

# Statement of Estimated State Revenue Impact

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Date: March 28, 2011

Bill Number: H. B. 3342

Author: Harrison

Committee Requesting Impact: House Judiciary

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**Bill Summary:** A bill to amend Section (§)56-1-286, as amended, Code of Laws of South Carolina, 1976, relating to the suspension or denial of issuance of a driver's license or permit to operate a motor vehicle to certain persons who drive a motor vehicle with an unlawful alcohol concentration, so as to delete the term "administrative hearing" and replace it with the term "contested case hearing", to provide that a contested case hearing must be held before the Office of Motor Vehicle Hearings pursuant to its rules of procedure, and to delete the term "Division of Motor Vehicle Hearings" and replace it with the term "Office of Motor Vehicle Hearings"; to amend (§)56-5-2942, as amended, relating to vehicle immobilization after a conviction for driving a vehicle under the influence of alcohol, drugs, or another illegal substance, so as to revise the procedure whereby the Department of Motor Vehicles may release an immobilized vehicle registered to a person who has not been convicted of driving a vehicle under the influence of alcohol, drugs, or another unlawful substance; to amend (§)56-5-2951, as amended, relating to the suspension of a person's driver's license or permit for his refusal to submit to a test to determine his level of alcohol concentration, so as to delete the term "administrative hearing" and replace it with the term "contested case hearing", to provide that administrative hearings are held before the Office of Motor Vehicle Hearings and not the Department of Motor Vehicles, and to provide that the Department of Motor Vehicles is responsible for sending a hearing officer's decision to a person who is eligible to receive a restricted license pursuant to this section; and to amend (§)56-5-2952, as amended, relating to the filing fee to request a contested case hearing before the Office of Motor Vehicle Hearings, so as to increase the fee, to delete the term "Administrative Law Court" and replace it with the term "Office of Motor Vehicle Hearings", and revise the procedure for distributing funds generated from the collection of these fees.

## REVENUE IMPACT <sup>1/</sup>

This bill is expected to raise earmarked funds of the Office of Motor Vehicle Hearings (OMVH) within the Administrative Law Court (ALC) by \$250,000 in FY 2011-12. The bill would not impact state General Fund revenue.

**Explanation:** Section 4 of this bill would raise the filing fee to request a contested case hearing before the Office of Motor Vehicle Hearings (OMVH) of the Administrative Law Court (ALC) by \$50, from the current level of \$150 to \$200. Proceeds for this filing fee must be retained by the ALC, and must first be used to meet expenses of the OMVH, to include salaries of its employees.

While language changes in the bill do not alter the current allocation of filing fee proceeds as ALC earmarked funds, it further restricts use of such retained revenue. Based on information provided by staff of the ALC, we expect this bill would apply to 5,000 case filings before the OMVH in FY 2011-12. Multiplying the net fee increase of \$50 times 5,000 case filings yields \$250,000. The bill would therefore raise ALC earmarked funds by \$250,000 in FY 2011-12. Since no filing fee proceeds are currently allocated to the state's General Fund, the bill would not impact General Fund revenue.

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