

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0628H.031  
Bill No.: HB 273  
Subject: Crimes and Punishment; Drunk Driving/Boating; Courts; Motor Vehicles;  
Attorneys; Counties; Saint Louis City; Alcohol  
Type: Original  
Date: February 25, 2025

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Bill Summary: This proposal establishes provisions relating to a driving while intoxicated diversion program.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
General Revenue	(Could exceed \$322,272)	(Could exceed \$223,955)	(Could exceed \$227,487)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$322,272)</b>	<b>(Could exceed \$223,955)</b>	<b>(Could exceed \$227,487)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
Highway Fund (0644)	(\$92,423)	(\$110,903)	(\$110,903)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$92,423)</b>	<b>(\$110,903)</b>	<b>(\$110,903)</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
General Revenue	3 FTE	3 FTE	3 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Government</b>	<b>(\$30,807)</b>	<b>(\$36,967)</b>	<b>(\$36,967)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §557.520 – DWI Diversion Program

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

#### *Administrative Impact*

Extensive programming to the current Missouri Driver License (MODL) system, internally referred to as FUSION, would be required to enter court ordered diversion information received from the prosecuting or circuit attorney and notifying the program participant of their compliance requirements through system generated notices.

This proposed language is requiring DOR to be notified of violations from the ignition interlock device for program participants. DOR does not currently receive or maintain records of violations. Currently, DOR requires the approved Missouri manufacturers to track and maintain this data and only certify a driver once they have successfully completed the required monitoring time-period. These legislative changes would require DOR to track and interpret this data specifically related to this diversion program. There are currently six (6) approved manufacturers in Missouri. Multiple new electronic file exchanges to each manufacturer would need to be developed to exchange data daily between DOR and each manufacturer. This would require an additional file reporting violations to be developed and electronically exchanged for each approved manufacturer. Multiple reports would need to be generated to ensure the integrity of the data and meet the current DOR auditing processes.

Any defendant who is found guilty of any intoxicated-related traffic offense and who has previously utilized the DWI diversion program, DOR will evaluate the conviction as a second offense. This would cause the point value related to the conviction to increase from 8 points to 12 points and add an ignition interlock (IID) requirement for reinstatement. This also would require changes made to the five and ten-year denial evaluation routine.

In FY 2024, DOR received 37,647 DWI reports making the potential for offenders enrolled into this diversion program to be extensive. If DOR assumes that 50% of offenders would be accepted into this new program, DOR would plan to receive approximately 18,824 court orders notifying enrollment. DOR would require a new team of personnel to receive these enrollments, track and process the compliance paperwork, manage the vendor relationships with IID changes, and develop/implement a continuous monitoring process for any device violations and court actions for program participants.

A customer service representative can process 224 court-ordered documents per day. DOR anticipates receiving approximately 59 each day, which would require one additional staff member for processing.

Associate Customer Service Rep. (\$2,917 month)  
FY25 = \$29,170 (10 months)  
FY26 = \$35,004  
FY27 = \$35,004

In addition to a processing FTE, DOR anticipates the need for an additional FTE for call center inquiries.

Customer Service Representative – Zone 3 (\$3,536 month)  
FY25 = \$35,360 (10 months)  
FY26 = \$42,432  
FY27 = \$42,432

DOR estimates a need for at least one FTE to oversee the implementation and management of this new program. This position would require a more robust skill set including knowledge of the court and administrative process, customer and vendor relationship management, and quality assurance tracking and reporting.

Customer Service Rep. (\$3,150 month)  
FY25 = \$31,500 (10 months)  
FY26 = \$37,800  
FY27 = \$37,800

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates for 3 FTE as provided by DOR.

**DOR** notes, to implement the proposed legislation, DOR will be required to:

- Complete business requirements and design documents to modify the Missouri Driver License System (FUSION)
- Complete programming and user acceptance testing for the new diversion program for driving privileges, IID violation reporting and tracking of the violations, dismissed charges of the program, criminal cases imposed and their penalties on the drivers.
- Testing with the ignition interlock manufacturers of the new files exchanges
- FUSION generated notices
- Conviction routine evaluation
- Update policies, procedures, reports, forms, and the DOR website.
- Update Code of Regulation

- Training for employees

FY 2026 – Driver License Bureau (testing of forms and website updates)

Research/Data Analyst 1300 hrs. @ \$30.19 per hr. = \$39,247

Research/Data Assistant 1300 hrs. @ \$20.25 per hr. = \$26,325

Administrative Manager 1000 hrs. @ \$32.77 per hr. = \$32,770

FY 2026 – Strategy and Communications Office (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$24.19 per hr. = \$8,128

Total = **\$106,470**

**Oversight** assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

FUSION Impact

**DOR** notes

Implementation Consultant 600 hrs. @ \$225 per hr. = **\$135,000**

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the FUSION impact as provided by DOR.

