

Statement of Estimated State Revenue Impact

Date: February 6, 2013 (revised)

Bill Number: S.B. 158

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Committee Requesting Impact: Senate Education

Bill Summary: A bill to amend Section (§) 56-1-176 of the 1976 code, relating to school attendance conditions associated with the issuance of conditional and special restricted driver's licenses, to provide that these and additional conditions shall apply to the issuance or reinstatement of a beginner's permit, conditional driver's license, special restricted driver's license, and a regular driver's license issued to a person less than eighteen years of age; by adding §56-1-177 to provide that a minor's privilege to drive must be suspended under certain circumstances; by adding §56-1-46 to provide a penalty for a person who drives a motor vehicle when his license to drive has been suspended, cancelled, revoked, or denied pursuant to certain provisions; and by amending §56-1-396, by providing an exception to a person whose license is suspended pursuant to §56-1-176.

REVENUE IMPACT ^{1/}

This bill would have no impact on state General Fund revenue in FY 2013-14 or FY 2014-15. It is expected to raise earmarked funds of the DMV by \$50,750, the NFH by \$21,025, the KBF by \$725 and the ALC by \$31,250, respectively, in FY 2014-15. It also is expected to raise \$96,700 for local jurisdictions from civil fines assessed on convictions in summary courts in FY 2014-15.

Explanation: School attendance is a requisite to be issued either a conditional or a special restricted driver's license in this State under Section 56-1-176. Effective August 1, 2014, this bill would also require school attendance, as defined, for anyone at least fifteen but less than eighteen years of age to be issued those licenses, as well as a beginner's permit and a regular driver's license. If in violation, the minor's privilege to drive would be suspended by the DMV. Under new Section 56-1-46, a \$100 civil fine applies to conviction for driving while under suspension for noncompliance with school attendance. All proceeds from civil fines imposed by summary courts would be retained by local jurisdictions.

A minor could continue to drive while seeking waiver from the Office of Motor Vehicle Hearings (OMVH) in a contested case hearing (at a filing fee of \$200), and under appeal to the Administrative Law Court (ALC), at a filing fee of \$150. All filing fees for hearings and/or appeals are retained as ALC earmarked funds. Whereas a minor under suspension must either submit proof of school attendance, or have reached age 18, to be eligible for reinstatement of respective license/permit to drive at a fee of \$100, prorated at \$70, DMV; \$29, State Nonfederal Aid Highway Fund (NFH) within the Department of Transportation (DOT); and \$1 to the Keep South Carolina Beautiful Fund (KBF), also within DOT.

With an effective date of August 1, 2014, and given the timeline for adoption of school attendance regulations/reports and related enforcement actions, to include the appeals process, we expect collections equivalent to four months in FY 2014-15.

Based on recent attendance data, we expect a total of 967 civil fines (at \$100) under Section 56-1-46 to yield \$96,700 for local jurisdictions. We further expect 725 students, or 75% of those fined, would ultimately pay a \$100 reinstatement fee to yield \$72,500 prorated at \$50,750, DMV; \$21,025, NFH; and \$725, KBF. Additionally, we expect 145 total appeals, or 15% of those cited, would pursue contested case hearing with OMVH, at a \$200 filing fee yields \$29,000 to ALC; whereas only 15 would subsequently appeal on to the ALC, at a \$150 filing fee yields \$2,250. Combined receipts from respective filing fees would raise ALC earmarked funds by a total of \$31,250.



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^{1/} This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.