

**TRANSPORTATION & REGULATORY SUBCOMMITTEE  
RECOMMENDATIONS FOR FY 2021-22  
TO THE PROVISO SUBCOMMITTEE**

**SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

**71.smb ADD** (Division of Small and Minority Business Contracting and Certification Transfer) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to transfer, for the current fiscal year, the Division of Small and Minority Business Contracting and Certification, its appropriations, employees, assets, and liabilities from the Department of Administration to the Commission for Minority Affairs. Fiscal Impact: \$197,799, 2 FTE's and 1 temporary position will be transferred from DOA to Minority Affairs. Requested by Commission on Minority Affairs.

*71.smb. (CMA: Division of Small and Minority Business Contracting and Certification Transfer) For the current fiscal year, the Division of Small and Minority Business Contracting and Certification and the funds appropriated to the division pursuant to Part IA of this Act are transferred to the Commission for Minority Affairs. The division shall continue to perform its duties and responsibilities as required in Article 21, Chapter 35, Title 11 including, but not limited to, assisting the Department of Revenue in providing income tax credits for firms with state contracts that subcontract with minority firms pursuant to Section 11-35-5230(B) of the 1976 Code. In addition, for the current fiscal year the employees, assets, and liabilities of the division are also transferred to and become part of the Commission for Minority Affairs. All personnel transferred by this provision are to become employees of the Commission for Minority Affairs with the same compensation, classification, and grade level, as applicable for the duration that this provision remains in effect. Applicable regulations promulgated by or related to the division are continued and are considered to be promulgated by the Commission for Minority Affairs. Applicable contracts entered into by or on behalf of the division are continued and are considered to be devolved upon the Commission for Minority Affairs at the time of the transfer.*

**SECTION 72 - R040 - PUBLIC SERVICE COMMISSION**

**72.leo ADD** (Law Enforcement Officers) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the PSC to hire commissioned law enforcement officers upon recommendation of the commission. Allow the commission to remove a law enforcement officer if they are found to be unfit for the position. Require each officer to execute a \$10,000 bond with a licensed surety company. Require the bond be approved by the Attorney General. Direct the commission to pay the premiums on the bonds. Fiscal Impact: None. The commission currently has a contract for security services with an outside company. Requested by Public Service Authority.

*72.leo. (PSC: Law Enforcement Officers) The Public Service Commission shall be authorized to hire law enforcement officers commissioned by the Governor. The commission may remove a law enforcement officer if it finds that the law enforcement officer is unfit for the position. Each law enforcement officer shall execute a bond with a licensed surety company in the amount of not less than ten thousand dollars. The bond may be individual, schedule, or blanket, and shall be approved by the Attorney General. The premiums on the bonds shall be paid by the commission from authorized funds.*

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**SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS**

- 80.2 CONFORM TO FUNDING / AMEND** (Expert Witness/Assistance Carry Forward) Authorizes the agency to carry forward Consumer Advocacy expert witness/assistance program unexpended encumbered funds and to use those funds for contractual obligations that existed June 30<sup>th</sup> and were not paid by July 31<sup>st</sup>.  
**SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / AMEND proviso to delete “unencumbered;” change “next” to “current” and change directive for the funds to be used to meet contractual obligations to being “expended for the same purpose.”

**80.2.** (CA: Expert Witness/Assistance Carry Forward) Unexpended ~~encumbered~~ appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the ~~next~~ current fiscal year ~~to meet contractual obligations existing at June thirtieth and not paid by July thirty first~~ and expended for the same purpose.

**SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION**

- 81.fr CONFORM TO FUNDING / ADD** (First Responder PTSD Treatment) **SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct the department to distribute First Responder PTSD treatment funds appropriated to the State Fire Marshal’s Office to the S.C. Firefighter Assistance Support Team to reimburse firefighters and EMT’s for actual out-of-pocket expenses for mental injury not covered through workers’ compensation claims or other insurance. Allow the funds to also be used to provide services through the support team. Direct LLR to promulgate any necessary administrative regulations.

*81.fr. (LLR: First Responder PTSD Treatment) Of the funds appropriated to the Department of Labor, Licensing and Regulation - State Fire Marshal’s Office for first responder PTSD treatment, the department shall distribute funds to the South Carolina Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers compensation claims and/or other insurance. These funds may also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The department shall promulgate any administrative regulations necessary to carry out these provisions.*

- 81.cp ADD** (Compensatory Payment) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow exempt Office of State Fire Marshal employees, at the agency director’s discretion and if funds are available, to be paid for actual hours worked in lieu of accruing comp time during a Governor declared State of Emergency or in a situation that requires the use of mutual assistance under Section 25-1-450 [DUTIES OF STATE, COUNTY, AND MUNICIPAL GOVERNMENTS FOR MUTUAL ASSISTANCE IN EMERGENCIES]. Requested by Department of Labor, Licensing and Regulation.

