

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 11, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB570** by Dutton (Relating to the effect of a dismissal of the underlying criminal charge on the suspension of a person's driver's license for a failure to pass a test for intoxication or a refusal to submit to the taking of a breath or blood specimen.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB570, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.
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**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue (Loss) from <i>Texas Mobility Fund</i> 365</b>
2012	(\$1,250,000)
2013	(\$1,250,000)
2014	(\$1,250,000)
2015	(\$1,250,000)
2016	(\$1,250,000)

**Fiscal Analysis**

The bill would amend the Transportation Code to prohibit the administrative suspension of a driver's license if a criminal charge for certain intoxication offenses is dismissed for any reason. The bill would take effect immediately upon a two-thirds vote of all the members in each house. Otherwise, the bill would take effect September 1, 2011.

**Methodology**

The Department of Public Safety (DPS) indicates the bill would result in a loss of revenue to the Texas Mobility Fund. The bill would prohibit administrative suspension of driver's licenses if criminal charges for certain intoxication offenses are dismissed. This would prevent DPS from collecting the \$125 driver's license reinstatement fee from individuals whose criminal charges are dismissed. DPS indicates the agency processes an average of 100,000 administrative license suspensions per year. DPS

assumes 10 percent of these suspensions would result in the dismissal of the underlying criminal charges, resulting in a revenue loss of \$1,250,000 to the Texas Mobility Fund (10,000\*\$125 = \$1,250,000). This analysis assumes DPS could implement the provisions of the bill within existing resources.

### **Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG