

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** SB805

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

**2. Patron:** Carrico

**3. Committee:** Transportation

**4. Title:** Passing a stopped school bus; driving record

**5. Summary:** This bill provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** The bill specifies that the Department of Motor Vehicles (DMV) will no longer receive notification of violations of § 46.2-844. This prohibition on reporting violations to DMV would place Virginia out of compliance with federal law if the operator is a commercial driver. 49 C.F.R. § 384.226 requires all state or local traffic violations committed by Commercial Driver's License (CDL) holders to be reported to the Department and placed on their driving record in the Commercial Driver Licensing Information System (CDLIS). DMV cannot place this information in CDLIS unless it is reported. Therefore, requiring this information to not be reported to DMV would cause Virginia to be in violation of federal law and the federal government could revoke Virginia's ability to issue CDLs – effectively meaning that no Virginian could be licensed to drive a commercial vehicle interstate.

In addition, if the Federal Motor Carrier Safety Administration of the Department of Transportation (FMCSA) determines that Virginia is out of compliance with federal law, the Commonwealth stands to lose substantial transportation funding. Under 49 CFR 384.401, this could result in a loss of up to 4 percent of funds from the National Highway Performance Program (NHPP), the Highway Safety Improvement Program (HSIP), and the Congestion Mitigation and Air Quality Improvement Program (CMAQ). Based on FY 2018 apportionments under the FAST Act this could result in up to a total of \$28,938,000 in federal funding (NHPP \$24.2 million, HSIP \$2.47 million, CMAQ \$2.268 million).

The Commonwealth could also lose substantial funding under the Motor Carrier Safety Assistance Program under 49 CFR § 350.335. DMV was not able to calculate the amount of funds that would be lost under this program. Finally, under 49 CFR § 384.405, Virginia

could be decertified from issuing, upgrading, renewing, or transferring CDLs if DMV were found in substantial noncompliance. Virginia issued 65,292 CDLs last year for a total revenue of \$3 million.

**9. Specific Agency or Political Subdivisions Affected:** Department of Motor Vehicles, Virginia Department of Transportation.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is a companion to HB 492.

**Date:** 1/22/2018

**Document:** G:\18-20\FIS 2018\SB805.docx

cc: Secretary of Transportation