

January 28, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2040 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2040 is respectfully submitted to your committee.

HB 2040 would allow that for the purposes of determining whether a conviction for driving with a suspended license is a first, second, or subsequent conviction, only convictions occurring in the immediately preceding five years, including prior to July 1, 2015, would be taken into account.

When the reason for the suspension of the license is related to violations of motor vehicle liability coverage, the determination of whether a conviction is a first, second, third, or subsequent conviction would be based only on convictions occurring on or after July 1, 2001.

When the reason for the suspension of the license is related to convictions of being a habitual offender or convicted of any murder or manslaughter crime from operating a vehicle, the determination of whether a conviction is a first, second, third, or subsequent conviction would be based on all convictions occurring during an offender's lifetime.

The bill would remove the provision that required minimum sentencing for offenders whose license is suspended for refusal to submit and complete a test of blood, breath, or urine by law enforcement.

According to the Office of Judicial Administration, HB 2040 would not result in any additional case filings for the Judicial Branch but it would require district and appellate judges to spend additional staff time researching and deciding cases. However, it is not possible to predict how complex and time-consuming these cases would be. Therefore, a precise fiscal effect cannot be estimated.

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The Department of Revenue reports that the bill would require changes to their computer processing system which would result in programming costs of \$1,200 all from the State General Fund. There would be no further fiscal or administrative effects on the Division of Vehicles from the bill. Any fiscal effect associated with HB 2040 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Jack Smith, Department of Revenue
Larry Baer, League of Municipalities
Melissa Wangemann, Association of Counties