

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2489-12  
Bill No.: SS for SCS for HB's 1270 & 2032 with SA 1, SA 2, SA 4 and SA 5  
Subject: Operation of Motor Vehicles  
Type: #Corrected  
Date: May 10, 2002  
#To include Department of Revenue estimates due to Commercial Driver License changes

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
#Road	(\$90,283 to Unknown)	(\$178,565 to Unknown)	(\$179,565 to Unknown)
Highway Fund	(\$36,962)	(\$47,453)	(\$48,509)
Spinal Cord Injury	\$0 to \$152,713	\$0 to \$253,618	\$0 to \$253,618
Motorcycle Safety Trust	\$0 to \$486,046	\$0 to \$653,618	\$0 to \$653,618
Commercial Driver License Examination**	\$0	\$0	\$0
Office of Administration Revolving	\$0	\$0	\$0
Various State Funds	\$0	\$0	\$0
Head Injury*	\$0	\$0	\$0
<b>#Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$518,847 to (Unknown)</b>	<b>\$698,018 to (Unknown)</b>	<b>\$687,962 to (Unknown)</b>

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

\*\* #Offsetting revenues and expenditures of about \$900,000 per year.

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 16 pages.

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>#Local Government*</b>	<b>\$119,709</b>	<b>\$238,420</b>	<b>\$238,420</b>

\*Does not include possible cost for creating safe travel routes for electric personal assistance mobility devices.

### FISCAL ANALYSIS

#### ASSUMPTION

#### *Fleet Management (Sections 37.450, 37.452 and 307.402)*

**Oversight** has not had a change to contact the agencies which would be affected by this proposal; however, they did have an opportunity to respond to a proposal with a similar purpose to this one (HB 1404). The responses were costs for state vehicle fleet fees. The Oversight Subcommittee of the Joint Committee on Legislative Research voted, on April 15, 2002, to revise the fiscal note on HB 1404 to reflect the assumption that savings from fleet management would offset costs. Thus the net effect of that proposal would be zero. Oversight assumes that the ruling would apply to this proposal and will show the fiscal impact for HB 1404 in this fiscal note.

#### *Removal of Property from Roadways (Section 226.1115);*

Officials of the **Department of Transportation** stated that they would not be able to remove property to the shoulder of a roadway without using tow trucks and if abandoned property could not be removed they might be held liable for damage to abandoned property that they would not now be able to move. They could not estimate cost for such liability.

ASSUMPTION (continued)

*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 **Baytown 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
<b>\$5,167.47</b>	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.

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 ASSUMPTION (continued)

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.

#### *Motorcycle Safety Trust Fund (Section 302.137)*

**Oversight** has not had a chance to respond to the affected agencies, but notes that the fiscal basis for this part of the proposal is the same (except for the size of the court fee) as another part of the proposal and will use responses to that other provision to estimate the fiscal impact of this provision.

Officials from **CTS** states this part of the would help provide moneys for the Motorcycle Safety Trust Fund by imposing \$1.00 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 \$351,809 in any given year.

**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 -	$\$351,809 \times .75 = \$263,857$
2004 and 2005-	\$351,809

The appropriation to the Fund has been about \$50,000 per year for the last several years and Oversight assumes that the current source of funds is about that much and will be lost due to this proposal.

#### *Driving While Revoked (Section 302.321);*

None of the agencies responding to this proposal indicated that this change would have fiscal ASSUMPTION (continued)

impact.

GVB:LR:OD (12/01)

*Commercial Driver License (Section 302.720);*

Officials of the **Department of Natural Resources** stated that the provisions concerning the hazardous materials endorsement would not affect their agency.

**#Department of Revenue** officials report that the Highway Patrol completes an average of 39,672 commercial driver written examinations and 8,172 commercial skills examinations, annually. The current charge is \$5 per examination. The proposal would increase that to \$25 per examination and would appropriate the state portion to the Commercial Driver License Examination Fund. Assuming the proposal affects 6 months of FY 2003:

#23,942 exams x \$25 = \$598,550

#75% - Commercial Driver License Examination Fund - \$448,913

#15% - Cities - \$89,783

#10% - Counties - \$59,854

#FY 2004 and FY 2005

#47,884 exams x \$25 = \$1,197,100

#75% - Commercial Driver License Examination Fund - \$897,825

#15% - Cities - \$179,565

#10% - Counties - \$119,710

#The Highway Fund would lose \$89,783 in FY 2003 and \$179,565 in subsequent years.

#The net increase to cities would be \$71,826 in FY 2003 and \$143,652 in subsequent years.

#The net increase to counties would be \$47,883 in FY 2003 and \$95,768 in subsequent years.

*Change in definition of Abandoned Property (Section 304.001);*

None of the agencies responding to this proposal indicated that this change would have fiscal impact.

ASSUMPTION (continued)

*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.

