



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 669** HLS 18RS 583

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 13, 2018	9:02 AM	Author: MARCELLE
Dept./Agy.: Dept. of Public Safety/Office of Motor Vehicles		Analyst: Ryan Guidry
Subject: Holds on renewal of operator's licenses		

MTR VEHICLE/DRIVER LIC OR DECREASE SG RV See Note Page 1 of 1
Provides for a hold on the renewal of a operator's license under certain circumstances

Present law requires that the magistrate or judge of the court exercising jurisdiction immediately forward to the Dept. of Public Safety and Corrections notice of failure to appear with information necessary for identification of the arrested person, which automatically results in the suspension of an operator's license. Proposed law authorizes the magistrate or judge, at his discretion, to determine whether to suspend or place a hold on the renewal of the operator's license. Present law requires that the department immediately notify the arrested person of the suspension of his operator's license and the imposition of a \$50 fee. Proposed law retains present law but specifies that the \$50 fee does not apply when a magistrate or judge authorizes that a hold on renewal be placed on the operator's license. Present law requires that the prosecuting authority immediately notify the department when the arrested person makes an appearance as required by present law or pays an appropriate fee and requires the arrested person pay an additional \$50 to the department for the renewal or reissuance of his operator's license. Proposed law retains present law and specifies that the additional \$50 fee for the renewal or reissuance of an operator's license does not apply when a hold on the renewal was placed on the operator's license. Proposed law requires the Dept. of Public Safety and Corrections, public safety services, to promulgate rules and regulations.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total		\$0	\$0	\$0	\$0	\$0

REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

The Department of Public Safety (DPS), Office of Motor Vehicles (OMV) reports expenditures will increase by a one-time amount of \$10,550 for programming changes by OTS to incorporate the requirements into the existing system. The Legislative Fiscal Office believes that the department can potentially accomplish these tasks utilizing existing resources and budget authority as similar changes are enacted annually by legislative instrument and paid from base funding. To the extent that numerous pieces of legislation are enacted that require additional programming efforts, DPS may require additional resources.

Proposed law provides a magistrate or judge the discretion to either suspend or place a hold on the renewal of the operator's license of an arrested person for a failure to appear violation and to report this determination to OMV. The department must then notify the individual that the license has been suspended or a hold placed on the renewal. OMV reports annual SGR expenditures of \$750,000 for postage, forms, salaries and programing costs related to approximately 130,000 failure to appear violations. The number of failure to appear violations for which the department will be responsible would remain unchanged, and therefore there would be no material impact on the annual operating expenditures for OMV.

REVENUE EXPLANATION

Proposed law will decrease SGR for the Office of Motor Vehicles and local funds for various local courts by an indeterminable amount. The revenue decrease may be significant to the extent that more judges elect to place a hold on the renewal of the operator's license for a failure to appear violation rather than suspend the operator's license.

Present law requires a judge or magistrate to suspend the operator's license of any arrested person for a failure to appear violation and to forward the decision to OMV. The department notifies the individual of the suspension and a \$50 fee is imposed. When the arrested person makes an appearance or pays an appropriate fine as determined by the court, OMV is notified and an additional \$50 is imposed for a total fee of \$100. Of the fee imposed, \$12.50 is paid to the court exercising jurisdiction into that court's criminal court fund, and the remaining \$87.50 accrues to OMV as SGR. For reference, OMV reports that in FY 17, 60,080 failure to appear fee records were cleared for total revenue of \$6,008,000 (\$100 * 60,080). OMV received SGR revenues in the amount of \$5,257,000 (\$87.50 * 60,080), and the courts received \$751,000 (\$12.50 * 60,080).

Proposed law provides a magistrate or judge the discretion to either suspend or place a hold on the renewal of the operator's license of an arrested person for a failure to appear violation and to report this determination to OMV. Proposed law provides that no portion of the \$100 fee would be charged to an individual for which the judge or magistrate has placed a hold on the renewal of the operator's license. To the extent that a magistrate or judge elects to place a hold on the renewal of the operator's license for a failure to appear violation rather than suspend the operator's license, revenue will decrease by \$100 for each occurrence.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
<input checked="" type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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