

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5381S.05C
 Bill No.: SCS for HB 1740
 Subject: Civil Penalties; Courts; Crimes and Punishment; Domestic Relations; Drunk Driving/Boating; Motor Vehicles; Department of Revenue; Roads and Highways; Victims of Crime
 Type: Original
 Date: May 6, 2026

Bill Summary: This proposal modifies provisions relating to driving while intoxicated.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue*	(\$816,797 to \$1,316,797 to Unknown)	(\$468,839 to Unknown)	(\$498,187 to Unknown)	(\$2,260,726 to Unknown)
Total Estimated Net Effect on General Revenue	(\$816,797 to \$1,316,797 to Unknown)	(\$468,839 to Unknown)	(\$498,187 to Unknown)	(\$2,260,726 to Unknown)

*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue	1 FTE	1 FTE	0 FTE*	0 FTE*
Total Estimated Net Effect on FTE	1 FTE	1 FTE	0 FTE	0 FTE

*Increase and reduction of FTE net to zero.

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.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§302.304, 302.440, 302.525, 302.574 & 577.010 – Driving While Intoxicated

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

Administrative Impact

The Department currently requires the installation of an ignition interlock device (IID), for any second or subsequent intoxicated-related enforcement contact (administrative and point accumulation actions) added to a driver's record, as a condition of reinstatement. This includes administrative alcohol suspensions and revocations; chemical refusals; point suspensions, and revocations; as well as any limited or restricted driving privileges granted to these offenders.

This legislation is requiring the department to add the ignition interlock device requirement to any person with a blood alcohol content .15% or more for a first-time offense.

This proposed legislation would require programming to the current Missouri driver license system, internally referred to as FUSION, to evaluate both administrative actions and convictions processed by the department and add the ignition interlock requirement to those actions even if there is not a prior alcohol-related enforcement contact to the drivers' record if the blood alcohol content is .15% or more.

This language is changing requirements for all restricted driving privileges (RDP) to have the ignition interlock installed before the department issues the privilege. Currently, a sixty-day restricted privilege is issued without the ignition interlock requirement for first time offenders and are automatically generated systematically without the driver having to request one from the department. This will add multiple additions to systematic evaluation routines that exist today and require the department to revise all correspondence that is generated to the driver and notices issued roadside by law enforcement.

In FY 2025, the department issued 1,118 sixty-day RDPs for first time offenders.

DOR records indicate that 9,303 records currently require the installation of an ignition interlock device for reinstatement monitoring or to comply with a court order.

In FY 2025, the department received 4,437 administrative alcohol cases that showed a blood alcohol content (BAC) of .15% or more as a first-time offense.

Passage of this bill will add IID requirements and monitoring to approximately 5,555 additional records.

Ignition interlock manufacturers are required by State code of Regulations, 7 CSR 60-2, to submit all device status' (installs, deinstalls, and failure to maintain) and certification of completion of the monitoring period. The department anticipates an increase in telephone inquiries, correspondence and additional communication required between their office and the ignition interlock manufacturers to ensure the integrity of the data and to meet the current department auditing processes.

The department answers approximately 26,518 calls a year regarding reinstatement requirements. The department anticipates a significant increase in calls due to this proposed language.

The impact to the department is estimating a 50% increase in call volume, the department is requesting one (1) FTE to answer these additional telephone inquiries. If the increase is more significant than anticipated, additional FTE's may be requested through the appropriations process.

Telephone Inquiries

A telephone operator is expected to process 65 telephone inquiries daily.

26,518	Current call volume for reinstatement requirements
x 50%	Percent which will generate telephone inquiries
13,295	Telephone inquiries received per year
/ 240	Workdays per year
55	Telephone inquiries received per day
/ 65	Telephone inquiries processed per day
0.85 =	1 FTE needed to answer telephone inquiries

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates for 1 FTE as provided by DOR.

