NORTH CAROLINA GENERAL ASSEMBLY LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1261 **SHORT TITLE:** DWI - Indefinite Civil Suspension Senator Ballantine SPONSOR(S): FISCAL IMPACT: Expenditures: Increase () Decrease () Revenues: Increase () Decrease () No Impact () No Estimate Available (X) FUNDS AFFECTED: General Fund () Highway Fund () Local Fund ()

Other Fund ()

BILL SUMMARY: TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION. Adds new G.S. 20-16.5(f)(4), as title indicates, if the person at relevant time after driving had alcohol concentration of 0.08 percent or more or refused to submit to chemical analysis in the pending offense. Suspension remains in effect until all pending impaired driving offenses are resolved. Then person may have license restored upon payment of restoration fee, if otherwise eligible. The person may apply to district court judge for limited driving privilege during suspension if (1) the person had a valid license when the offense leading to the indefinite suspension occurred; (2) the person has had a substance abuse assessment; and (3) the court finds that a limited driving privilege should be issued to overcome undue hardship.

EFFECTIVE DATE: October 1, 1996

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department

FISCAL IMPACT

FY	FY	FY	FY	FY
1996-97	1997-98	1998-99	1999-00	2000-01

EXPENDITURES

No Estimate Available

POSITIONS: None

ASSUMPTIONS AND METHODOLOGY: Judicial Department

The Administrative Office of the Courts anticipates that this bill could have a moderate impact on the Judicial Department. Under existing G.S. 29-16.5, a person's license may be revoked for 10 days, and there is no right to apply for a limited driving privilege. The proposed legislation adds a provision which would revoke an individual's license for an indefinite period, until all pending impaired driving offenses have been finally

The bill also specifies that an affected person could apply to a resolved. district court judge for a limited driving privilege. The AOC anticipates that a relatively high portion of these individuals would apply for the limited driving privilege. Based on a survey of several district court judges, the AOC estimates the limited driving privilege proceeding would take 10 to 20 minutes. In addition, the AOC anticipates that there would be an increase in the frequency with which people request hearings to contest the validity of the revocation pursuant to G.S. 20-16.5(g). Currently, with suspensions only lasting 10 days, individuals request very few hearings and most are disposed of before a magistrate instead of a district court judge. However, in the context of a much longer "indefinite" period of suspension, the AOC anticipates that people would contest their revocations at a much higher rate. District court judges estimated that these hearings would take, on average, about 20 to 30 minutes.

There are no data available to indicate how many of the approximately 66,000 people each year who have their licenses revoked in a civil proceeding have pending impaired driving charges. However, the AOC believes that the potential increased frequency of requests for limited driving privileges and hearings to contest the validity of revocations could have a moderate fiscal impact on the courts. Specifically, the AOC anticipates the bill would create additional workload for district court judges, with some impact on magistrates and clerk personnel as well. However, since there are no reliable data, no specific impact can be estimated at this time.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION
733-4910
PREPARED BY: Charles Perusse
APPROVED BY: Tom L. Covington/s/TomC
DATE: June 13, 1996

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