

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2794

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: Lindsey

3. Committee: Courts of Justice

4. Title: Refusal of tests; restricted license

5. Summary: This bill allows a person convicted of a first offense of unreasonable refusal to have samples of his breath taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted driver's license. The court may, for good cause shown, grant such restricted license for the same purposes as allowed for restricted licenses granted after conviction of driving under the influence, if the person installs an ignition interlock system on each motor vehicle owned by or registered to the person and enters into and successfully completes an alcohol safety action program.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: Under current law, individuals whose driving privileges have been suspended following a conviction under § 18.2-268.3 must pay a \$175 reinstatement fee. Per §§ 46.2-333.1 and 46.2-411 and Item 3-6.03 of the Appropriation Act, each reinstatement fee is disbursed as follows: \$50 to the Department of Motor Vehicles (DMV), \$25 to the Neurotrauma Initiative Trust Fund, and \$100 to the Trauma Center Fund.

This bill addresses the reinstatement fee amounts in § 46.2-411 by specifying that \$40 will be directed to DMV, \$40 directed to the Commission on Virginia Alcohol Safety Action Program (VASAP), and \$25 directed to the Neurotrauma Initiative Trust Fund, for a total of \$105. However, the bill does not address § 46.2-333.1 or Item 3-6.03 of the Appropriation Act. The \$15 increase added by § 46.2-333.1 and the \$60 increase by Item 3-6.03 of the Appropriation Act would remain in effect. Therefore, the bill changes the total reinstatement fee amount from \$175 to \$180.

According to DMV records, 466 individuals were suspended for a conviction pursuant to §18.2-268.3 in FY 2018. If a similar number of suspensions occur in subsequent fiscal years, the VASAP will receive an additional \$18,640 annually, while DMV will receive an additional \$2,330 annually. It is anticipated that the Trauma Center Fund will lose \$18,640 annually.

VASAP notes that the provisions of the bill would have no fiscal impact to the Commission. The VASAP system is already established with the ability to obtain additional interlocks and meet the servicing and monitoring requirements without fiscal impact to the Commonwealth.

Comparison between Current Law and HB 2794 Reinstatement Fees			
Receiving Entity	Amount from Current Law	Amount From HB 2794	Difference
Commission on VASAP	\$0	\$40	+\$40
DMV	\$50	\$55	+\$5
Neurotrauma Fund	\$25	\$25	No change
Trauma Center Fund	\$100	\$60	-\$40

9. Specific Agency or Political Subdivisions Affected: Department of Motor Vehicles, Commission on Virginia Alcohol Safety Action Program, Trauma Center Fund.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/1/2019

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cc: Secretary of Transportation