Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 840
Bill #: SB 103 HCS 1
Document ID #: <u>5861</u>
Bill Subject/Title:An Act relating to sheriffs and declaring and emergency. Fees for impounded vehicles.
Sponsor: Senator Whitney H. Westerfield
Unit of Government: City X County X Urban-County Unified Local
Charter County Consolidated Local X Government
Office(s) Impacted: Sheriffs Offices
Requirement: Mandatory X Optional
Effect on Powers & Duties: <u>X</u> Modifies Existing <u>X</u> Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 103 HCS 1 amends KRS 64.090 to allow sheriffs to charge \$25 for the handling of an impounded vehicle and \$25 per day for the storage of an impounded vehicle. This bill contains an EMERGENCY clause which would allow the provisions in this bill to be in effect immediately upon becoming law.

The fiscal impact of SB 103 HCS 1 is indeterminable and expected to be insignificant to most sheriff's offices.

There are very few sheriffs that operate an impound storage facility. Most agencies contract the service out and all of the fees are paid by the person from whom the vehicle was impounded. The number of vehicles impounded by sheriffs varies. Clark County Sheriff indicated they impounded fewer than 100 vehicles. The Jefferson County Sheriff stated they impound fewer than 10. Assuming 100 vehicles are impounded, a handling fee of \$25 would general \$2,500 of fee income. Most agencies will impound fewer than 100

vehicles per year. Some agencies may consider storing vehicles on sheriff controlled property in order to collect the \$25 per day storage fee. This would be offset by increased costs such as insurance, security, staffing, etc. Fee income generated from handling and storing impounded vehicles would not be significant to most agencies.

Part III: Differences to Local Government Mandate Statement from Prior Versions

In addition to retaining the provisions of SB 103 GA, the HCS 1 adds a new section to KRS Chapter 70 that would allow counties to create a hearing board for the purpose of determining the validity of a vehicle impoundment by the sheriff, if requested by the owner of the vehicle. The hearing board must be established by ordinance. HCS 1 also sets out timing and process requirements. **These changes do not materially affect the fiscal impact identified for SB 103 GA.** There will be some costs associated with creating an ordinance, i.e. attorney fees and publication costs. Likewise, minimal costs related to issuing and mailing notices, collecting fees and bonds, and returning funds if the impoundment is determined not to be valid. These costs would be minimal and be offset by collected fees.

The LM statement to SB 103 GA is the same as the LM statement to SB 103 as introduced. No substitutes or amendments were adopted when the bill passed the Senate.

Data Source(s): <u>Bullitt, Clark, Jefferson County Sheriffs, Fraternal Order of Police</u>

Preparer:Mark OffermanReviewer:KHCDate:3/7/1
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