Revenue Impact

**DOR** notes previous fiscal note responses did not include the potential for a loss in reinstatement fees collected by the department. After further review, the department may see a loss in revenue generated due to not receiving first-time DWI convictions, resulting in an action that would require a reinstatement fee to be paid.

In FY 2022 DOR generated 3,222 point suspensions for non CDL first time alcohol convictions.

In FY 2023 DOR generated 3,299 point suspensions for no CDL first time alcohol convictions.

In FY 2024 DOR generated 3,286 point suspensions for no CDL first time alcohol convictions.

The reinstatement fee for a first-time alcohol conviction point suspension is \$45.00.

FY 2026

\$147,870	Reinstatement fees for 3,286 point suspension actions
<u>/ 12</u>	Number of months in a year
\$ 12,323	Decrease in reinstatement fees collected monthly
<u>x 10</u>	Number of months in first year after bill passage
\$123,230	Decrease in reinstatement fees collected in first year of bill passage

FY 2027 & FY 2028

\$147,870 Reinstatement fees for 3,286 point suspension actions

Estimated potential decrease in reinstatement fees collected annually = \$147,870

Fees collected are distributed 75% Highway Fund, 15% Cities, and 10% Counties.

It is unknown how many people will be enrolled in this DWI Diversion program. For the purposes of the revenue impact estimate, 100% enrollment is being used to calculate the loss in highway funds.

**Oversight** notes §557.520.13 requires the person in the program to pay a fee that is based on a discounted schedule for offenders with income at or below 150% of the federal poverty level. Oversight will assume the fee is paid to the ignition interlock device producer and not to the state. Oversight also notes DOR's response includes that the proposal duplicates another program located in the State Code of Regulations 7, CSR 60-2.

In response to a similar proposal from 2025 (SB 353), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

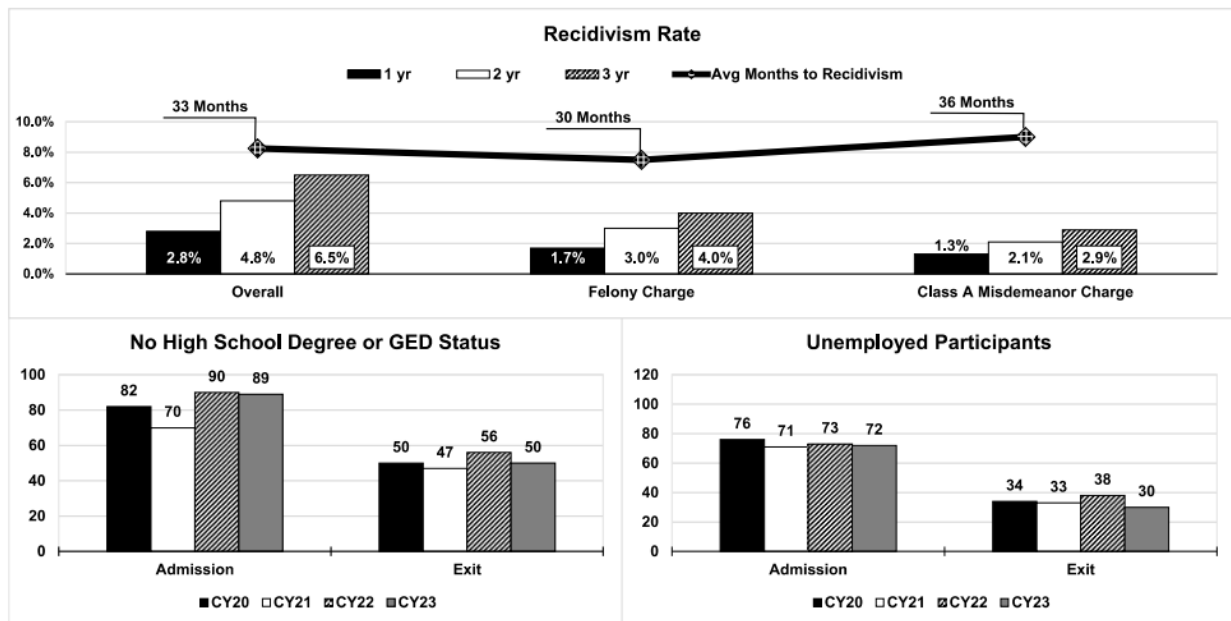
**Oversight** provides the following information from OSCA's DWI Treatment Court Program according to their FY 2026 Budget Book Request:

### DWI Treatment Court Activity

DWI Court focuses on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content.

