

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

Legislative Fiscal Note

BILL NUMBER: Senate Bill 292 (First Edition)

SHORT TITLE: Immediate License Revocation for Refusal.

SPONSOR(S): Senators Brunstetter and Rabon

FISCAL IMPACT					
(\$ in thousands)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Highway Fund Revenues:	0.0	0.0	0.0	0.0	0.0
Highway Fund Expenditures:	155.7	0.0	0.0	0.0	0.0
State Positions:	0.0	0.0	0.0	0.0	0.0
NET STATE IMPACT	(\$155.7)	\$0.0	\$0.0	\$0.0	\$0.0

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:
 DOT Information Technology - State Automated Driver License System

EFFECTIVE DATE: September 1, 2013

TECHNICAL CONSIDERATIONS:
 None

BILL SUMMARY: Amends G.S. 20-16.2(d) to remove the requirement that the Division of Motor Vehicles (DMV) stay a pending license revocation due to receipt of a hearing request prior to the effective date of a revocation order resulting from an implied consent offense.

ASSUMPTIONS AND METHODOLOGY: Currently, license suspensions for refusals to subject to chemical analysis become effective ten calendar days following the mailing of the revocation order. However, if a driver requests a preliminary hearing prior to the effective date, the suspension is stayed pending the outcome of the hearing. During calendar year 2012, DMV reports a total of 6,410 revocations for refusal to submit to chemical analysis, with a total of 1,416 pre-hearings. Suspensions were sustained in 61% of the reported the pre-hearings.

S.B. 292 modifies this process by removing the authorization for a pre-hearing to potentially stay the suspension, thereby requiring immediate suspension. However, a driver may still request a hearing on the suspension. Fiscal Research cannot estimate the potential impact on hearing requests, in lieu of pre-hearings, due to this procedural change. However, given current pre-hearing levels, the Division of Motor Vehicles does not expect to incur additional costs due to variance in the number of resultant hearings.

Modifications to the State Automated Driver License System (SADLS) and Next Generation Secure Driver License System (NGSDLS) are necessary to effect this procedural change and to adjust linked processes (e.g. conviction, correspondence, suspension, hearing, and limited driving privilege). In addition to developing and testing new program rules for offenses committed on or after September 1, 2013, existing processes must be maintained for earlier offenses. The DOT Information Technology Section (DOT-IT) projects a combined total of 1,500 labor hours and estimated development cost of \$155,740 to make these changes. However, it is unclear whether a portion of the modification costs could be offset with a service credit from the NGSDLS vendor.

Further, a “code freeze” has been declared on all certification-related programs to accommodate NGSDLS development and implementation, effective until the end of the project. Consequently, DOT-IT does not anticipate completion of these modifications by the proposed effective date; however, DOT-IT could not provide an estimate for an alternate effective date, given resource availability and the NGSDLS project status.

SOURCES OF DATA: Division of Motor Vehicles; DOT Information Technology Section

TECHNICAL CONSIDERATIONS: None

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DATE: April 1, 2013



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