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 offense(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.

**Oversight** assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

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

ASSUMPTION (continued)

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.

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

ASSUMPTION (continued)

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.

**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 office 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.

*Earth Moving Equipment Permits (Section 304.200);*

ASSUMPTION (continued)

Officials with the **Department of Revenue (DOR), the Department of Transportation**

GVB:LR:OD (12/01)

**(MoDOT), and the Department of Economic Development (DED)** assume the proposal would have no fiscal impact on their agencies.

*Transportation of Hazardous Waste (Section 304.370);*

Officials of the **Department of Transportation** stated that they were aware of one tunnel which might be affected and would post signs at either end of the tunnel at a cost of \$500 to the State Road Fund.

*Electric Personal Assistive Mobility Devices (Sections 307.205 to 307.213)*

Officials from the **Missouri Department of Revenue (DOR)**-Division of Motor Vehicle and Drivers Licensing assume mobility device meets the definition of motor vehicle and could technically be subject to titling and registration requirements. However, DOR assumes even if these devices are required to be titled and registered, the department anticipates the number of these types of vehicles to be minimal and no additional funds will be requested through appropriations.

Officials from the **Department of Transportation (DHT)** assume the proposal allows restricted vehicles to operate on any road in the state. The speed differential could 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.

**Oversight** assumes cities and counties would incur the same types of costs as the Department of Transportation to provide safe travel routes.

*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 penalize on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative ASSUMPTION (continued)

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** assumed prosecutors could absorb the additional costs resulting from this part of the proposal.

*Skill Performance Evaluation Certificate (Section 622.555);*

Officials of the **Department of Economic Development's Division of Motor Carriers and Railway Safety** stated that they would request an Investigator II to carry out provision of this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Revenue - DOR</u>			
Remittance of 1% Vehicle Fleet Fee	\$5,779	\$5,949	\$6,123
<u>Costs - DOR</u>			
Administrative Costs	(\$5,779)	(\$5,949)	(\$6,123)
<u>Cost - Department of Corrections</u> Probation or incarceration costs	(Less than <u>\$100,000</u> )	(Less than <u>\$100,000</u> )	(Less than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>LESS THAN <u>(\$100,000)</u></b>	<b>LESS THAN <u>(\$100,000)</u></b>	<b>LESS THAN <u>(\$100,000)</u></b>
<b>OFFICE OF ADMINISTRATION REVOLVING FUND</b>			
<u>Revenue - COA</u>			
State Vehicle Fleet Fee	\$583,720	\$600,815	\$618,412
<u>Costs - DOR</u>			
Deposit to General Revenue	(\$5,779)	(\$5,949)	(\$6,123)
<u>Costs - COA</u>			
Fleet Information System	(\$456,348)	(\$470,038)	(\$484,140)
Software Support	(\$25,000)	(\$25,750)	(\$26,523)
Personal Service (1.25 FTE)	(\$60,726)	(\$62,244)	(\$63,800)
Fringe Benefits	(\$21,867)	(\$22,414)	(\$22,974)
Expense and Equipment	<u>(\$14,000)</u>	<u>(\$14,420)</u>	<u>(\$14,852)</u>
Total <u>Costs</u> - COA	(\$577,941)	(\$594,866)	(\$612,289)

