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H.B. 29
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Re-reported by House Homeland Security

Primary Sponsors: Reps. Humphrey and Brewer

Local Impact Statement Procedure Required: No

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Highlights

- The Bureau of Motor Vehicles (BMV) may experience some decrease in workload over time related to the suspension and reinstatement of driver's licenses for failure to pay child support, as well as corresponding decrease in license reinstatement revenue. The bill's impact on the BMV is expected to be minimal annually.
- Local courts and clerks of court may experience an initial increase in caseload to hear petitions for limited driving privileges related to driver's license suspensions that were imposed for failure to pay child support prior to the bill's effective date. Any costs incurred may be at least partially offset by a filing fee charged by the court. Whether or not a court charges a fee varies by court, as does the amount of any fee charged. The bill is not expected to have a significant impact on local courts or clerks of court.

Detailed Analysis

The bill authorizes: (1) a person who is in default on child support payments to present evidence that a driver's license suspension would effectively prevent that person from paying child support or the arrearage due under the child support order, (2) the child support enforcement agency to consider that evidence in determining whether to notify the Registrar of Motor Vehicles to terminate a driver's license suspension on the person in default, and (3) a person whose driver's license is suspended for failure to pay child support to petition the court with jurisdiction over the child support order for limited driving privileges in all circumstances, not just when the petition is made during contempt proceedings as under current law.

Child support enforcement agencies

Under current law, a child support enforcement agency (CSEA), in certain circumstances, may send notice to the Registrar of Motor Vehicles to suspend a person's driver's license if they

have defaulted on child support obligations. That suspension remains in effect until the Registrar receives further notice from the CSEA to terminate the suspension. By explicitly authorizing CSEAs to take into account that a license suspension may effectively prohibit a person's ability to pay child support or the arrearage due, the bill may initially result in earlier termination for certain existing license suspensions than would have been the case under existing law, and may ultimately reduce the number of failure to pay child support suspensions imposed over time. Any impact on CSEAs as a result of the bill's provisions is likely to be minimal annually.

Bureau of Motor Vehicles

The bill may reduce to some degree the number of driver's license suspensions administered annually by the Bureau of Motor Vehicles (BMV) for failure to pay child support, as well as the amount of corresponding revenue that would otherwise have been collected for the BMV to reinstate those licenses had they been suspended. The reinstatement fee imposed for a driver's license suspended as a result of failing to pay child support is \$25. These fees are collected by the BMV and credited to the Public Safety – Highway Purposes Fund (Fund 5TMO), which in part supports the BMV's operating expenses. For calendar year 2021, there were a total of 17,369 failure to pay child support suspensions. The amount of revenue lost is likely to be minimal annually.

Local courts and clerks of court

Under the bill, individuals who have had their driver's license suspended for failure to pay child support may petition the court with jurisdiction over the child support order for limited driving privileges in all circumstances, not just when the petition is made during contempt proceedings as under current law. As a result, local courts and clerks of court may experience an initial increase in workload to hear and determine petitions for limited driving privileges for those suspensions imposed prior to the bill's effective date. Any increase in petitions is expected to be temporary with caseloads leveling out after existing suspensions are adjudicated. The magnitude of any initial increase is uncertain. In future years, the bill may reduce the number of license suspensions imposed for failure to pay child support, potentially resulting in a minimal decrease in caseload for local courts and clerks of court.

Any costs incurred as a result of a petition for limited driving privileges may be at least partially offset by a filing fee charged by the court. Whether or not a court charges a fee varies by court, as does the amount of any fee charged.

Driving under suspension citations

By potentially decreasing the number of licenses suspended for failure to pay child support, the bill may indirectly impact the number of driving under suspension or in violation of license restriction citations issued in future years.

Any resulting decrease in suspensions or citations issued creates a potential expenditure savings effect for local criminal justice systems, as well as the BMV, which administers the license suspension system. Fewer subsequent convictions mean a related revenue loss in the form of fines, fees, and court costs retained by counties and municipalities, and court costs forwarded to the state. The net effect of any expenditure savings and revenue loss is likely to be minimal annually.