdivisions due to the penalties being reduced for certain traffic violations. Oversight assumes court costs will remain as they are currently set.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Loss</u> - reduction in fine revenue	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill repeals certain provisions that authorize arrest warrants for failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under Chapter 304, RSMo, and instead authorizes a court to issue a notice of failure to respond, pay the fine assessed, or appear. No driver's license or driver's license renewal shall be issued if the applicant has delinquent fines and fees in connection with the traffic offense that have not been satisfied.

The bill also lowers the penalty for certain traffic offenses as specified in the bill.

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 Transportation  
Department of Public Safety - Missouri Highway Patrol  
Office of the State Courts Administrator  
Office of Prosecution Services  
Department of Corrections  
Office of the State Public Defender



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February 24, 2020



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