

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB847-E

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

2. Patron Brink

3. Committee Senate Transportation

4. Title Driver improvement clinics.

5. Summary/Purpose: The legislation proposes to amend §46.2-490 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.2-490.3 through 46.2-490.11, and to repeal § 46.2-490.2 of the Code of Virginia, to give the Department of Motor Vehicles (DMV) clear statutory authority to impose penalties for wrongdoing on the part of driver improvement clinic operators and instructors. The bill describes offenses for which DMV may impose suspensions, revocations of clinic and instructor certificates, and gives DMV the ability to impose civil penalties for such offenses. Penalties may be contested using a hearing procedure. The bill also defines and gives DMV express authority to certify computer-based clinic providers.

6. Fiscal Impact Estimates are: Preliminary. See item #8.

7. Budget amendment necessary: No.

8. Fiscal implications: The fiscal implications of this legislation are uncertain. The bill as passed gives the Department of Motor Vehicles the authority to impose civil penalties on driver improvement clinic operators and instructors. The department is unable to accurately estimate the number of violators or the penalties that may be collected.

It further states that anyone that willfully engages in any unlawful act enumerated in this legislation will be found guilty of a Class 1 misdemeanor, which provides for a sentence of up to 12 months in jail. Inasmuch as the DMV cannot accurately estimate the number of potential violations, it is impossible to accurately estimate how many additional inmates in jail could result from this proposal. Any increase in the jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs is paid on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averaged \$29.80 per inmate, per day in FY 2002.

9. Specific agency or political subdivisions affected: Department of Motor Vehicles

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 02/16/04 / MEM

Document: G:\Fis\04\Dmv\Hb847e.Doc Michael McMahon

cc: Secretary of Transportation