

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4797-01  
Bill No.: SB 864  
Subject: Motor Vehicles; Transportation; Cities, Towns, and Villages; County Government  
Type: Original  
Date: March 11, 2010

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Bill Summary: The proposal prohibits political subdivisions from using automated traffic enforcement systems to enforce traffic violations unless violations are prosecuted criminally and points are imposed.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(\$80,139)	(\$74,650)	(\$76,890)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$80,139)</b>	<b>(\$74,650)</b>	<b>(\$76,890)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
General Revenue	2	2	2
<b>Total Estimated Net Effect on FTE</b>	<b>2</b>	<b>2</b>	<b>2</b>

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Transportation, Department of Public Safety – Missouri State Highway Patrol, Office of the State Public Defender, City of Centralia, and St. Louis County** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Revenue (DOR)** assume the following provisions in the proposal would impact the DOR:

Section 302.307: Requires motor vehicle traffic violations detected by an automated traffic enforcement system to constitute a moving violation and the assessment of points. A new conviction code will be required to distinguish these violations from the ones that are written by a law enforcement officer. As these violations are currently not required to have points assessed, this will impact the conviction processing area by an unknown amount of convictions.

Section 304.286.1: No laws may be enacted for an automated traffic enforcement system including traffic signals, traffic speeds, or other traffic laws unless they are enforced in the same manner as if the violation had not been detected by an automated traffic enforcement system. This allows for any traffic enforcement system to be used by all entities. While the number of convictions the DOR will receive is unknown, this will potentially impact the following processing areas: convictions, telephones, correspondence, and reinstatements.

Section 304.286.4: No laws may be passed by any entity unless it includes a penalty that provides for the assessment of points to the violator's driver's license and that these convictions are reported to the DOR in accordance with section 302.225. A new conviction code will be needed to add these violations to the driver's record.

DOR assumes the proposal would impact the Driver License Bureau (DLB) as follows:

ASSUMPTION (continued)

This proposed legislation requires:

- Development of a new MODL conviction code for an automated traffic enforcement system.
- Form changes.
- Website changes.
- Procedure changes.
- Testing the new conviction code.
- Train staff.

Although the number of conviction that the DOR will receive is unknown, the DOR will require two FTEs as follows:

- One FTE Revenue Licensing Tech I (at \$25,380 per year) to process convictions. The current production standard is 320 per day; if the DOR receives more than 320 convictions per day, additional FTE will be requested through appropriations process.
- One FTE Telephone Info Operator I (at \$25,380 per year) to answer phone calls. The current production standard is 100 calls per day; if the DOR receives more than 100 calls per day additional FTE will be requested through appropriations process.

The DOR may also need additional staff to process correspondence and reinstatement fees if the volume of letters and point actions supports it and will be requested through appropriations.

The DLB would also incur internal implementation costs. Testing new conviction code and training of staff will require the following:

- 1 – Management Analysis Specialist II –  
40 hours @ \$22.94 = \$917.60
- 1 – Revenue Band Manager (for forms, training, and procedure approval)  
10 hours @ \$25.21 = \$252.10
- 2 – Management Analysis Specialist I (for forms and Internal Procedure development)  
40 hours @ \$20.13 = \$805.20 x 2 = \$1,610.40
- 1 – Administrative Analyst III (for web page updates)  
10 hours @ \$21.79 = \$217.90

ASSUMPTION (continued)

OA–ITSD Information Technology

The DOR's response to a proposal similar to or identical to this one in a previous session indicated the department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the department's drivers license systems, changes cannot be made without significant impact to the department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$1,060. The value of the level of effort is calculated on 40 FTE hours.

DOR assumes the total cost of the proposal to be \$86,462 in FY 2011, \$84,160 in FY 2012, and \$86,686 in FY 2013.

**Oversight** has, for fiscal note purposes only, changed the starting salary for the Revenue Licensing Tech I and Telephone Info Operator I to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

**Oversight** assumes the two FTE would be housed within existing DOR facilities, and has not included office space rent.

**Oversight** assumes the DOR's internal implementation costs can be absorbed within existing resources. Oversight also assumes DOR OA–ITSD is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR OA–ITSD could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR OA–ITSD could request funding through the appropriation process.

