



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0423	Title:	Increase license suspension period for refusing alcohol-drug test
Primary Sponsor:	Peterson, Ken	Status:	As Introduced

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

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$21,188	\$15,800	\$16,275	\$16,763
Revenue:				
General Fund	\$90,600	\$124,000	\$127,200	\$130,000
State Special Revenue - DoT	\$90,600	\$124,000	\$127,200	\$130,000
Net Impact-General Fund Balance	<u>\$69,412</u>	<u>\$108,200</u>	<u>\$110,925</u>	<u>\$113,237</u>

Description of Fiscal Impact:

This bill increases the driver license reinstatement fee paid by a person who refuses for a second and subsequent time to take a blood, breath, or other preliminary alcohol screening test from \$200 to \$1,000. The estimate for this bill is based on the \$800 increase per individual license reinstatement fee which is distributed 50 percent to general fund and 50 percent to the Department of Transportation (DoT) for drinking and driving prevention programs.

FISCAL ANALYSIS

Assumptions:

Department of Justice

1. In FY 2006 there were 2,125 driver licensing suspensions for first refusal and 288 driver licensing suspensions for second and subsequent refusal.
2. This bill would apply additional requirements for a person to successfully complete a chemical dependency assessment and education program and, if necessary, a treatment program in addition to equipping the person's vehicles with an ignition interlock device. There would be no increase in the amount of the \$200 reinstatement fee for the driver's license.

3. Part 7(a) of Section 2 of this bill would also increase the reinstatement fee for persons who refuse for a second and subsequent time to take the BAC/ACT test from \$200 to \$1,000 – an increase of \$800. Assuming a 2.5% increase for FY 2007, the number of suspensions for second and subsequent refusals would be estimated at 295; FY 2008 302; FY 2009 310; FY 2010 318; and FY 2011 326. Since there is no effective date on the bill, it becomes effective October 1, 2008, so the estimated suspensions in FY 2008 will be reduced by 25%. Reinstatement fees would increase \$181,200 in FY 2008 (302 x .75 year x \$800 reinstatement fee increase = \$181,200); FY 2009 310 x \$800 = \$248,000; FY 2010 is 318 x \$800 = \$254,400; and FY 2011 326 x \$800 = \$260,000. One-half of these reinstatement fees collected are deposited to the general fund and the other half are provided to the Department of Transportation (DoT) to be used for funding county drinking and driving prevention programs.
4. Staff time will be required to prepare letters and referral materials and communicate with about 2,500 violators each year to advise the offenders of the requirements and compliance options. This will be necessary because these violators do not initially interact with any court – they only see an officer. An 0.50 FTE license permit clerk will be required to administer the provisions of this proposed legislation estimated for FY 2008 at \$10,459 (0.50 FTE x .75 yr); FY 2009 = \$14,364; FY 2010 = \$14,795; and FY 2011 = \$15,239.
5. New employee office package of desk, chair, bookcase and file cabinet is \$1,375 and \$1,400 for a personal computer for a total one-time operating expense in FY 2008 of \$2,775.
6. Operating costs for computer connection, supplies and communications for FY 2008 is projected at \$1,554; FY 2009 \$1,436; FY 2010 \$1,480; and FY 2011 \$1,524.
7. \$6,400 would be needed for Legacy system modifications at the Department of Justice (One programmer analyst at \$80.00/hour for 80 hours \$80.00 X 80 hours= \$6,400.00).

	<u>FY 2008</u> <u>Difference</u>	<u>FY 2009</u> <u>Difference</u>	<u>FY 2010</u> <u>Difference</u>	<u>FY 2011</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	0.38	0.50	0.50	0.50
<u>Expenditures:</u>				
Personal Services	\$10,459	\$14,364	\$14,795	\$15,239
Operating Expenses	<u>\$10,729</u>	<u>\$1,436</u>	<u>\$1,480</u>	<u>\$1,524</u>
TOTAL Expenditures	<u><u>\$21,188</u></u>	<u><u>\$15,800</u></u>	<u><u>\$16,275</u></u>	<u><u>\$16,763</u></u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$21,188	\$15,800	\$16,275	\$16,763
<u>Revenues:</u>				
General Fund (01)	\$90,600	\$124,000	\$127,200	\$130,000
State Special Revenue (02)	<u>\$90,600</u>	<u>\$124,000</u>	<u>\$127,200</u>	<u>\$130,000</u>
TOTAL Revenues	<u><u>\$181,200</u></u>	<u><u>\$248,000</u></u>	<u><u>\$254,400</u></u>	<u><u>\$260,000</u></u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$69,412	\$108,200	\$110,925	\$113,237
State Special Revenue (02)	\$90,600	\$124,000	\$127,200	\$130,000

Effect on County or Other Local Revenues or Expenditures:

1. State special revenue funds distributed to the counties to fund county drinking and driving prevention programs may see an increase depending upon the citation location. This increased funding could also encourage more counties to establish their own DUI Task Forces.

Technical Notes:

1. Fees will have to be coordinated with subsequent DUI / BAC sanctions – a high percentage of breath test refusals result in convictions for DUI / BAC.
2. Twenty-three percent or more of refusals that have been convicted will be overturned. Under the current reinstatement system, no refunds are made because of the small amount (\$200). However, if the penalty for a second or subsequent refusal is increased to \$1,000, the fees would have to be returned.

Sponsor's Initials

Date

Budget Director's Initials

Date