DOR notes, to implement the proposed legislation, the Department will:

- Complete programming and user acceptance testing of FUSION for the new evaluation for ignition interlock requirement for first time offenders based on .15% BAC or higher and issuance of restricted driving privileges
- Update interactive applications for automated responses to customers through telephone system (current vendor Genesys) or online (DORA)
- Update Code of Regulation
- Update the Department website
- Update forms, correspondence and procedures
- Update the Missouri Driver Guide
- Provide training to team members

FY 2027 – Driver License Bureau

Research/Data Analyst 1300 hrs. @ \$37.14 per hr. = \$48,282
Associate Research/Data Analyst 1300 hrs. @ \$31.16 per hr. = \$40,508
Administrative Manager 1000 hrs. @ \$51.40 per hr. = \$51,400

FY 2027 – Strategy and Communications Office (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$31.16 per hr. = \$10,470

Total = \$150,660

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.

FUSION Impact

DOR notes: Implementation Consultant 350 hrs. @ \$225 per hr. = **\$78,750**

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

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed the following regarding this proposal:

Section 577.010 is modified to increase punishment from a class E felony to class D felony if a person commits the offense of driving while intoxicated and acts with criminal negligence to cause physical injury to another person. Proposed legislation raises the punishment from a class D felony to a class C felony if serious physical injury occurs. Legislation also raises punishment from a class C felony to a class B felony if death occurs and person would not be eligible for probation or parole for a minimum of 5 years. If death of 2 or more persons, the felony class is raised from current class B to a class A felony, and if while driving while intoxicated the defendant acts with criminal negligence to cause the death of any person while the defendant has a blood alcohol content of at least fifteen hundredths of one percent by weight of alcohol, person is not eligible for probation or parole for a minimum of 10 years.

Class E to Class D

In FY 2025, 87 offenders were sentenced to probation and 7 offenders were sentenced to prison for Class E DWI – Physical Injury. The average sentence for a violent class E felony offense is 4 years, of which 3 years could be served in prison with 2.2 years to first release. The remaining 1.0 year will be on parole. Probation sentences will be 4 years.

The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

Class D to Class C

In FY 2025, 53 offenders were sentenced to probation and 9 offenders were sentenced to prison for Class D DWI – Serious Physical Injury. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years could be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

Class C to Class B

In FY 2025, 4 offenders were sentenced to probation and 6 offenders were sentenced to prison for Class C DWI – Death of Another. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years could be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served on average, 3.4 years in prison prior to first release. Given that the legislation assumes all class B felonies will serve 5 years in prison prior to probation or parole, DOC will assume these sentences will be served with 5 years to first release.

Class B to Class A

In FY 2025, 1 offender was sentenced to probation and 2 offenders were sentenced to prison for Class B DWI – Death of 2 or More. 2 offenders were sentenced to probation and 0 offenders were sentenced to prison for Class B DWI – BAC > OR = .18 And Death of a Person. Due to not having sufficient information on prior offenses involving BAC between .15 and .18 and death of a person, DOC is unable to estimate the impact of lowering the threshold of BAC from .18 to .15 for the felony listed above.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community. Probation sentences will be 5 years.

Offenders committed to prison with a class A felony have an average sentence length of 17.1 years and serve on average, 12.3 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

Class B 5 years probation and parole ineligible (excluding two offenses in prior section)

In FY 2025, 10 offenders were sentenced to probation and 25 offenders were sentenced to prison for Class B DWI offenses not mentioned above.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served on average, 3.4 years in prison prior to first release.

The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community. For the purposes of determining impact of making these offenses parole ineligible, DOC will assume a probation term of 5 years for those sentenced to originally sentenced to probation and 5.0 years served prior to first release for all offenders.

Class A 10 years probation and parole ineligible

In FY 2025, no offenders were sentenced to probation or prison for Class A DWI offenses. As a result, no impact is estimated.

Combined Estimated Cumulative Impact

The combined estimated cumulative impact on the department is 178 additional offenders in prison and 61 less offenders on field supervision by FY 2036.

