

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0174H.01I
Bill No.: HB 191
Subject: Revenue, Department of; Motor Vehicles; Licenses - Driver's
Type: Original
Date: February 2, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$270,943)	(\$271,223)	(\$273,579)
Total Estimated Net Effect on General Revenue	(\$270,943)	(\$271,223)	(\$273,579)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	4 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	4 FTE	4 FTE	4 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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

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 6,020 versus the number of de novo hearings DOR currently does at 463. This data is based on the estimated numbers from the most recent 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. As a result of the increase, the General Counsel Office would require the following additional FTE (related equipment and expenses detailed in the worksheet):

- Three (3) Legal Counsel - \$46,396 annually
- One (1) Administrative Support Assistant - \$27,851 annually

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 from the **Missouri Office of Prosecution Services (MOPS)** assume there is no measurable fiscal impact to MOPS. The creation of additional responsibilities [Section 302.535.1, RSMo] for county prosecutors and the circuit attorney may in turn result in additional costs which are difficult to determine.

Officials from the **Missouri Highway Patrol** defer to the DOR for the potential fiscal impact of this proposal.

Officials from the **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for that agency.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other 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 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Cost – DOR – 4 FTE</u>			
Personal Services	(\$132,810)	(\$160,966)	(\$162,575)
Fringe Benefits	(\$84,623)	(\$102,086)	(\$102,629)
Expense and Equipment	(\$53,510)	(\$8,171)	(\$8,375)
Total Costs – DOR	(\$270,943)	(\$271,223)	(\$273,579)
FTE Change – DOR	4 FTE	4 FTE	4 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$270,943)</u>	<u>(\$271,223)</u>	<u>(\$273,579)</u>
Estimated Net FTE Change to the General Revenue Fund	4 FTE	4 FTE	4 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

FISCAL DESCRIPTION

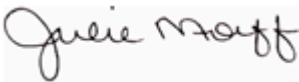
This bill requires trial de novo of driver's license decisions under Chapter 536, RSMo, to be handled by the prosecuting attorney of the county, who shall appear on behalf of the Director of the Department of Revenue.

Currently, if a person's license has been revoked for failure to submit to a chemical test and the person has petitioned for a circuit or associate circuit court review and requested a stay of the revocation pending the requested review, the clerk of the court must notify the prosecuting attorney of the county, who must then appear on behalf of the Director of the Department of Revenue. The bill changes that procedure to require the Director of the Department of Revenue or an attorney designated by the Director to appear at the hearing on behalf of the Department of Revenue.

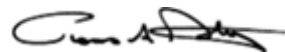
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



Julie Morff
Director
February 2, 2021



Ross Strobe
Assistant Director
February 2, 2021