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>ESTIMATED NET EFFECT ON OFFICE OF ADMINISTRATION REVOLVING FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>VARIOUS STATE FUNDS</b>			
<u>Savings - All State Agencies</u>			
Increased Efficiencies	\$105,000 to \$583,720	\$108,150 to \$600,815	\$111,395 to \$618,412
<u>Costs - All State Agencies</u>			
Payments to Office of Administration for Vehicle Fleet Fees	(\$105,000 to \$583,720)	(\$108,150 to \$600,815)	(\$111,395 to \$618,412)
<b>ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>STATE ROAD FUND</b>			
<u>Cost- Department of Transportation</u>			
Establishing Safe Travel Routes	(Unknown)	(Unknown)	(Unknown)
Signs at Tunnel	(\$500)	\$0	\$0
#Loss - CDL Fees	(\$89,783)	(\$179,565)	(\$179,565)
<b>#ESTIMATED NET EFFECT ON STATE ROAD FUND</b>	<b><u>(\$90,283 to Unknown)</u></b>	<b><u>(\$179,565 to Unknown)</u></b>	<b><u>(\$179,565 to Unknown)</u></b>
<b>HIGHWAY FUND</b>			
<u>Cost - Department of Revenue (Sec. 302.130) Issuance of "Permit Driver" sticker or sign</u>			
	(\$2,583)	(\$5,167)	(\$5,167)
<u>Cost - Department of Economic Development</u>			
Personal Service (1 FTE)	(\$25,277)	(\$31,090)	(\$31,867)
Fringe Benefits	(\$9,102)	(\$11,196)	(\$11,475)
Expense and Equipment	\$0	\$0	\$0
Total Cost to Department of Economic Development	(\$34,379)	(\$42,286)	(\$43,342)
<b>ESTIMATED NET EFFECT TO THE HIGHWAY FUND</b>	<b><u>(\$36,962)</u></b>	<b><u>(\$47,453)</u></b>	<b><u>(\$48,509)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>SPINAL CORD INJURY FUND</b>			
<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>
<b>ESTIMATED NET EFFECT TO THE SPINAL CORD INJURY FUND</b>	<b><u>\$0 to \$152,713</u></b>	<b><u>\$0 to \$253,618</u></b>	<b><u>\$0 to \$253,618</u></b>
<b>HEAD INJURY FUND</b>			
<u>Revenue</u> - \$2 surcharge on all criminal cases	\$0 to \$527,713	\$0 to \$703,618	\$0 to \$703,618
<u>Costs</u> - Missouri Head Injury Advisory Council	\$0 to <u>\$527,713</u>	\$0 to <u>\$703,618</u>	\$0 to <u>\$703,618</u>
<b>ESTIMATED NET EFFECT TO THE HEAD INJURY FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>MOTORCYCLE SAFETY TRUST FUND</b>			
<u>Revenue</u> - \$1 surcharge on criminal cases	\$0 to \$527,713	\$0 to \$703,618	\$0 to \$703,618
<u>Loss</u> - \$5 surcharge on certain cases	\$0 to \$41,667	\$0 to \$50,000	\$0 to \$50,000
<b>ESTIMATED NET EFFECT TO THE MOTORCYCLE SAFETY TRUST FUND</b>	<b><u>\$0 to \$486,046</u></b>	<b><u>\$0 to \$653,618</u></b>	<b><u>\$0 to \$653,000</u></b>
<b>COMMERCIAL DRIVER LICENSE EXAMINATION FUND</b>			
<u>#Income</u> - \$25 CDL fee (75%)	\$448,913	\$897,825	\$897,825
<u>#Cost</u> - Third-Party Commercial Driver License Examination Program	(\$448,913)	(\$897,825)	(\$897,825)

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>ESTIMATED NET EFFECT ON COMMERCIAL DRIVER LICENSE EXAMINATION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>POLITICAL SUBDIVISIONS</b>			
#Cities - \$20 additional CDL fee (15%)	\$71,826	\$142,652	\$142,652
#Counties - \$20 additional CDL fee (10%)	\$47,883	\$95,768	\$95,768
<u>Cost</u> - Establishing Safe Travel Routes	(Unknown)	(Unknown)	(Unknown)
<b>#ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS*</b>	<b><u>\$119,709</u></b>	<b><u>\$238,420</u></b>	<b><u>\$238,420</u></b>

\*Does not include possible cost for creating safe travel routes for electric personal assistance mobility devices.

FISCAL IMPACT - Small Business

Small businesses in the earth moving business could be affected by this proposal.

DESCRIPTION

This proposal would establish a fleet management program for state agencies.

This proposal would require 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 would extend the requirement to directions DESCRIPTION (continued)

given by sheriffs and deputy sheriffs.

This proposal would create 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. The surcharge would be deposited into the Head Injury Fund.

This proposal would modify 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.

This proposal would modify the language on the Motorcycle Safety Trust Fund. Instead of a \$5 surcharge for certain offenses, a \$1 surcharge would be assessed on every violation of criminal or traffic offense. The money would be deposited in the Motorcycle Safety Trust Fund.

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 issues stickers or signs which bear

DESCRIPTION (continued)

- 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, detention, or stop a class D felony.

This proposal would exempt vehicles hauling lumber and earth-moving equipment, not in excess of fourteen feet in width, from the requirement of obtaining special permits issued upon proper application that allow movement along state and federal highways.

This proposal would allow electric personal assistance mobility devices to be operated upon any street, highway, sidewalk, or bicycle path. Any person operating a device will be treated and granted the same rights as a pedestrian.

The proposal would increase the \$5 fee for Commercial Driver License testing to \$25. Additional funds would be used to fund a Third-Party Commercial Driver License Examination Program in the Department of Revenue.

It would also allow the Department of Economic Development's Division of Motor Carriers and Railway Safety to issue skill performance evaluation certificates to persons not physically qualified to drive under federal regulations so that those persons could perform intrastate transportation.

The proposed legislation 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.

This proposal would abolish the requirement that highway administrators in first classification counties be Missouri residents.

The fleet management provisions (sections 37.450, 37.452 and 307.402) contain an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not DESCRIPTION (continued)

require additional capital improvements or rental space. This proposal would affect Total State Revenue.

#### 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  
Department of Economic Development - Division of Motor Carriers and Railway Safety



Mickey Wilson, CPA  
Acting Director  
May 10, 2002