

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3537-01  
Bill No.: HB 1507  
Subject: Department of Revenue; Motor Vehicles; Licenses - Driver's  
Type: Original  
Date: February 5, 2020

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Bill Summary: This proposal modifies provisions relating to the administrative procedures for driver's license suspensions and revocations.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$268,827)	(\$268,631)	(\$270,935)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$268,827)</b>	<b>(\$268,631)</b>	<b>(\$270,935)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	4 FTE	4 FTE	4 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>4 FTE</b>	<b>4 FTE</b>	<b>4 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials at the **Department of Revenue (DOR)** assume the following regarding this proposal:

#### **§302.535**

Upon a person's petition for trial de novo, the clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the trial on behalf of the director of revenue.

#### **§302.574**

The director of revenue, or an attorney designated by the director, shall appear at the hearing on the behalf of the Department of Revenue.

#### **Administrative Impact**

There is no data that reflects the amount of time each case takes because it varies greatly, but the total number of refusals DOR would be required to handle is estimated to be 6,346 versus the number of de novo hearings DOR currently does at 583. This data is based on the estimated numbers from this calendar year of refusals that were filed in the courts and the number of de novo hearings.

DOR would be required to appear in more counties for the refusals because of the increased number of cases that would be filed in each county. DOR would need an additional attorney for each office: Kansas City, St. Louis and Jefferson City (total of 3 Legal Counsels). DOR would also need an additional Senior Office Support Assistant to handle opening new files for the additional attorneys. In addition not all counties have a special day just for DOR (some do), which would entail attorneys having to appear in court more often.

The proposed changes will increase the number of Circuit Court Hearings the Department is required to appear at with legal counsel. If the increase is as significant as anticipated, the General Counsel Office would request the following additional FTE and related equipment and expenses through the appropriations process.

- Three (3) Legal Counsel - \$44,344 annually
- One (1) Senior Office Support Assistant - \$26,340 annually

ASSUMPTION (continued)

**Oversight** assumes DOR will incur costs related to this proposal. Oversight has no information to the contrary, so has reflected costs for four additional FTE on the fiscal note as assumed by DOR. Oversight assumes DOR will request additional appropriation if it is determined that additional attorneys will be required.

Officials at the **Office of Prosecution Services** assume no measurable impact to OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

Officials from the **Department of Public Safety - Missouri Highway Patrol** and **Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, county prosecutors were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DOR</u>			
Personal Services	(\$132,810)	(\$160,966)	(\$162,575)
Fringe benefits	(\$82,507)	(\$99,494)	(\$99,985)
Expense and equipment	(\$53,510)	(\$8,171)	(\$8,375)
<u>Total Costs - DOR</u>	<u>(\$268,827)</u>	<u>(\$268,631)</u>	<u>(\$270,935)</u>
Total FTE Change - DOR	4 FTE	4 FTE	4 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$268,827)</u></b>	<b><u>(\$268,631)</u></b>	<b><u>(\$270,935)</u></b>
Estimated Net FTE Change on the General Revenue	4 FTE	4 FTE	4 FTE

FISCAL IMPACT - Local Government

FY 2021  
(10 Mo.)

FY 2022

FY 2023

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill requires trial de novo of driver's license decisions under Chapter 536, RSMo, to be handled by the prosecuting attorney of the county, who shall appear on behalf of the Director of the Department of Revenue.

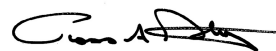
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue  
Department of Public Safety - Missouri Highway Patrol  
Office of Prosecution Services  
Office of the State Courts Administrator



Julie Morff  
Director  
February 5, 2020



Ross Strobe  
Assistant Director  
February 5, 2020