

**FISCAL NOTE**  
**SB 2899 - HB 3051**

March 9, 2000

**SUMMARY OF BILL:**

(1) Provides that the Department of Safety may require any person they have good cause to believe is incompetent or unqualified to retain a driver license to submit to an examination which may include a written test, a test of driving skills, vision, highway sign recognition and a physical or mental examination when appropriate. Requires 10 days notice of examination to be sent to licensee by certified mail and specifies that refusal or neglect to submit to the examination within 30 days of the notice is grounds for suspension, revocation or denial of license.

(2) Provides that a written report from a law enforcement officer, a health care provider or social worker, or a family member of the licensee can provide the basis of good cause to believe a person is incompetent or unqualified to retain their license. Specifies the physician-patient relationship does not prevent a health care provider from reporting to the Department a patient with a disorder that prevents safe operation of a motor vehicle. Provides that any person making a report under the provisions of this act shall be immune from civil liability related to the report. Specifies that the reports are confidential except in compliance with a subpoena or court order.

(3) Provides that it is a Class A misdemeanor to knowingly violate the confidentiality provision, to permit unauthorized use of a report or a reporting person's name, or to file a false report.

(4) Provides for a person, whose license is suspended or revoked in accordance with this act, to appeal and request a hearing which must be scheduled to be held within 20 days of the request. Requires hearing to be recorded and the determination of the hearing officer rendered in writing. Specifies that witnesses subpoenaed are entitled to the same fees as witnesses in civil actions in circuit court and such fees are to be paid by party requesting subpoena. Provides for hearing finding to be appealed through petition to chancery court for judicial review.

(5) Establishes a driver license medical advisory board made up of three members to advise the department. Specifies that board members are to receive no compensation but may be reimbursed for expenses incurred.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$59,200 Recurring**  
**\$12,600 One-Time**

**Increase Local Govt. Expenditures - Not Significant**  
**Increase Local Govt. Revenues - Not Significant**

Assumes:

- two additional hearing officers in the Department of Safety with salary and benefits of \$48,400.
- one-time expenditures for training and office equipment of \$12,600.

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- recurring expenditures for the cost of sending 800 notices certified mail, travel expenses for the new hearing officers, and other administrative expenses of \$10,800.
- the Department of Safety will experience an increase in the number of reports they receive indicating that an individual is unqualified or incompetent to retain a driver's license due to the removal of civil liability.
- impact on local governments depends upon the number of persons convicted of the Class A misdemeanor offense and the resultant increased cost to local governments to confine such persons versus the increased revenues to local governments from fines levied and collected under the provisions of this bill.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director