

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



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

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 22, 2018 7:15 AM	<b>Author:</b> MARCELLE
<b>Dept./Agy.:</b> Dept. of Public Safety/Office of Motor Vehicles	<b>Analyst:</b> Ryan Guidry
<b>Subject:</b> Holds on renewal of operator's licenses	

MTR VEHICLE/DRIVER LIC EN 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 provides the magistrate or judge with discretion to suspend operators license of an arrested person for a failure to appear violation. 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. 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.

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

**EXPENDITURE EXPLANATION**

Proposed law provides a magistrate or judge the discretion to suspend 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 operator's license has been suspended. 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 may be reduced to the extent that a judge or magistrate elects not to suspend a person's operator's license, and therefore there may be an indeterminable decrease on the annual operating expenditures for OMV.

**REVENUE EXPLANATION**

Proposed law may 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 not to suspend the operator's license of an arrested person for a failure to appear violation.

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 suspend the operator's license of an arrested person for a failure to appear violation and to report this determination to OMV. For those failure to appear violations for which a judge or magistrate elects not to suspend the operator's license, no fee would be collected. To the extent that a magistrate or judge elects not to suspend the operator's license of an arrested person for a failure to appear violation, revenue will decrease by \$100 for each occurrence.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**