

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB909

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: Hayes

3. Committee: Courts of Justice

4. Title: Driver's license suspensions for certain non-driving related offenses

5. Summary: This bill removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: This bill repeals two sections from the *Code of Virginia* providing for license suspensions related to drug offenses, as well as cross-reference to such sections. The legislature adopted these provisions to comply with 23 U.S.C. § 159 of the *U.S. Code*. This statute requires states to either (1) suspend for 6 months the license of an individual after the conviction of a drug offense, or (2) provide the Secretary of the U.S. Department of Transportation with a certification stating that the Governor of such state opposes suspending licenses for the conviction of drug offenses and pass a resolution stating such opposition.

The legislation also contains two enactment clauses, one identifying this legislation itself as the resolution required by 23 U.S.C. § 159, and the other requiring the Governor to submit the required certification to the Secretary of the U.S. Department of Transportation. The statute requires that the Governor's certification be submitted to the Secretary before the first day of the fiscal year, October 1. If a state fails to do so, it will lose eight percent of its annual federal transportation funding.

This legislation also repeals various other sections permitting the suspension for non-motor vehicle related offenses, including failure to pay jail fines and costs, failure to comply with a federal traffic citation, and failure to pay costs associated with a prisoner's upkeep. In addition, the bill strikes provisions permitting such suspensions including for failure to pay for gas (Gas-and-Dash) and failure to pay on a deferment or an installment payment program agreement for unpaid fees owed to a local or regional jail.

As it is currently drafted, the bill is not retroactive. This legislation will not restore driving privileges for any individual who is currently suspended for a drug violation.

Suspended drivers pay a \$145 reinstatement fee, of which \$100 is directed to the Trauma Center Fund and \$45 is directed to the Department of Motor Vehicles (DMV). Since no new individuals would be suspended for drug related convictions or when the underlying offense was not driving related, there would be a loss of reinstatement fee revenue from drivers who would have been suspended in the future but for this bill.

It is estimated that DMV would lose approximately \$230,000 in reinstatement fees in the first year after implementation. It is estimated that the Trauma Center Fund would lose \$512,000 in the first year. These amounts are anticipated to grow to an annual \$374,000 loss in revenue for DMV and an \$830,000 loss for the Trauma Fund.

Making the appropriate programming changes to DMV's information systems would cost \$44,067 and take 740 staff hours to complete.

9. Specific Agency or Political Subdivisions Affected: Department of Motor Vehicles, Virginia Department of Health, courts system.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to SB513 and similar to SB512.