

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB 1407

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

2. Patron: Dance

3. Committee: Passed Both Houses

4. Title: Suspended license; unpaid fines

5. Summary: This bill authorizes the issuance for good cause shown and upon verification of employment of a six-month restricted permit to operate a motor vehicle during a period of suspension for unpaid fines and costs.

6. Fiscal impact estimates are indeterminate.

7. Budget amendment necessary: No.

8. Fiscal implications: This bill permits a court to issue a restricted driver's license to someone whose license was suspended for failure to pay the fines and costs imposed for conviction of a crime or traffic infraction. An individual would petition the court that convicted him and suspended his license for that failure to pay fines and costs.

The potential costs to the court system cannot be readily determined. According to the Department of Motor Vehicles (DMV), there are 615,543 individual drivers with a Virginia address whose driving record shows at least one suspension (issued for any reason, not only for nonpayment of fines and costs). Assuming that half of those 615,543 suspended drivers are suspended for failure to pay (307,772) and half of that group seeks this restricted license, courts throughout the Commonwealth could still have to deal with at least 154,000 individuals potentially eligible to apply for restricted licenses.

However, if a person is suspended for failure to pay fines and costs by more than one court, then that person must go to each court which suspended him, in order to ask for each court to lift its suspension and authorize a restricted license. Anecdotal evidence indicates that an appreciable percentage of those suspended for failure to pay fines and costs have multiple suspensions. Assuming the 154,000 individuals mentioned above will have, on average, 1.25 suspensions, a total of 192,500 additional cases could be generated in the courts.

Processing this many additional applications for restricted licenses will add to the workload of both the circuit and district courts, which already have heavy workloads and are understaffed. Unless additional staff is provided to the courts, the provisions of this bill could result in backlogs of all court paperwork. It should be noted that the Senate budget included \$483,120 in FY 2009 and \$966,240 in FY 2010 and 20 positions in each year for district courts. In addition, the Senate included \$149,310 in FY 2009 and \$298,620 in FY

2010 to support 12 additional deputy circuit court positions. While it is unknown whether all courts would realize an increase in workload or only selected courts, the additional staff could help cover the possible workload generated by this legislation.

Changes to DMV's automated systems are estimated at \$123,750 and can be addressed within existing reinstatement fees.

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

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Transportation