

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2834-01
BILL NO.: HB 1278
SUBJECT: Courts; Motor Vehicles
TYPE: Original
DATE: March 9, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
State Highway Funds	(\$71,149)	(\$69,520)	(\$70,894)
Total Estimated Net Effect on <u>All</u> State Funds	(Could exceed \$171,149)	(Could exceed \$169,520)	(Could exceed \$170,894)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2000	FY 2001	FY 2002
Federal Highway Funds*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds*	\$0	\$0	\$0

***If determination of federal non-compliance is made, loss of federal funds could occur, up to \$39 million annually.**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2000	FY 2001	FY 2002
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** do not have information on the number of offenses that could apply; however, CTS assumes the proposed legislation could have a significant impact on the courts. Any significant impact would be reflected in future budget requests.

Officials from the **Missouri Department of Transportation (DHT)** assume the proposed legislation could be construed to prohibit DHT from seeing the records of its employees, which would be a violation of Federal Commercial Drivers' License (CDL) requirements and could jeopardize obtaining full federal funding. If DHT is ruled out of compliance with the federal CDL program, 5% of the funds apportioned to the state under sections 104(b)(1)(NHS funds), 104(b)(3)(STP funds), and 104(b)(5)(interstate maintenance), of Title 23 of the United States Code, will be withheld. For the second and subsequent years of non-compliance, 10% of the previously mentioned funds will be withheld. If the proposed legislation is not deemed a violation of the federal CDL, then DHT assumes there would be no impact on federal highway funds.

Officials from the **Department of Revenue (DOR)** assume the proposed legislation may place the State out of compliance with the federal Commercial Motor Vehicle Safety Act. If the State is found to be in noncompliance with the federal regulations, DOR assumes federal highway funding is in jeopardy. DOR further assumes the proposed legislation would allow a person to make application to a court to partially seal a misdemeanor traffic offense record that is not DWI related. DOR assumes the purpose of the legislation is to deny access of the record to an employer or prospective employer after one year and to an insurer or prospective insurer after two years following a guilty plea or a conviction. A person is entitled to only one court order sealing a record. The Office of the General Counsel projects the number of persons petitioning the court for a sealed record may be significant. Based on prior experience with expungement cases under the authority of 577.054, municipal courts do not often follow the judicial rules and order expungement when the person is not entitled, thus entailing motions to set aside and in some cases, personal appearances by DOR lawyers. Therefore, this office will require the services of one Assistant Counsel and associated equipment and expenses to implement the provisions of this proposal.

Officials from the **Office of the Attorney General** assume the proposed legislation would have no fiscal impact on their agency.

ASSUMPTION (continued)

In response to a similar fiscal note request, officials from the **Department of Public Safety (DPS)** assumed the proposal would allow for each person to only have one application to partially seal the qualifying records. In order to ensure that only one record is sealed statewide, a central repository for traffic offenses must be established. However, this legislation does not provide any guidance whether this is to be done; therefore, DPS is unable to estimate any potential costs and personnel needs.

<u>FISCAL IMPACT - State Government</u>	FY 2000 (10 Mo.)	FY 2001	FY 2002
GENERAL REVENUE FUND			
	(Could exceed	(Could exceed	(Could exceed
<u>Costs - State Courts Administrator</u>	\$100,000)	\$100,000)	\$100,000)
	(Could exceed	(Could exceed	(Could exceed
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$100,000)</u>	<u>\$100,000)</u>	<u>\$100,000)</u>
HIGHWAY FUNDS			
<u>Costs - Department of Revenue</u>			
Personnel service	(\$32,530)	(\$40,012)	(\$41,012)
Fringe benefits	(10,003)	(12,304)	(12,611)
Expense and equipment	<u>(28,616)</u>	<u>(17,204)</u>	<u>(17,271)</u>
Total costs - Department of Revenue	(\$71,149)	(\$69,520)	(\$70,894)
	<u>(\$71,149)</u>	<u>(\$69,520)</u>	<u>(\$70,894)</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS			
ESTIMATED NET EFFECT ON FEDERAL FUNDS*	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

***If determination of federal non-compliance is made, loss of federal funds could occur, up to \$39 million annually.**

<u>FISCAL IMPACT - Local Government</u>	FY 2000 (10 Mo.)	FY 2001	FY 2002
	0	0	0

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FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposal allows persons convicted of certain misdemeanor non--alcohol related traffic offenses to petition the court to have the records of the conviction sealed from a prospective employer, employer, prospective insurer, or insurer. The court is required to seal the record if it is the person's only traffic related offense.

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

Office of the State Courts Administrator
Department of Revenue
Department of Transportation
Office of the Attorney General
Department of Public Safety



Jeanne Jarrett, CPA
Director
March 9, 2000