Officials from the **City of Kansas City (CKC)** assume the legislation would cost CKC approximately \$2,500,000 in fiscal year 2011 and perhaps more than that in later fiscal years. Such cost is because CKC currently has red light cameras at its most dangerous intersections.

Officials from the **St. Joseph Police Department** assume revenue losses could be expected if the proposal were enacted.

ASSUMPTION (continued)

**Oversight** assumes political subdivisions currently using automated photo red light enforcement systems who choose not to prosecute violators criminally could experience a loss in revenues from fines as a result of the proposal, as they would be prohibited from using such systems to enforce red light violations unless violations are prosecuted criminally and points are imposed. Oversight assumes the losses to be \$0 or (Unknown).

**Officials from the Office of Prosecution Services, Various Missouri Cities, and Various Missouri Counties did not respond to Oversight’s request for fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Revenue (DOR)</u>			
Personal Service	(\$41,932)	(\$48,122)	(\$49,566)
Fringe Benefits	(\$22,848)	(\$25,235)	(\$25,992)
Equipment and Expense	<u>(\$15,359)</u>	<u>(\$1,293)</u>	<u>(\$1,332)</u>
<u>Total Costs – DOR</u>	<u>(\$80,139)</u>	<u>(\$74,650)</u>	<u>(\$76,890)</u>
FTE Change – DOR	2 FTE	2 FTE	2 FTE
 <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	 <b><u>(\$80,139)</u></b>	 <b><u>(\$74,650)</u></b>	 <b><u>(\$76,890)</u></b>
 Estimated Net FTE Change for General Revenue Fund	 2 FTE	 2 FTE	 2 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>LOCAL GOVERNMENT</b>			
<u>Losses – Political Subdivisions</u>			
Fine Revenue	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>			
	<u><u>\$0 or</u></u> <u><u>(Unknown)</u></u>	<u><u>\$0 or</u></u> <u><u>(Unknown)</u></u>	<u><u>\$0 or</u></u> <u><u>(Unknown)</u></u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation would prohibit political subdivisions from using an automated traffic enforcement system unless the law, ordinance, or regulation treats the traffic violation detected by such a system in the same manner as if the violation had not been detected by an automated traffic enforcement system.

No law authorizing the use of an automated traffic enforcement system shall be valid unless the law penalizes the motor vehicle traffic violation detected through such a system in the same manner as provided by state law.

No law authorizing the use of an automated traffic enforcement system shall be valid if such law provides for the prosecution of a violation detected by such a system as a civil infraction. The violation of a traffic law, ordinance, or regulation detected by an automated traffic enforcement system is criminal in nature, and as such, any person responsible for prosecuting such a violation shall have the burden of proving that the alleged violator was the driver of the motor vehicle at the time of the citation in addition to any other elements of the underlying traffic violation.

Under this act, no political subdivision shall use an automated traffic enforcement system unless the law, ordinance, or regulation includes a penalty that provides for the assessment of points to the violator's driver's license. Every political subdivision using such a system shall ensure that all convictions are reported to the Department of Revenue in accordance with state law.

FISCAL DESCRIPTION (continued)

Under this act, all motor vehicle traffic violations detected through the use of an automated traffic enforcement system shall constitute a moving violation under state law and shall be subject to the assessment of points, notwithstanding any provision of a municipal or county ordinance to the contrary.

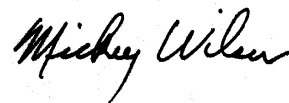
This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Transportation  
Department of Revenue  
Department of Public Safety  
    – Missouri State Highway Patrol  
Office of the State Public Defender  
City of Centralia  
City of Kansas City  
St. Joseph Police Department  
St. Louis County

NOT RESPONDING

**Office of Prosecution Services**  
**Various Missouri Cities**  
**Various Missouri Counties**



Mickey Wilson, CPA  
Director



L.R. No. 4797-01  
Bill No. SB 864  
Page 9 of 9  
March 11, 2010

March 11, 2010

BLG:LR:OD (12/02)