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	17	(\$11,123)	\$ 157,576	(1)	\$0	(17)	\$ 157,576
Year 2	34	(\$11,123)	\$ 385,746	(1)	\$0	(34)	\$ 385,746
Year 3	52	(\$11,123)	\$ 601,763	(1)	\$94,002	(52)	\$ 507,761
Year 4	76	(\$11,123)	\$ 897,090	(1)	\$94,995	(72)	\$ 802,095
Year 5	99	(\$11,123)	\$ 1,191,949	(1)	\$96,001	(84)	\$ 1,095,948
Year 6	144	(\$11,123)	\$ 1,768,419	(2)	\$194,039	(104)	\$ 1,574,381
Year 7	163	(\$11,123)	\$ 2,041,788	(1)	\$98,047	(97)	\$ 1,943,740
Year 8	168	(\$11,123)	\$ 2,146,508	(1)	\$99,089	(79)	\$ 2,047,419
Year 9	173	(\$11,123)	\$ 2,254,600	(1)	\$100,142	(61)	\$ 2,154,457
Year 10	178	(\$11,123)	\$ 2,366,157	(1)	\$101,206	(61)	\$ 2,264,951

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

In response to a previous version, officials from the **Office of the State Public Defender** assumed the proposal would have no fiscal impact on their organization.

In response to similar legislation, HCS for HB 87 (2025), officials from the **Missouri Office of Prosecution Services** assumed the proposal would 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 this agency.

§454.1050 - "Bentley and Mason's Law"

In response to a similar legislation, SS for SB 1135 (2026), officials from the **Office of the State Courts Administrator (OSCA)** stated this section would have an impact on Show-Me Courts and possibly other systems. It is estimated the fiscal impact would be \$500,000 to \$1,000,000 to develop a new Child Support module.

Oversight has no information to the contrary. Therefore, Oversight will present the fiscal impact of this proposal as provided by OSCA.

In response to a similar legislation, SS for SB 1135 (2026), officials from the **Department of Corrections, Department of Social Services** and **Office of the State Public Defender** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to similar legislation, SB 235 (2025), officials from the **Missouri Office of Prosecution Services** assumed 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 these agencies.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Elementary and Secondary Education, Department of Higher Education and Workforce Development, Department of Public Safety - Missouri Highway Patrol, Missouri Department of Transportation, University of Missouri System, Northwest Missouri State University** and the **University of Central Missouri** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
GENERAL REVENUE				
<u>Savings – DOC (§577.010) p.7</u>				
Personal Service	\$0	\$0	\$52,554	\$56,344
Fringe Benefits	\$0	\$0	\$37,802	\$40,528
Expense & Equipment	\$0	\$0	\$3,646	\$4,334
<u>Total Savings - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$94,002</u>	<u>\$101,206</u>
FTE Change - DOC	0 FTE	0 FTE	(1 FTE)	(1 FTE)
<u>Cost – DOC (§577.010) Increased incarceration costs p.7</u>	(\$157,576 to Unknown)	(\$385,746 to Unknown)	(\$507,761 to Unknown)	(\$2,264,951 to Unknown)
<u>Cost – DOR (§§302.304, 302.440, 302.525, 302.574 & 577.010) p.4</u>				
Personal Service	(\$38,896)	(\$47,609)	(\$48,561)	(\$55,781)
Fringe Benefits	(\$29,257)	(\$35,484)	(\$35,867)	(\$41,200)
Expense and Equipment	<u>(\$12,318)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs – DOR</u>	<u>(\$80,471)</u>	<u>(\$83,093)</u>	<u>(\$84,428)</u>	<u>(\$96,981)</u>
FTE Change - DOR	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DOR (§§302.304, 302.440, 302.525, 302.574 & 577.010) FUSION p.5</u>	(\$78,750)	\$0	\$0	\$0
<u>Cost – OSCA (§454.1050) New child support module p.9</u>	(\$500,000 to \$1,000,000)	\$0	\$0	\$0
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$816,797 to \$1,316,797 to Unknown)	(\$468,839 to Unknown)	(\$498,187 to Unknown)	(\$2,260,726 to Unknown)
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	0 FTE	0 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses that install ignition-interlock devices could be impacted as a result of this proposal.

