

**Department of Planning and Budget
2001 Fiscal Impact Statement**

1. **Bill Number** HB1617

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron** Griffith

3. **Committee** S. Courts of Justice

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

5. Summary/Purpose:

The bill, which has been amended, provides that any person requiring suspension or revocation of a driver's license by an order of the Commissioner of the Department of Motor Vehicles (DMV) is entitled to judicial review. The bill provides that the court may order the commissioner to withdraw the order, correct his records, and enter an order in accordance with the law, or order the commissioner to withdraw the order and/or issue the person a restricted license. The bill also modifies existing statutes pertaining to DUI convictions to provide for the imposition of driver's license suspensions and revocations based upon the courts' enumeration of DUI convictions.

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, on federal funds received related to TEA-21 and drug offender requirements (the Department of Transportation), and upon fees collected for VASAP and the Commonwealth Neurotrauma Initiative Trust Fund. The Department of Motor Vehicles estimates that approximately 89,500 suspensions or revocations could now become subject to judicial review. Because a judicial appeal could be viewed as another option, it is anticipated that many people will appeal as a way of 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 8,900 to 53,760 new judicial cases per year in the district courts, and additional "appealed" cases from the district courts to 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 (2,225 to 13,440 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 (4,450 to 26,800 hours of clerks' time). Currently, the cost of each additional judgeship added in a district court is estimated to be \$213,544, including a security position. 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 895 to 5,376 reinstatement fees may not be collected. This could amount to \$28,353 to \$170,312 annually in less revenue to DMV, \$7,808 to \$46,220 to VASAP, and \$10,840 to \$65,113 to the Commonwealth Neurotrauma Initiative Trust Fund (CNITF). A reduction in reinstatement fees received, pursuant to DUI suspensions/ revocations, would reduce the funds received by VASAP and the Commonwealth Neurotrauma Initiative Trust Fund (CNITF)

DMV also estimates that a new major reprogramming overhaul may be required. Accordingly the costs associated with these changes are estimated to be \$379,230.

The legislation could also require an increase of DMV staffing in order to note appeals and final dispositions on records bearing original suspension and revocation information. It is estimated that appeal of all impacted orders and imposition of new suspension/revocation periods and/or restricted licenses would require additional staff positions in order to accommodate the increase in workload. For planning purposes only, DMV estimates that 10 percent of impacted orders would be appealed, which may require the addition of 5 clerical positions and 1 manager at an estimated cost of \$227,000 per year.

If enacted, this legislation could render the Commonwealth non-compliant with repeat offender requirements mandated by TEA-21, which may result in less federal highway funds for highway construction. If the Commonwealth is unable to certify that it enforces a repeat offender law that complies with federal requirements, then it is estimated that, as of October 1, 2001, \$5.8 million, and, as of October 2, 2002, \$11.6 million in federal funds could be subject to transfer from highway construction to highway safety programs. In addition, the legislation could render the Commonwealth non-compliant with federal requirements pertaining to driver's license suspensions for drug offenders. Non-compliance with these federal requirements could result in the forfeiture of 10 percent of federal highway construction funds apportioned to the Commonwealth for that year. It is estimated that as of October 1, 2001, \$39 million in federal funds may be subject to forfeiture. Given this, the Department of Transportation's highway construction projects could be significantly impacted.

The bill notes that judicial review of revocation or suspension by the commissioner does not apply to any disqualification of eligibility to operate a commercial motor vehicle. Given this, the bill is not expected to impact on Virginia's compliance with federal CDL laws and regulations.

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

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 02/13/01 / jlm

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