

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7280

BILL NUMBER: HB 1379

DATE PREPARED: Jan 9, 2000

BILL AMENDED:

SUBJECT: Examination of drivers regarding impairment.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill (1) authorizes the Bureau of Motor Vehicles (BMV) to adopt rules governing examinations for the retention of learner's permits, operator's licenses, chauffeur's licenses, and public passenger chauffeur's licenses; (2) authorizes the Bureau to examine a driver or applicant for a license or permit to operate a motor vehicle as to fitness to operate a motor vehicle when the Bureau has good cause to believe that the driver is incompetent or otherwise not qualified to operate a motor vehicle; (3) provides that a person with good cause who files a report with the Bureau regarding the fitness of a driver is immune from civil liability arising from the report and provides that such reports are confidential; (4) makes it a Class C misdemeanor to intentionally file a false report with the Bureau regarding the fitness of a driver; and (5) provides that an employee of the Bureau who knowingly or intentionally discloses confidential information regarding the fitness of a driver, except as allowed by law, commits a Class A misdemeanor.

Effective Date: July 1, 2000.

Explanation of State Expenditures: Part (1) can be accomplished through the current BMV rule-making process and will have no fiscal impact on the BMV.

Part (2) expands the current law under which the BMV determines the fitness of a driver. This may increase administrative costs associated with this determination and will depend upon the number of such determinations. In calendar year 1998, the BMV suspended 121,724 operator licenses. The fund affected is the Motor Vehicle Highway Account which supports the BMV.

Part (3) will have no fiscal impact. Parts (4) & (5) provide penalties.

Explanation of State Revenues: Part (4) provides for a Class C misdemeanor. The maximum fine for a Class C misdemeanor is \$500. Part (5) provides for a Class A misdemeanor. The maximum fine for a Class A misdemeanor is \$5,000.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund would increase. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail, while a Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts, local law enforcement

Information Sources: