

# Department of Planning and Budget

## 2002 Fiscal Impact Statement

**1. Bill Number** HB934

**House of Origin** ☒ Introduced ☐ Substitute ☐ Engrossed  
**Second House** ☐ In Committee ☐ Substitute ☐ Enrolled

**2. Patron** Wardrup

**3. Committee** House Transportation

**4. Title** Violations committed at railroad/highway grade crossings.

**5. Summary/Purpose:** This legislation proposes to amend §46.2 -505 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 46.2 -341.18:1, 46.2 -341.20:1, and 46.2 -341.20:2, to provide for the disqualification of a person holding a commercial driver's license for certain alcohol -related offenses committed in other states where disqualification was imposed through a civil or administrative hearing without any court proceedings. The bill further provides for disqualification of a commercial driver's license holder for 60 days for violations committed at railroad/highway grade crossings. Longer disqualifications are authorized for repeat offenses. In addition, it authorizes the imposition of civil penalties up to \$10,000 for employers who allow or require an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings and provides that no court may reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle because the person has attended a driver improvement clinic.

**6. Fiscal Impact Estimates are preliminary:** See item #8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** The fiscal impact of this legislation could be significant. The Department of Motor Vehicles (DMV) advises that this proposal will put Virginia in compliance with federal commercial driver's licenses (CDL) statutes and regulations. It further advises that noncompliance with such federal laws may result in Virginia being denied the ability to issue CDLs, and will result in the loss of, not the transfer of (i) federal highway funds in the amount of 5% (or \$20.7 million) the first fiscal year and 10% (or \$41.4 million) each fiscal year thereafter, and (ii) an unknown amount, possibly up to 50% (or approximately \$1.8 million), of Motor Carrier Safety Assistance Program (MCSAP) funds allocated to the Virginia State Police.

In addition, the legislation calls for civil penalties of up to \$10,000 for employers who allow or require an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings. It further stipulates that no court may reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle because the person has attended a driver improvement clinic. These penalties could be viewed as an additional source of revenue for the Transportation Trust Fund, though no estimate is available regarding the potential amount that may be collected.

**9. Specific agency or political subdivisions affected:** Department of Motor Vehicles,  
Department of Transportation, Virginia State Police.

**10. Technical amendment necessary:** Page 2, line 84, strike “§46.2 -341.4,” insert, “in the  
Virginia Drivers License Act (§46.2 -341.1, et. seq.).”

**11. Other comments:** None.

**Date:** 02/06/02/MEM

**Document:** G:\Fis\02\Dmv\Hb934.Doc Michael McMahon

cc: Secretary of Transportation