

## Department of Motor Vehicles 2017 Fiscal Impact Statement

**1. Bill Number** HB2051

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

**2. Patron** Adams

**3. Committee** Courts of Justice

**4. Title:** Driver's license; marijuana possession.

**5. Summary/Purpose:** 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 that Virginia will not lose any federal funds as a result of implementation of the bill.

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

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

**8. Fiscal implications:** This bill may lead to a loss of reinstatement fee revenue. The substitute allows courts placing an individual on probation following a deferral of prosecution for possession of marijuana contrary to § 18.2-250.1 to require the person to do 100 hours of community service in lieu of suspending the person's driver's license for six months, as long as the person did not commit the offense while operating a motor vehicle.

When a person's driver's license is suspended, they must pay a \$145 reinstatement fee prior to getting their license back. The Department of Motor Vehicles (DMV) retains \$45 of this fee, and \$100 goes to the Virginia Department of Health's Trauma Center Fund. If a person has more than one suspension, they will pay the reinstatement fee on the first suspension satisfied, and will pay a \$5 multiple order fee for each additional suspension required to be satisfied prior to regaining their license. If a person avoids having his license suspended, then he will not owe the reinstatement fee.

In FY 2015, there were 2,260 single orders and 465 multiple orders of suspension for deferral of marijuana possession which were reinstated, and in FY 2016 there were 2,566 single orders and 337 multiple orders of suspension for deferral of marijuana possession which were reinstated. Based on the average reinstatement statistics from the last two fiscal years, the Trauma Center Fund could lose up to \$241,300 in reinstatement fees per year, and DMV could lose up to \$110,590 in reinstatement fees per year. The actual amounts lost could be less, however, because under this language a person who was operating a motor vehicle while committing the offense would not be eligible to avoid driver's license suspension, and additionally the court would have the discretion to order driver's license suspension as a term

of probation. DMV does not have statistics on how many suspension orders are issued for persons possessing marijuana while operating a motor vehicle, and cannot estimate how many individuals would have their licenses suspended by the court as a term of their probation.

The second enactment clause provides that the act shall not come into effect unless Virginia receives written assurance from the USDOT that it 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.

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

**10. Technical amendment necessary:** Line 56, insert “§” symbol before “46.2-390.1”.

**11. Other comments:** None.

**Date:** 2/2/2017

**Document:** Janet Vogelgesang G:\16-18\FIS 2017\HB2051H1.docx

cc: Secretary of Transportation