

OFFICE OF FISCAL ANALYSIS

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sHB-7160

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF MOTOR VEHICLES AND CONCERNING PENALTIES FOR OPERATING A MOTOR VEHICLE AND VESSEL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, PONTOON BOATS, TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE STATUTES, VIDEO PRESENTATION UPON LICENSE RENEWAL AND THE SAFE DRIVING PRACTICES COURSE.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Department of Emergency Services and Public Protection	Applicant Fingerprint Card Submission Account - Revenue Gain	Minimal	Minimal
Department of Motor Vehicles	TF - Revenue Gain	Minimal	Minimal
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Department of Energy and Environmental Protection	GF - Revenue Gain	Approximately 40,000 to 50,000	Approximately 40,000 to 50,000
Department of Energy and Environmental Protection	GF - Cost	84,624	84,624
State Comptroller - Fringe Benefits ¹	GF - Cost	28,344	28,344

Note: GF=General Fund; TF=Transportation Fund

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.71% of payroll in FY 26.

Municipal Impact:

Municipalities	Effect	FY 26 \$	FY 27 \$
Various Municipal Police Departments	Potential Revenue Gain	Minimal	Minimal

Explanation

Sections 1 and 2 potentially expand the number of people subject to state criminal history records checks, resulting in a potential revenue gain to the General Fund,² the Applicant Fingerprint Card Submission Account within the Department of Emergency Services and Public Protection (DESPP),³ and municipal police departments,⁴ beginning in FY 26.

Section 10 imposes a fee of \$100 for late motor vehicle recycler's license renewal applications, resulting in minimal revenue gain to the STF from fees.

Section 22 replaces the \$40 pontoon boat registration fee with the existing length-based registration fee that applies to other boats. Precise lengths of registered pontoon boats are unknown; however, based on Department of Motor Vehicle (DMV) registration data and approximate length data from Department of Energy and Environmental Protection (DEEP), this section is expected to result in a revenue gain of approximately \$40,000 to \$50,000 annually to the General Fund. Pontoon boat registration fees are collected by DMV but deposited to a DEEP account within the General Fund.

Reciprocal License Suspensions

² DESPP conducts state criminal history records checks for a fee of \$75. The revenue that is collected from this fee is deposited into the General Fund.

³ DESPP conducts fingerprinting for a fee of \$15 fee per person paid to the Applicant Fingerprint Card Submission Account, non-lapsing account used for IT support and maintenance for the fingerprinting systems.

⁴ Municipal police departments may also conduct the required fingerprinting for state criminal history records checks and typically charge a fee of \$10 to \$15.

Sections 14 through 21 impose reciprocal penalties for impaired driving and boating. Specifically, these sections require DMV and DEEP to notify each other of administrative actions on impaired driving and boating, for the courts to notify both agencies of criminal convictions, and to prohibit DMV or DEEP from issuing a driver's license or boating certificate to anyone whose license or certificate is suspended for an impaired driving or boating incident.

These requirements result in an additional annual cost to DEEP of approximately \$112,968. The agency would require one additional full time Conservation Enforcement Officer to address reciprocal boating license suspensions under the bill. Annual costs include \$69,624 in salary, \$15,000 in other expenses and corresponding fringe benefits of \$28,344. For context, in FY 24 DMV suspended approximately 4,000 licenses for impaired driving administratively and approximately 2,500 through a court conviction, which DEEP would need to consider.

For DMV, it is expected that the agency could accommodate this requirement within existing operations. DEEP typically suspends fewer than 10 certificates per year for impaired boating.

Additionally, these reciprocal penalties take into consideration what counts as a prior conviction for driving and boating under the influence, which results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines.⁵ On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300⁶ while the average marginal cost for supervision in the community is less than

⁵ In FY 24, there were 8,666 charges and \$717,264 in associated revenue collected under these statutes. There are currently about 200 people incarcerated for driving under the influence. No individuals and currently incarcerated under the boating under the influence statutes.

⁶ Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

\$600⁷ each year for adults and \$450 each year for juveniles.

The remaining sections of the bill are technical, conforming, or otherwise not expected to result in a fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of state criminal history checks conducted, the number of violations, or as otherwise described.

⁷ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.