PROGRAM STATISTICS	CY23	CY22	CY21	CY20	CY19	5 Year Average
	Participants Served	1,016	985	956	966	1,194
Programs	27	25	23	23	23	24
Community Service Hours Performed	67,926	66,026	60,790	80,829	81,088	71,332
Retention Rate	N/A	N/A	93%	94%	93%	N/A
Graduation Rate	91%	88%	88%	92%	89%	90%

Source: OSCA FY26 Budget Request



Officials from the **Department of Corrections**, the **Department of Public Safety (Office of the Director, Missouri Highway Patrol)**, the **Missouri Department of Transportation**, the **Office of the State Public Defender**, the **Missouri Office of Prosecution Services, Kansas City**, the **Phelps County Sheriff’s Office**, the **Kansas City Police Department** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from 2024, SCS for SB 1200, officials from the **City of O’Fallon** and the **City of Springfield** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, county prosecutors and local law enforcement agencies were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>GENERAL REVENUE FUND</b>			
<u>Costs – DOR §557.520 p. 4</u>			
Personal Service	(\$96,030)	(\$117,541)	(\$119,892)
Fringe Benefits	(\$77,969)	(\$94,486)	(\$95,429)
Equipment & Expense	(\$13,273)	(\$11,928)	(\$12,166)
Total Costs – DOR	(\$187,272)	(\$223,955)	(\$227,487)
FTE Change – DOR p. 4	3 FTE	3 FTE	3 FTE
<u>Cost – DOR – FUSION impact p. 5</u>	(\$135,000)	\$0	\$0
<u>Costs – OSCA - potential increase in additional case work from this program §557.520 p. 6</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Could exceed \$322,272)</u></b>	<b><u>(Could exceed \$223,955)</u></b>	<b><u>(Could exceed \$227,487)</u></b>
Estimated Net FTE Change for the General Revenue Fund	3 FTE	3 FTE	3 FTE
<b>HIGHWAY FUND (0644)</b>			
<u>Revenue Loss – DOR - from reinstatement fees §557.520 p. 5</u>	(\$92,423)	(\$110,903)	(\$110,903)
<b>ESTIMATED NET EFFECT ON THE HIGHWAY FUND (0644)</b>	<b><u>(\$92,423)</u></b>	<b><u>(\$110,903)</u></b>	<b><u>(\$110,903)</u></b>



<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue Reduction/Loss – Cities (15%)</u> - (\$557.520) – reduction in reinstatement fees received p. 5	(\$18,484)	(\$22,180)	(\$22,180)
<u>Revenue Reduction/Loss – Counties (10%)</u> - (\$557.520) – reduction in reinstatement fees received p. 5	(\$12,323)	(\$14,787)	(\$14,787)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>(\$30,807)</b>	<b>(\$36,967)</b>	<b>(\$36,967)</b>

FISCAL IMPACT – Small Business

Small businesses who install and/or service a certified ignition-interlock system could be impacted from this proposal.

FISCAL DESCRIPTION

This bill establishes a criminal case diversion program specifically for cases involving driving while intoxicated. In such cases, the current diversion program available to prosecutors will not apply; instead, the provisions of this bill will apply. A defendant can request to be diverted to the program by submitting a request to the prosecuting or circuit attorney and sending a copy of the request to the Department of Revenue within 15 days of his or her arrest. A prosecutor may divert a criminal case involving driving while intoxicated if certain requirements, specified in the bill, are met. Such diversion may continue for up to two years, and the defendant may be ordered to comply with appropriate terms, conditions or programs.

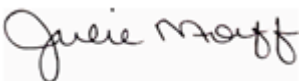
One such requirement is the installation of an ignition interlock device for a period of no less than 12 months on any vehicle the defendant operates, and the defendant will be prohibited from operating a vehicle that is not equipped with an ignition interlock device. The installer of the ignition interlock device must notify the Department of Revenue if the device is removed or indicates that a person has attempted to remove, bypass, or tamper with the device; if the person fails three or more times to comply with any requirement for the maintenance or calibration of the device; or if the device registers a failed start. If the person has a failed start within the last 90 days of the required period of installation of the device, the term will be extended for 90 days.

If the defendant complies with the terms and conditions of the diversion program, the action against the defendant will be dismissed, the dismissal will be recorded, and the record will be transmitted to the Department of Revenue. If the defendant does not comply with the terms and conditions, a hearing will be held after notice to the defendant to determine whether the criminal proceedings will be reinstated. Any defendant found guilty of an intoxication-related traffic offense who has previously utilized the DWI diversion program will be considered a prior offender as defined in Section 577.001, RSMo, if the prior offense occurred within five years of the intoxication-related offense for which the person is charged. Finally, for the limited purpose of determining whether a defendant is a chronic, habitual, persistent, or prior offender under Section 577.001, a criminal case diverted to a DWI diversion program will be counted as one intoxication-related traffic offense.

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  
Office of the State Courts Administrator  
Department of Corrections  
Department of Public Safety - Office of the Director  
Department of Public Safety - Missouri Highway Patrol  
Missouri Department of Transportation  
Office of the State Public Defender  
Missouri Office of Prosecution Services  
Kansas City  
Phelps County Sheriff's Office  
Kansas City Police Department  
St. Louis County Police Department  
O'Fallon  
Springfield



Julie Morff  
Director  
February 25, 2025



Jessica Harris  
Assistant Director  
February 25, 2025