

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0517-01
Bill No.: HB 0182
Subject: Courts; Motor Vehicles
Type: Original
Date: January 19, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Highway Funds	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
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 State Courts Administrator** assume the proposed legislation would provide for the partial sealing of some alcohol-related and other traffic conviction/plea records after an application to the court. Thereafter, information is denied to employers and insurers.

While we do not have information on the number of offenses that could apply, there is the potential for a significant workload impact on the courts. Any significant impact would be reflected in future budget requests.

Oversight assumes the additional cost to the courts could exceed \$100,000 per year.

Officials from the **Department of Revenue (DOR)** assume this proposal will allow an individual to petition a court asking for the court to seal a misdemeanor traffic offense that is not related to driving while intoxicated. The Driver and Vehicle Services Bureau will be required to edit such orders and seal convictions per the court's order. The Driver and Vehicle Services Bureau is not able to determine the number of court orders that will be received pursuant to this proposal. The impact to the Driver and Vehicle Services Bureau is UNKNOWN.

The Information Technology Management Bureau will be required to modify computer programs to the Missouri Drivers License System. Costs of approximately \$2,000 are expected for Fiscal Year 02. Also, the provisions of this proposal will require computer systems modifications. The division will incur State Data Center costs of approximately \$3,400 in Fiscal Year 02.

Oversight assumes the additional computer costs could be absorbed with existing resources.

DOR further assumes this proposal violates the Motor Carrier Safety Improvement Act of 1999. Through this act, state driver licensing authorities are required to provide employers of motor vehicle operators with complete driving records.

Officials from the **Missouri Department of Transportation (DHT)**, in a response to a similar proposal in the prior session, assumed 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.

Oversight assumes the potential loss of federal revenue to Highway Funds is UNKNOWN.

Officials from the **Office of the Attorney General**, in a response to a similar proposal in the prior session, assumed the proposed legislation would have no fiscal impact on their agency.

In response to a similar fiscal note request in the prior session, 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.

Oversight assumes the potential cost to general revenue is UNKNOWN.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs</u> - State Courts Administrator	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Costs - Department of Public Safety	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>
HIGHWAY FUNDS			
<u>Costs</u> - Department of Transportation	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - Department of Revenue	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation would provide for the partial sealing of some alcohol-related and other traffic conviction/plea records after an application to the court. Thereafter, information would be denied to employers and insurers.

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



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Director
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