LEGISLATIVE FISCAL ESTIMATE
[Second Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1080
STATE OF NEW JERSEY
218th LEGISLATURE
DATED: NOVEMBER 12, 2019

SUMMARY

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

Type of Impact: Annual State Expenditure Decrease; Annual Superior and Municipal Court Expenditure Increase; Annual State, County, and Municipal Revenue Decrease.

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

Office of Legislative Services Estimate

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- The Office of Legislative Services (OLS) determines that the bill will potentially decrease the following revenues by indeterminate amounts: a) annual Motor Vehicle Commission (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 MVC and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

- The OLS does not have access to detailed information related to the number of driver’s license suspensions that 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 corresponding State, county, and municipal revenues. According to recent MVC reports, there were there were 660,046 driver’s license suspension orders issued in FY...
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2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020.

- The OLS recognizes that driver’s license suspensions may be deterrents 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 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, except for simple possession, to six months and eliminates suspension for simple possession. The bill removes the provision that require a person’s driver’s license to 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. Current State law authorizes a suspension of six months to two years. The legislation limits the suspension to six months, except for single possession. The bill also authorizes a restricted use driver’s license endorsement for individuals who have lost their driving privileges for not responding to a failure to appear notice for a parking summons or failing to pay a parking judgment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that the legislation potentially will decrease revenues from the following 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 MVC and AOC administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

According to recent MVC reports, there were 660,046 driver’s license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and
municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020. The MVC BB104 Annual Document provided in response to FY 2020 OLS Discussion Points is 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, 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 degree to which the workload would be increased 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 fewer summonses that would have resulted in fees for suspended licenses, and fines for violations of driving on a suspended license. Revenue from 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 collection, as the amounts will depend on the number, circumstances, and types of violations that are subject to summonses as well as the ability of the State, counties, and municipalities to collect these outstanding liabilities.

The OLS estimates there will be a decrease in MVC revenue from restoration fees as 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.

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Legislative Budget and Finance Officer

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.).