*81.cp. (LLR: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of mutual assistance under Section 25-1-450 of the 1976 Code, exempt employees of the Department of Labor, Licensing and Regulation’s Office of State Fire Marshal may be paid for actual hours worked, in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.*

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**81.mou ADD** (Mobile Optometry Units) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that location and site restrictions on services provided by mobile units for optometry in Section 40-37-320(B) [PUBLICIZING OFFICE HOURS; MOBILE UNITS; PROMULGATION OF REGULATIONS PERTAINING TO OPTOMETRY OFFICES.] shall be suspended for FY 2020-21. Direct the department and board to process and issue registrations for mobile units to provide services by a South Carolina licensed optometrist through a not-for-profit program on the site of a Title I public school for students attending the school. Direct the board to issue the registration within 10 days of receiving the request and a \$10 registration fee.

*81.mou. (LLR: Mobile Optometry Units) In furtherance of expanding access to health care in unserved and underserved populations, the location and site restriction on services provided by mobile units for optometry in Section 40-37-320(B) of the 1976 Code shall be suspended for Fiscal Year 2021-22. The department and the Board of Examiners in Optometry are directed to process and issue registrations for mobile units to provide optometry services on the site of a Title I public school to students attending the school, provided the services are rendered as part of a not-for-profit program and are provided by an optometrist licensed to practice in South Carolina. The registration shall be administratively issued by the board within ten days after receipt of a registration request and following payment of a ten dollar registration fee to cover administrative costs.*

**SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES**

**82.2 AMEND** (Cost Recovery Fee/Sale of Photos or Digitized Images) Authorizes DMV to collect and retain fees, not to exceed rates charged as of February 1, 2001, to recover the costs of producing, purchasing, handling and mailing information and/or documents . Prohibits the sale of photographs taken for driver’s licenses or personal identification cards.  
**SUBCOMMITTEE RECOMMENDATION:** AMEND original proviso to allow the department to collect and retain fees to defray costs associated with fulfilling FOIA requests. Requested by Department of Motor Vehicles.

**82.2.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data sets. *The department may collect and retain fees to defray the cost associated with fulfilling a Freedom of Information Act (FOIA) request.* The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver’s license or personal identification card. Photographs and digitized images from a driver’s license or personal identification card are not considered public records. Funds derived from these sources shall be retained by the department.

**82.3 AMEND** (DPPA Compliance Audit) Authorizes DMV to charge fees to entities, other than state agencies, that purchase information from DMV to defray the costs associated with auditing and enforcing laws pertaining to the use of personal information. Directs the Comptroller General to place the funds in a special restricted account for the agency to use.  
**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the directive that the Comptroller General place the funds in a special restricted account for the agency to use.

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**82.3.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. ~~The Comptroller General shall place the funds into a special restricted account to be used by the department.~~

**82.7** **DELETE** (Phoenix III Migration Pilot) Authorizes DMV, upon approval from DOA through the IT project governance process, to expend the remainder of the \$1,000,000 from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration.

**SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Requested by Department of Motor Vehicles.

~~**82.7.** (DMV: Phoenix III Migration Pilot) In Fiscal Year 2020-21, the department shall be authorized to expend the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a proof of concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of the Department of Administration through the IT project governance process established by Proviso H7.117.~~

**82.8** **AMEND** (Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID, except for the funds designated for the Phoenix III pilot.

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update the fiscal year reference and to delete the exception from using funds designated for the Phoenix III pilot. Requested by Department of Motor Vehicles.

~~**82.8.** (DMV: Real ID) For Fiscal Year ~~2020-21~~ 2021-22, the Department of Motor Vehicles may expend any available earmarked cash reserves, ~~with the exception of the funds designated for the Phoenix III pilot,~~ on the implementation of Real ID.~~

**82.10** **AMEND** (~~Minor~~ Identification Card Fees) Allows DMV to waive the \$5 fee collected for issuing ID cards to someone less than 17 years old if the issuance is through a state or federal agency partnership.

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete “five dollar” and the reference “to someone less than 17 years old.” Requested by Department of Motor Vehicles.

~~**82.10.** (DMV: ~~Minor~~ Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the ~~five dollar~~ fee associated with issuing an identification card ~~to someone less than 17 years old~~ if the card issuance is through an established partnership with a state or federal agency.~~

**82.lpr** **ADD** (Retention of Traceable Temporary License Plates Revenue) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to retain \$5 from the sale of traceable temporary license plates. Direct that funds be used solely for the cost of plate production and reissuance. Fiscal Impact: PENDING. Requested by Department of Motor Vehicles.

