

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1896-04  
Bill No.: HCS for HB 1176  
Subject: Alcohol; Transportation; Licenses - Driver's; Crimes and Punishment  
Type: Original  
Date: April 28, 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	(\$71,280)	(\$114,536)	(\$83,865)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$71,280)</b>	<b>(\$114,536)</b>	<b>(\$83,865)</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	0 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 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 302.010(20)

Officials from the **Department of Revenue (DOR)** assume the language in this section creates a definition for a 90-day 'interlock restricted privilege', which allows a person who installs an ignition interlock device (IID) to have a broader scope of driving privileges than those who choose a 60-day restricted privilege without IID.

#### Section 302.060.2

DOR assumes the language in this section changes the monitoring period of an IID to the last three months of the six-month period. Currently, the monitoring period is for six months. If a person violates within the last three months of the six-month period, the requirement to maintain the IID will be extended until the person completes three consecutive months with no violations.

#### Section 302.304.5

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.

#### Section 302.304.17

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.

ASSUMPTION (continued)

Section 302.309.3(4)& (6)

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)

This language eliminates a person's ineligibility to receive a LDP if the person has been convicted a felony leaving the scene of an accident. It allows an offender who has a felony conviction to be eligible for a LDP after a 5-year hard walk period. A DWI court participant is eligible for an LDP immediately. However, "non-felony" DUID and state offenses for leaving the scene of an accident will still make a person ineligible for a LDP without participating in DWI court. This ineligibility is for a lifetime.

This language also eliminates a person's eligibility for an LDP if they have an administrative alcohol suspension or suspension for a first conviction for DWI or BAC. These offenders can receive the same scope of driving privileges allowed by an LDP if they install an IID and are issued an "interlock restricted privilege" as defined in 302.010.

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)

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)

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.

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.

Section 302.574.10

DOR assumes the proposed language changes the monitoring period of an IID to the last three months of the six month period. Currently, the monitoring period is for six-months. If a person violates within the last three months of the six-month period, the requirement to maintain the IID will be extended until the person completes three consecutive months with no violations

Sections 478.007, 577.001, 577.010, 577.012, and 577.013

DOR assumes these sections allow the courts the option of requiring continuous alcohol monitoring as a condition of probation for intoxication-related offenders. No impact to DLB.

Administrative Impact

**FY 2017**

OA-ITSD estimate a cost of \$71,280 in FY 2016 will be required to implement the changes in this proposal.

ASSUMPTION (continued)

Section 302.010

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 302.060, 302.304, 302,525 and 302,574

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 and 302.574 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

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)

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

In response to a previous version, officials from the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2016	FY 2017 ( 6 Mo.)	FY 2018
<b>GENERAL REVENUE</b>			
<u>Cost - DOR</u>			
Personal Service	\$0	(\$63,832)	(\$53,837)
Fringe Benefits	\$0	(\$13,860)	(\$27,998)
Expense and Equipment	<u>(\$71,280)</u>	<u>(\$36,844)</u>	<u>(\$2,030)</u>
<u>Total Cost - DOR</u>	<u>\$0</u>	<u>(\$114,536)</u>	<u>(\$83,865)</u>
FTE Change - DOR	0 FTE	2 FTE	2 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$71,280)</u></b>	<b><u>(\$114,536)</u></b>	<b><u>(\$83,865)</u></b>
Estimated Net FTE Change for to the General Revenue Fund	0 FTE	2 FTE	2 FTE
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2016	FY 2017 ( 6 Mo.)	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

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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April 28, 2015

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April 28, 2015