

Description of Legislation

1. Summary of Legislation

The attached committee substitute provides that a driver's license may not be issued to a person convicted of controlled substance, alcohol, or concealed weapons offenses, or to a person adjudicated a delinquent for any of those acts, until that person is eighteen years of age or until one year has passed from conviction or adjudication of delinquency, whichever is longer. If any of these acts are committed by provisional licensee (between 16 and 18 years of age) that person's license will be revoked until they are 18 years of age or for one year, whichever is longer. The bill also provides for juvenile records to be maintained by the Division of Motor Vehicles for the purpose of carrying out the mandate of the bill, with a provision that the juvenile records be destroyed when it is no longer necessary for them to be maintained.

2. Effective Date - July 1, 1992

3. Fund or Tax Affected - General Fund, Highway Fund

4. Principal Department/Program Affected - Judicial Department/Management Information Services and Clerk of Courts; Department of Transportation/Division of Motor Vehicles (DMV).

Cost or Revenue Impact on State

	<u>FY</u> 91-92	<u>FY</u> 92-93	<u>FY</u> 93-94
1. Non-Recurring Costs	\$-0-	\$-0-	\$0-
2. Recurring Revenues	\$(6,690)	\$11,785	
3. Fiscal/Revenue Assumptions			

The impact of this bill on the Clerk of the Superior Court Offices is estimated to result in 669 DMV reportable actions for juveniles under the age of 16 and 1,477 DMV reportable actions for 16 and 17 year old juveniles.

If reporting is manually carried out, for this bill involving reporting to DMV, there will be an ongoing annual cost of \$19,459 involved in the Clerk of Superior Court Offices, but these costs are marginal costs and can be absorbed within the present workload of the Clerks' Offices.

The Division of Motor Vehicles estimates no additional costs, but notes that the following actions will be necessary: 1) program the computer to accept information; 2) create new transaction codes; 3) produce new revocation orders; and, 4) mail revocation orders to convicted drivers.

There will be some revenue loss and gain to the Highway Fund.

Statewide convictions of juveniles (15 and under) for controlled substances, weapons, or alcoholic beverage offenses totaled 669 in 1989. Assuming the number of these arrests will not change significantly over the next two years, in FY 92 the revenue loss to the Highway Fund from the withholding of driver's licenses from delinquents convicted of these offenses would, at a maximum, total \$6,690 in FY 93 and again in FY 94.

Statewide convictions for controlled substances, weapons, or liquor law violations (not including DUI) involving 16 and 17 year olds totaled 1,477 in 1989. The Division of Motor Vehicles already has the authority

under G.S. 20-17.3 to revoke for one year the driver's license of any person under 21 years of age who has been convicted of:

- 1) the purchase or attempt to purchase of malt beverages, fortified and unfortified wine, spirituous liquor, or mixed beverages; or
- 2) aiding or abetting another in the sale, purchase, or possession of alcoholic beverages.

The Division also has the authority to revoke the driver's license of any person convicted of the fraudulent use of identification to obtain or attempt to obtain alcoholic beverages.

Of the 1,477 expected driver's license revocations of 16 and 17 year olds, one half of this number is expected to pay the \$25 driver license restoration fee in FY 94 which would generate \$18,475 for the Highway Fund.

SUMMARY

	FY 93	FY 94
Loss to Highway Fund	(\$6,690)	(\$6,690)
Gain to Highway Fund	<u>0</u>	<u>\$18,475</u>
NET EFFECT	(\$6,690)	\$11,785

Cost/Revenue Impact on County or Local Government

	<u>FY</u>	<u>FY</u>	<u>FY</u>
	91-92	92-93	
1. Non-Recurring Costs/Revenues			
2. Recurring Costs/Revenues			
3. Fiscal/Revenue Assumptions			

Sources of Data for Fiscal Note

Technical Considerations/Comments

The Administrative Office of the Courts (AOC) estimates that a one-time expenditure of \$123,245 would be needed in FY 1991-92 to establish a computerized system of reporting to DMV which would provide for the modification of the existing criminal reporting system to be able to report electronically to the Division of Motor Vehicles. (The AOC could do this without additional cost if this were being reported out of the infraction system now in operation.) The criminal system was set up several years ago as a tracking system, and the expense will be to rewrite the criminal processing system. Once this is accomplished, criminal laws effecting reporting to DMV will not have costs associated with the reports. (Bills introduced this Session that would involve AOC reporting to DMV are SB 254, SB 384, SB 437 and HB 158, HB 297, and HB 298.)

