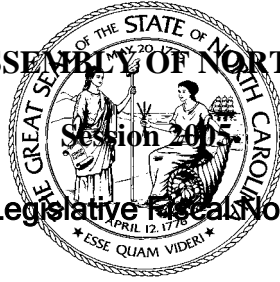


GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: Senate Bill 1087 (Third Edition)

SHORT TITLE: Limited Driving Privileges - DWLR.

SPONSOR(S): Senator Kerr

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
REVENUES:					
Highway Fund	\$875,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Court Information Technology Fund	\$875,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
EXPENDITURES:					
DMV (Highway Fund) Information Technology	\$150,752				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Division of Motor Vehicles (Highway Fund), Courts					
EFFECTIVE DATE: December 1, 2005					

BILL SUMMARY:

Deletes substance of bill and substitutes the following provisions. Enacts new GS 20-20.1 permitting a court for good cause to grant limited driving privileges to eligible persons whose drivers licenses have been revoked. Eligible persons are those who: (1) have no other current drivers license revocation; (2) have complied with the one-year revocation for at least 90 days; (3) have no other unresolved or outstanding motor vehicle offenses or unpaid motor vehicle fines in NC or other states; and (4) have not held a limited driving privilege under GS 20-20.1 within previous three years. Designates the following persons ineligible for limited driving privileges under GS 20-20.1: (1) a person eligible for limited driving privileges under another law; (2) a person whose license is revoked for impaired driving at the time charged for driving while license revoked; (3) a person whose license is revoked due to mental incompetence, alcoholism, or drug addiction; (4) a person whose license is revoked in another state; (5) a person to whom DMV has refused to issue a license based upon disability, disease, or inability to understand warnings or

direction signs; and (6) a person whose license has been revoked for a two-year or permanent basis for driving while their license has been revoked. Restricts limited privileges to driving necessary for employment, household maintenance, and emergency medical care and specifies conditions and hours for each circumstance. Requires proof of financial responsibility from applicants for limited privilege, except for those who do not own registered vehicles or operate a nonfleet private passenger motor vehicle that is own owned by others that are not insured under commercial insurance policies. Permits limited privilege for term of revocation under GS 20-28(a) or GS 20-28.1. Application for a license under a limited driving privilege may be made 90 days after the limited privilege is issued. Enacts GS 7A-305(a3) to assess an additional court cost for limited driving privilege action of \$100, to be assessed against the applicant. Requires the clerk to remit costs to State Treasurer, who must credit \$50 to the Highway Fund and \$50 to the Court Information Technology Fund. Effective December 1, 2005

Source: Bill Digest S.B. 1087 (03/24/0200).

ASSUMPTIONS AND METHODOLOGY: An estimate made in conjunction with DMV indicates that up to approximately 30,000 persons each year might be able to use the opportunities created in this bill (of approximately 640,000 total suspensions). Each would pay \$100, half of which would go to the Courts and half to the Highway Fund, for a total of \$3,000,000 in each full year (\$1,750,000 in the first year). DMV considers the technical effort required to implement the requirements on its computer systems to be moderate to high and estimates a one time IT cost of \$150,752 in the first year. With respect to impact on the Court system, violators of limited driving privilege, since they are otherwise convicted of Driving While License Revoked, would be in court on a violation hearing whether they had limited privilege or not, thus there should be only a limited impact on courts. The Sentencing Commission has not been able to provide specific data on prison impact, but any incarceration impact would most likely be on county jails, since Class 1 misdemeanors rarely go to prison.

SOURCES OF DATA: Division of Motor Vehicles

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

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Fiscal Research Division

DATE: August 19, 2005



Signed Copy Located in the NCGA Principal Clerk's Offices