Kansas

Division of the Budget

February 10, 2011

The Honorable Gary Hayzlett, Chairperson
House Committee on Transportation
Statehouse, Room 274-W
Topeka, Kansas 66612

Dear Representative Hayzlett:

      SUBJECT: Fiscal Note for HB 2199 by House Committee on Transportation

      In accordance with KSA 75-3715a, the following fiscal note concerning HB 2199 is respectfully submitted to your committee.

      HB 2199 would increase penalties for individuals convicted of certain right-of-way violations. Specifically, when the violation results in a vehicle accident or collision resulting in serious bodily injury to any person, upon the first conviction there would be a fine of not less than $250 and not more than $1,000 and a person's driving privileges would be suspended up to 90 days. A second conviction would result in a fine of not less than $500 and not more than $2,000, a sentence of 90 days imprisonment, and the person's driving privileges would be suspended for up to one year.

      A first conviction under HB 2199, resulting in the death of another person, would result in a fine of not less than $500 and not more than $2,000 or in lieu of a fine the individual may be required to complete 1,000 hours of community service. The individual may be sentenced to six months imprisonment and their driving privileges would be suspended for up to three years. Upon a second conviction, the person would receive a fine of $5,000, a sentence of up to one year imprisonment, and a suspension of driving privileges for up to three years. The bill also defines "conviction."

Estimated State Fiscal Effect				
	FY 2011 SGF	FY 2011 All Funds	FY 2012 SGF	FY 2012 All Funds
Revenue	--	--	--	--
Expenditure	$7,200	$7,200	$106,480	$106,480
FTE Pos.	--	--	--	2.00

      In FY 2011, the Department of Revenue estimates it would need 240 hours of in-house programmer/analyst time at $30 per hour to modify the existing driver's license system to
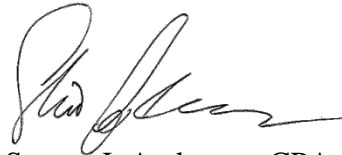
implement the provisions in HB 2199 for a total of $7,200 (240 x $30) from the State General Fund. The effect on the motor vehicle system, currently under way, is being analyzed by the Department and additional information will be provided once it is available. The Department of Revenue estimates it would need $96,048 from the State General Fund for salaries and wages for an additional 2.00 Administrative Specialist FTE positions in FY 2012. In addition to the salaries and wage expenditures, the Department indicates it would need $8,806 for one-time other operating expenditures and $1,626 in annual other operating expenditures from the State General Fund in FY 2012. The Department states HB 2199 creates new suspensions against driving privileges based on convictions in five specific statutes. The agency states it already records the convictions under these statutes, but it does not currently impose a license sanction. While it is unknown how many of these were convictions of the five specific statutes, the agency states it cannot absorb the additional provisions of HB 2199 within existing resources.

HB 2199 has the potential for increasing litigation in the courts because of the new penalties created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2199 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Steve Neske, Revenue
     Mary Rinehart, Judiciary
     Ben Cleeves, KDOT