FISCAL DESCRIPTION

CERTIFIED IGNITION INTERLOCK REQUIREMENT (Section 302.304.17 to Section 302.574) Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense, in which the person's blood alcohol content was found to be at least eight-hundredths of one percent but less than fifteen-hundredths of one percent by weight of alcohol in such person's blood and who had a prior alcohol related enforcement contact, or an assessment of points for a conviction for an intoxication-related traffic offense, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, or in which the person caused any property damage or personal injury shall be required to file proof with the Director of Revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license.

A court may require that any person who is found guilty of a first intoxication-related traffic offense as defined in current law, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, or in which the person caused any property damage or person injury, shall not operate any motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device.

Allowing restricted driving privileges to any person whose driving record shows a conviction of an intoxication-related traffic offense, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person blood, or in which the person caused any property damage or person injury shall be prohibited until the person has filed proof with the Department of Revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege.

CHILD MAINTENANCE ORDERS FOR CERTAIN PERSONS CONVICTED OF DRIVING WHILE INTOXICATED (Section 454.1050) This act establishes "Bentley and Mason's Law". Under this act, if a person is convicted of, pled guilty to, or entered a plea of nolo contendere to

the offense of driving while intoxicated or driving with excessive blood alcohol content, such offense caused the death of a parent or guardian, and a surviving parent or guardian files a petition to receive child maintenance from the convicted person, such person shall pay, pursuant to a court order, child maintenance to the child of the deceased parent or guardian in an amount and duration as specified in the act.

If the person ordered to pay child maintenance is unable to make maintenance because such person is imprisoned or otherwise confined, then the person shall have up to one year after release from incarceration to begin payment, including any arrearage.

If the surviving parent or guardian brings a civil action and obtains a judgment on behalf of the child or children against the person prior to any child maintenance order under this section, no maintenance shall be ordered. If the surviving parent or guardian brings a civil action after maintenance is ordered, the maintenance order shall offset the judgement. No funds received from the Crime Victims' Compensation Fund shall result in a reduction of a child maintenance order under this act.

THE OFFENSE OF DRIVING WHILE INTOXICATED (Section 577.010) Currently, the offense of driving while intoxicated is a class E felony if the defendant is a persistent offender or while driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person. The offense is a class D felony if while driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel and a class C felony if while driving intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel, a class B felony if while driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel, the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway or the highway's right of way, the defendant acts with criminal negligence to cause the death of two or more persons, or the defendant acts with criminal negligence to cause the death of any person while he or she has a BAC of at least eighteen hundredths of one percent by weight of alcohol in such person's blood, and a class A felony if the defendant has previously been found guilty of an offense under the class B felony of driving while intoxicated and is found guilty of a subsequent violation of driving while intoxicated under current law.

Under this act, driving while intoxicated is a class E felony only if the defendant is a persistent offender, a class D felony if while driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person, a class C felony if while driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person, a class B felony if the defendant is a habitual offender or while driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person, and a class A felony if while driving while intoxicated, the defendant acts with criminal negligence to

cause the death any person or causes the death of any person, or has been previously found guilty of an offense under the class B felony of driving while intoxicated.

A person found guilty of the offense of driving while intoxicated as an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment and as a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment. An offender found guilty of an offense under the class B felony of driving while intoxicated shall not be eligible for parole or probation until he or she has served a minimum of five years' imprisonment.

An offender found guilty of the class A felony of driving while intoxicated shall not be eligible for parole or probation until he or she has served a minimum of ten years' imprisonment.

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 Corrections
Missouri Highway Patrol
Missouri Department of Transportation
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Social Services
Missouri Office of Prosecution Services
University of Missouri System
Northwest Missouri State University
University of Central Missouri



Julie Morff
Director
May 6, 2026

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