

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB784

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: Ebbin

3. Committee: Courts of Justice

4. Title: Marijuana offenses; driver's license forfeiture, etc.

5. Summary: This bill revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation (USDOT) that Virginia will not lose any federal funds as a result of implementation of the bill.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item #8.

8. Fiscal Implications: This bill will likely reduce the number of driver's license suspensions for non-driving related offenses. This bill may result in a decrease in the number of six-month license revocations the Commissioner orders since the provisions of § 46.2-390.1 would no longer apply to adults with a deferral for proceedings for possession of marijuana pursuant to § 18.2-250.1.

The fiscal impact of this bill is contingent upon receiving the written assurance from the USDOT that Virginia will not lose any federal funds as a result of the implementation of this act. However, states can opt out at no cost and without penalty. To opt out, a state legislature and governor must approve an opt-out resolution. The resolution is sent to the Federal Highway Administration. The USDOT certifies that a state has properly opted out.

For FY 2015, the Department of Motor Vehicles (DMV) issued 38,849 revocation orders for all drug violations including simple marijuana possession. For FY 2016, DMV issued 38,284 revocation orders for drug violations. These figures are for revocations for convictions as well as deferrals, both of which result in the 6-month revocation. Specifically, for deferrals received pursuant to VA Code § 18.2-250.1 in FY 2015, there were 5,759 deferrals received; for FY 2016, 5,762 deferrals were received, and for FY 2017 to 11/18/16, 1,972 deferrals were received. A license holder may have multiple deferrals that result in a revocation order. Should this bill be enacted there will be some revenue loss to DMV and the Trauma Fund since such individuals will no longer have a license revocation and they will also no longer

have to pay a license reinstatement fee of \$145 (with \$100 of that fee going to the Trauma Fund and \$45 distributed to DMV).

9. Specific Agency or Political Subdivisions Affected: Department of Motor Vehicles.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar to HB 2051.

Date: 1/10/2017

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