

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 13, 2007

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1061 by Williams (Relating to the suspension or denial of the driver's license of a person who refuses to submit to the taking of a specimen to test for intoxication.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1061, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>GENERAL REVENUE FUND 1</i>	Probable Revenue (Loss) from <i>GENERAL REVENUE FUND 1</i>	Probable Savings/ (Cost) from <i>STATE HIGHWAY FUND 6</i>	Change in Number of State Employees from FY 2007
2008	\$182,700	(\$182,700)	(\$351,668)	5.0
2009	\$182,700	(\$182,700)	(\$246,088)	5.0
2010	\$182,700	(\$182,700)	(\$246,088)	5.0
2011	\$182,700	(\$182,700)	(\$246,088)	5.0
2012	\$182,700	(\$182,700)	(\$246,088)	5.0

Fiscal Analysis

The bill would amend the Transportation Code relating to the suspension or denial of the driver's license of a person who refuses to submit to the taking of a specimen to test for intoxication. Section 1 of the bill would amend Transportation Code, Section 724.001 which further defines the term "ignition interlock device".

Section 2 of the bill would amend Transportation Code, Section 724.015 which states the information an officer is required to provide a person before requesting a breath specimen. The bill states the officer shall inform the person orally and in writing that if the person refuses to take a breath specimen, the person's motor vehicle license will be automatically suspended, whether or not the person is prosecuted, for not less than 180 days or 90 days and the person restricted to the operation of

a motor vehicle equipped with an ignition interlock device for not less than 90 days beginning on the date following the last day of the license suspension if the person applies to the Department of Public Safety (DPS) to reinstate the license after 90 days and presents evidence that an ignition interlock device has been installed on the registered owner.

Section 3 of the bill would amend Transportation Code, Section 724.032 which states that the peace officer shall serve notice of a license suspension, license denial, or restriction suspension or denial followed by a restriction of the person to the operation of a motor vehicle equipped with an ignition interlock device.

Sections 4 and 5 of the bill would amend Transportation Code, Section 724.033 which states that if an officer did not serve notice at the time of a refusal to submit to taking of a breath specimen, DPS shall mail the notice by first class mail. The bill states the contents of the notice shall state whether the person's license to operate a motor vehicle will be suspended or denied for not less than: 180 days or 90 days and the person restricted to the operation of a motor vehicle equipped with an ignition interlock device for 90 days beginning on the date following the last day of the license suspension or two years beginning on the date following the last day of the license suspension or denial if the person's driving record shows one or more alcohol-related or drug-related enforcement contracts during the 10 years preceding the date of the person's arrest if the person applies to DPS to reinstate the license after 90 days and presents evidence that an ignition interlock device has been installed on the registered owner.

Section 6 of the bill would amend the Transportation Code, 724.034 which states the contents of the notice of license suspension, license denial, or suspension or denial of license with driving restrictions. The bill states a notice must state the effective date of the 180-day driver license suspension or denial; the 90-day driver's license suspension or denial proceeding; and the 90-day restriction to the operation of a motor vehicle equipped with an ignition interlock device or the two-year restriction to the operation of a motor vehicle equipped with an ignition interlock device if the person's driving record shows one or more alcohol-related or drug-related enforcement contracts during the 10 years preceding the date of the person's arrest. The bill states the notice must include instructions detailing procedures for applying for the 90-day suspension.

Sections 7 and 8 of the bill would amend the Transportation Code, Section 724.035 which states that if a person refuses the request of a peace officer to submit to the taking of a specimen, DPS shall suspend the person's motor vehicle license for 180 days or 90 days and restrict the person to the operation of a motor vehicle equipped with an ignition interlock device for 90 days beginning on the date following the last day of the license suspension. The bill states that if a person refuses the peace officer request for a breath specimen and the person is a resident without a license, DPS shall issue an order denying the issuance of a license to the person for 180 days.

The bill states that if a person's driving record shows one or more alcohol related or drug related enforcement contacts during the preceding 10 years the person's arrest, the period of suspension would be 90 days and DPS shall restricting a person to the operation of a motor vehicle equipped with an ignition interlock device for one year beginning on the date following the last day of the license suspension and denial if the person applies to DPS to reinstate the license after 90 days and presents evidence that an ignition interlock device has been installed on the registered owner.

Section 9 of the bill would amend the Transportation Code, Section 724.046 which states a license suspended may not be reinstated or a new a new license issued until the person suspended pays a \$125 fee and that the person would be required to have an ignition interlock presents evidence that an ignition interlock device has been installed on the registered owner.

Section 10 of the bill would amend the Transportation Code, Section 724.048 which states the disposition of a criminal charge does not affect a license suspension, denial, or suspension or denial with restriction under this section. The bill also states that if a criminal charge arising from the same arrest as a suspension under this chapter results in acquittal, a person may not be restricted to the operation of a motor vehicle with an ignition interlock device.

The bill would take effect on September 1, 2007.

Methodology

Based on the analysis of DPS, it is assumed the bill would add an additional 203 service centers installing ignition interlock devices per year. Based on a \$900 inspection fee currently assessed from these service centers, the inspection fee would generate \$182,700 per year in additional General Revenue collections. It is assumed these revenues would be appropriated to DPS to pay for the reimbursement of program expenses. This version of the bill requires individuals to pay a \$125 reinstatement fee in addition to any other fee owed to the DPS' driver license division. However, this language already exists in statute and the the driver license division only collects one reinstatement fee per offense. Because of this reason, DPS states that this section of the bill would not generate additional revenue for the state.

In addition, DPS states that there were 17,919 hearings that were held for persons who refused to provide breath specimens. This analysis assumes that the provisions included in the bill would increase refusal hearings by 25 percent. This analysis assumes an additional 5 FTEs (investigators) would be required each year to implement the provisions of the bill. Other operating expenses are estimated to be \$23,700 in fiscal year 2008 and \$21,235 in fiscal years 2009 through 2012 for maintenance and repair of office machines and computer equipment, computer supplies, non-capital computer equipment, and furniture and equipment.

Technology

DPS estimates \$93,655 for professional service fees would be needed for additional driver license system programming changes and additional computers, printers and enterprise agreements in fiscal year 2008 in order to implement the required changes of the bill. Fiscal years 2009 through 2012 include a technology impact of \$745 per year for continued enterprise software agreements.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, GG, LG