

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 23, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1061, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.

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</i> <i>FUND</i> 1	Probable Revenue (Loss) from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable Savings/ (Cost) from <i>STATE HIGHWAY</i> <i>FUND</i> 6	Change in Number of State Employees from FY 2007
2008	\$182,700	(\$182,700)	(\$377,636)	5.0
2009	\$182,700	(\$182,700)	(\$208,818)	5.0
2010	\$182,700	(\$182,700)	(\$208,818)	5.0
2011	\$182,700	(\$182,700)	(\$208,818)	5.0
2012	\$182,700	(\$182,700)	(\$208,818)	5.0

Fiscal Analysis

The bill amends 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 amends Transportation Code, Section 724.001 which further defines the term "ignition interlock device".

Section 2 of the bill amends 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 45 days and the person restricted to the operation of a motor vehicle equipped with an ignition interlock device for not less than 135 days beginning on the date following the last day of the license suspension.

Section 3 of the bill amends 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 devise.

Sections 4 and 5 of the bill 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, the Department of Public Safety (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 45 days and the person restricted to the operation of a motor vehicle equipped with an ignition interlock devise for 135 days beginning on the date following the last day of the license suspension or one-year 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.

Section 6 of the bill amends 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 45-day driver's license suspension or denial proceeding; and the 135-day restriction to the operation of a motor vehicle equipped with an ignition interlock devise or the one-year restriction to the operation of a motor vehicle equipped with an ignition interlock devise 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.

Sections 7 of the bill amends 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 45 days and restrict the person to the operation of a motor vehicle equipped with an ignition interlock devise for 135 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 is 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 is 45 days and DPS shall restricting a person to the operation of a motor vehicle equipped with an ignition interlock devise for one year beginning on the date following the last day of the license suspension and denial.

Sections 9 of the bill amend 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 devise.

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.

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 would be required each year to implement the provisions of the bill, including 2 attorney FTEs, 2 investigator FTEs and 1 administrative assistant FTE each year for additional legal hearing requests, processing findings and interlock inspections (2 B10 positions at \$38,319 per year, 2 B3 positions at \$25,700 per year, and 1 A8 position at \$21,992 per year plus estimated employee benefit costs at 28.29 percent of salary costs). Other operating expenses are estimated to be \$38,180 in fiscal year 2008 and \$15,600 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

This analysis includes estimated technology costs computers, printers, enterprise agreements totaling \$47,983 in fiscal year 2008. DPS estimated a need for \$99,000 in professional service fees would be needed for additional driver license system programming changes 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