Synopsis: Concerns driver’s license suspension for certain crimes and offenses; removes automatic suspension for child support arrearages.

Type of Impact: Indeterminate State Expenditure Decrease. Indeterminate Superior and Municipal Expenditure Increase. Indeterminate State, County, and Municipal Revenue Decrease.

Agencies Affected: Department of Transportation; Motor Vehicle Commission; Administrative Office of the Courts; Counties and Municipalities.

The Office of Legislative Services determines that the legislation potentially will decrease revenues by indeterminate amounts: a) annual MVC administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual Motor Vehicle Commission (MVC) and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate Superior and municipal court expenditure increase.

The OLS does not have access to detailed information on the number of driver’s license suspensions which may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver’s license suspensions and thus a reduction in correlating State, county, and municipal revenues. According to recent MVC reports, there were 714,584 license suspension orders issued in 2016, 651,015 suspension orders issued in 2014, and 708,828 suspension orders issued in 2013.
• The OLS recognizes that driver’s license suspensions may be a deterrent to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased in State, county, and municipal revenues other than revenue from driver’s license suspensions; however, it is uncertain to what extent.

BILL DESCRIPTION

This legislation eliminates certain mandatory driver’s license suspensions as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle and grants the court discretion in determining whether a driver’s license suspension should be imposed.

The legislation limits the driver’s license suspension required for criminal convictions related to the possession or sale of illegal drugs to six months and removes the provision that a person’s driver’s license be suspended by operation of law upon the issuance of a child support-related warrant. In addition, the legislation removes the provision that a person’s driver’s license be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person’s driver’s license if, after notice and a hearing, the court finds that suspension is warranted.

The legislation further limits the driver’s license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. State law authorizes a suspension of six months to two years. The legislation limits the suspension to six months, which complies with federal law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that the legislation potentially will decrease revenues by indeterminate amounts: a) annual MVC administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual Motor Vehicle Commission (MVC) and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate Superior and municipal court expenditure increase.

According to recent MVC reports, there were 846,554 driver’s license suspension orders issued in FY 2016 through the Administrative Office of the Courts, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. There were 714,584 suspension orders issued in 2016, 651,015 suspension orders issued in 2014, and 708,828 suspension orders issued in 2013. The 2015 number of suspension orders is not provided in the 2015 annual MVC reports. The MVC cited Actuals from the BB104 Annual Document as the source for this information.
**State Expenditure Decrease:** The OLS does not have access to detailed information on the number of driver’s license suspensions which may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver’s license suspensions and thus a reduction in correlating State, county, and municipal revenues.

A decrease in certain driver’s license suspensions may decrease the MVC’s and AOC’s annual administrative workload. The OLS, however, does not have pertinent information to determine the scale of the decrease or details of how the MVC’s and AOC’s existing resources will be affected.

**Superior and Municipal Court Expenditure Increase:** As the legislation grants the court discretion in determining whether a driver’s license suspension should be imposed for certain crimes and offenses rather than a mandatory driver’s license suspension, the OLS estimates there may be an annual administrative workload increase. The OLS does not have information to determine the increase in workload and whether or not the Superior and municipal courts will be able to absorb the additional workload within their resources.

**State, County, and Municipal Revenue Decrease:** The legislation will potentially decrease annual State, county, and municipal revenue collections from State-, county-, and municipality-issued summons that would have resulted in fees for suspended licenses, and fines for violations of driving on a suspended license. Revenue from Stat-, county-, and municipality-issued summonses is divided evenly between the State, county, and municipality in which the violation occurred. The OLS cannot quantify annual State, county, and municipal fees and fine collections, as the amounts will depend on the number, circumstances, and types of violations that are subject to State, county, and municipality-issued summons as well as the ability of the State, municipalities and counties to collect these outstanding liabilities.

The OLS estimates there will be a decrease in MVC revenue from restoration fees. Pursuant to N.J.S.A. 39:3-10a, the MVC requires payment of a $100 fee for the restoration of any license or registration that has been suspended or revoked pursuant to any law or regulation. Although the OLS estimates a loss in revenue to the MVC from driver’s license restoration, the OLS cannot quantify the revenue decrease amount.

Section: Law and Public Safety
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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).