

Department of Planning and Budget- REVISED 01/26/01
2001 Fiscal Impact Statement

1. Bill Number HB1617

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Griffith

3. Committee H. Courts of Justice

4. Title Appeals from order suspending or revoking license or registration.

5. Summary/Purpose:

This bill provides that any person whose driver's license is administratively suspended or revoked by the Commissioner of the Department of Motor Vehicles may petition a court for judicial review of the Commissioner's action. A suspended or revoked driver is entitled to this remedy even if the administrative suspension or revocation of the Commissioner was mandated by statute. Upon review, the court may modify a suspension, issue a restricted license, reinstate the license or registration, or fashion any other equitable remedy to correct an injustice.

6. Fiscal Impact: Yes, but preliminary, see #8 below.

7. Budget amendment necessary: Yes, Items number(s) to be determined.

8. Fiscal implications:

This bill could have a significant fiscal impact on the court system, the Department of Motor Vehicles, the Office of the Attorney General, on federal funds received related to TEA-21 and the federal Motor Carrier Safety Assistance Program, and upon fees collected for VASAP and the Commonwealth Neurotrauma Initiative Trust Fund. The Department of Motor Vehicles estimates that it issues approximately 146,000 suspensions or revocations annually, which may be subject to the provisions of this legislation. At this time, very few, if any, are appealed. However, it is estimated that a substantial increase in the number of appeals will result. Because suspension is delayed until the outcome of the court proceeding, it is anticipated that many people will appeal as a way of delaying, and possibly overturning, the suspension. There is no way to determine the exact number of appeals. However, if 10 to 60 percent of those who are eligible to "appeal" this administrative revocation or suspension chose to do so, then there could be 14,600 to 87,600 new judicial cases per year in the circuit courts.

According to the Office of the Executive Secretary of the Supreme Court, each person who chooses to contest the administrative suspension or revocation of his license may require a hearing that could last 15 minutes (3,650 to 21,900 hours of judges' time). Also, setting up the case file, and closing the case, may also take 15 minutes of a clerk's time, in addition to the 15 minutes spent in the hearing (7,300 to 43,800 hours of clerks' time). Currently, the cost of each additional judgeship added in the circuit courts is estimated to be \$280,047, including support positions. Anytime there is an increase in the caseload of the courts, there could be an impact on court efficiency. If the workload increases to an unacceptable level, then additional judgeship and clerk positions may have to be added.

If 10 percent of those that are appealed are overturned, then 1,460 to 8,760 reinstatement fees may not be collected. This could amount to \$46,252 to \$277,517 annually in less revenue to DMV, \$7,816 to \$46,900 to VASAP, and \$10,823 to \$64,992 to the Commonwealth Neurotrauma Initiative Trust Fund (CNITF).

DMV also estimates that a new major reprogramming overhaul may be required. According to DMV, the costs associated with these changes are \$379,230. In particular, the system would have to be able to track an "other proper equitable remedy" noted by the judicial system.

The legislation could also require an increase in DMV staffing in order to provide assistance to the Office of the Attorney General. DMV estimates that each appeal could require one hour of staff's time. Therefore, 14,600 to 87,600 appeals could require 14,600 to 87,600 additional staff time (eight to 46 additional positions - \$290,440 to \$1.7 million).

If enacted, then the legislation could render the Commonwealth non-compliant with repeat offender requirements mandated by TEA-21 and the Motor Carrier Safety Assistance Program (MCSAP), which could result in less federal highway construction funds for the Commonwealth. If the Commonwealth is unable to certify that it has in place and is enforcing mandatory repeat offender and DUI laws, then federal funding could be jeopardized. It is unclear how the judicial system will decide these cases, and how the federal government interprets the Commonwealth's handling of these cases. The Commonwealth received about \$24.8 million in federal funds from these programs in FY 2000. In addition, commercial driver's license (CDL) fees could be reduced from \$17,216 to \$103,359 annually as a result of decertification.

The Office of the Attorney General would be responsible for representing the Commissioner in a judicial proceeding. The bill could have an impact on their office, but it is difficult to measure. Many of the cases may be heard in local courts. Given this, travel time could be substantial. DMV is a nongeneral fund agency, and their agency reimburses the Attorney General's office for the costs of providing legal services.

9. Specific agency or political subdivisions affected: The court system, the Compensation Board, DMV, and the Office of the Attorney General – VASAP, Department of Health.

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Administration
Secretary of Transportation
Secretary of Health and Human Resources

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