

FISCAL NOTE

Bill #: HB 393

Title: Mandatory reporting of failed drug tests to motor vehicle division

Primary Sponsor: Mendenhall, S

Status: As introduced - Revised

<u>Sponsor signature</u>	<u>Date</u>	<u>David Ewer, Budget Director</u>	<u>Date</u>
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Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$9,935	\$10,870
State Special Revenue		
Federal Special Revenue		
Other		
Revenue:		
General Fund	\$8,000	\$12,000
State Special Revenue		
Federal Special Revenue		
Other		
Net Impact on General Fund Balance:	(\$1,935)	\$1,130

- | | |
|---|---|
| <input type="checkbox"/> Significant Local Gov. Impact
<input type="checkbox"/> Included in the Executive Budget
<input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Technical Concerns
<input type="checkbox"/> Significant Long-Term Impacts
<input checked="" type="checkbox"/> Needs to be included in HB 2 |
|---|---|

Fiscal Analysis

ASSUMPTIONS:

1. The actual number of commercial drivers who refuse to submit to alcohol or drug testing or fail to successfully pass the mandated tests cannot be ascertained. However, based upon information provided by surrounding states and national estimates generated from information compiled by FMCSA, it is assumed that in FY 2006, 80 commercial driver license (CDL) holders will have their driver license suspended and reinstated as a result of the provisions of this bill and ten percent (eight) of those drivers will request a hearing or subsequent administrative action as a result of a driver license suspension. By FY 2007, it is anticipated that 120 CDL holders will have their driver licenses suspended and 12 of the drivers will request a hearing.
2. Administering the provisions of this bill will be similar to processes now applied by the medical unit of the Records and Driver control Bureau. Driver records will be acquired, compared, authenticated

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shared. Suspension actions will be initiated and implements as required. Driver license reinstatement / restoration will be accomplished in accordance with state and federal law and the administrative rules and procedures of the State of Montana.

3. The requirements of administrative due process are essential to the proper administration of this bill: formal hearings will be required. Costs of formal hearings conducted by Agency Legal Services (ALS) are \$40 per hour. Each hearing is estimated to take three hours. On-site hearings require four hours travel time.
4. Administrative costs must include legal costs in the form of the ALS hearings fees; printing, copying and communication video conferencing costs; or travel. Costs for administrative hearings are estimated to be \$2,580 in FY 2006 (8 hearings: 4 video conferences, 4 on-site hearings) and \$3,870 in FY 2007 (12 hearings: 6 video conferences, 6 on-site hearings). Costs for the appeals in District Court are estimated as \$4,000 in FY 2006 and \$4,000 in FY 2007 and costs for Supreme Court appeals are estimated as \$3,000 in FY 2007.

Administrative Hearings:

FY 2006 -- 8 -- ALS Fees \$960; Printing / Copying \$200; Video Conf. \$100; Travel \$1,320

FY 2007 -- 12 -- ALS Fees \$1,440; Printing / Copying \$300; Video Conf. \$150; Travel \$1,980

District Court Appeals:

FY 2006 -- 2 appeals x \$2,000 = \$4,000

FY 2007 -- 2 appeals x \$2,000 = \$4,000

Supreme court Appeal:

FY 2007 -- 1 appeal x \$3,000 = \$3,000

5. Administrative expenses will increase \$3,355 for programming in FY 2006 to create a new process to report and track drug reinstatement fees for commercial drivers who have their driver license suspended and reinstated.
6. It is anticipated that in FY 2006, \$8,000 in revenue to the state will be generated as a result of driver license reinstatement fees associated with the report-based suspensions authorized by this bill (80 suspensions x \$100/reinstatement). In FY 2007 state general fund revenue is anticipated to increase \$12,000 (120 suspensions x \$100/reinstatement).

FISCAL IMPACT:

	<u>FY 2006</u> <u>Difference</u>	<u>FY 2007</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$9,935	\$10,870
<u>Funding of Expenditures:</u>		
General Fund (01)	\$9,935	\$10,870
<u>Revenues:</u>		
General Fund (01)	\$8,000	\$12,000
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$1,935)	\$1,130