***82.lpr.** (DMV: Retention of Traceable Temporary License Plates Revenue) For the current fiscal year, the department shall be authorized to retain five dollars from the sale of traceable temporary license plates as found in Section 56-3-210 of the 1976 Code. The funds shall be*

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placed in the department's Plate Replacement Fund and used solely for the purposes of plate production and reissuance costs.

- 82.imf** **ADD** (Infrastructure Maintenance Fee Quality Assurance Team) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DMV to implement a program that provides quality assurance for the collection of infrastructure maintenance fees. Require DMV retain the first \$205,000 of unpaid IMF revenue it discovers from the review of licensed SC dealerships and use these funds to carry out the program. Direct that all remaining unpaid IMF recovered by DMV must be sent to the Infrastructure Maintenance Trust Fund at DOT. Fiscal Impact: PENDING. Requested by Department of Motor Vehicles.

82.imf. (Infrastructure Maintenance Fee Quality Assurance Team) In the current fiscal year, the Department of Motor Vehicles shall implement a program that provides quality assurance for the collection of infrastructure maintenance fees (IMF) pursuant to Section 56-3-627 of the 1976 Code. The department shall retain the first \$205,000 of unpaid IMF it discovers from the review of licensed South Carolina dealerships and shall utilize these funds to carry out the program. All remaining unpaid IMF recovered by the department must be sent to the Infrastructure Maintenance Trust Fund pursuant to Section 56-3-627(A) of the 1976 Code.

- 82.pdd** **ADD MOVED PROVISO** (Provide Data to DOT) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DMV to provide DOT access, without charge and in compliance with state and federal privacy protection statutes, to collision data, collision reports, registration information used for toll enforcement, and driver records of employees or prospective employees. *Moved Proviso 117.42.* Requested by Department of Motor Vehicles.

82.pdd (DMV: Provide Data to DOT) The Department of Motor Vehicles shall provide access, in compliance with all state and federal privacy protection statutes, to the following data and reports without charge to the Department of Transportation: (1) all collision data and collision reports; (2) registration information used for toll enforcement; and (3) driver records of employees or prospective employees.

**SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE**

- 83.5** **AMEND** (UI Tax System Modernization) Authorizes DEW to spend up to \$2,749,690 of funds made available to the State under Section 903 of the U.S. Social Security Act. Directs the funds be used to replace the agency's unemployment tax information system with a modern technology solution. Prohibits the funds from being obligated after a 2-year period beginning July 1, 2020. **SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "\$2,749,690" to "\$1,158,150" and update the calendar year reference from "2020" to "2021." Requested by Department of Employment and Workforce.

**83.5.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to ~~\$2,749,690~~ \$1,158,150 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software, equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, ~~2020~~ 2021. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of

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amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of this State.

**SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION**

**84.cp** **ADD** (Compensatory Payment) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow exempt department employees, at the Secretary of Transportation’s discretion and if funds are available, to be paid for actual hours worked in lieu of accruing comp time during a Governor declared State of Emergency or in a situation requiring the use of the Secretary of Transportation’s authorities under Section 57-5-1620 [ADVERTISEMENT AND AWARD OF CERTAIN CONSTRUCTION CONTRACTS; EMERGENCY CONSTRUCTION, REPAIRS, OR PURCHASES]. Requested by Department of Transportation.

*84.cp. (DOT: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of the Secretary of Transportation’s authorities under Section 57-5-1620 of the 1976 Code, exempt employees of the Department of Transportation may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Secretary of Transportation, and providing funds are available.*

**84.nfa** **ADD** (Non-Federal Aid Highway Fund) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow funds in the Non-Federal Aid Highway Fund to be used for repairs, maintenance, and improvements to the existing transportation system. Requested by Department of Transportation.

*84.nfa. (Non-Federal Aid Highway Fund) Funds deposited in the Non-Federal Aid Highway Fund established in Act 176 of 2005 may be used for repairs, maintenance and improvements to the existing transportation system.*

**SECTION 87 - U300 - DIVISION OF AERONAUTICS**

**87.3** **AMEND** (Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports because those qualify for special funding under the DOT/FAA appropriations based on enplanements in the state.

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “four” to “six;” add “Florence” and “Hilton Head Island;” and change the Myrtle Beach “Jetport” to “International.”

**87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the ~~four~~ *six* air carrier airports (i.e. Columbia, Charleston, *Florence, Hilton Head Island,* Greenville-Spartanburg, *and* Myrtle Beach ~~Jetport~~ *International*) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina.

**SECTION 117 - X900 - GENERAL PROVISIONS**

**117.42** **DELETE / MOVE** (DMV Data) Directs the Department of Motor Vehicles to provide the Department of Transportation access, without charge and in compliance with state and federal privacy protection statutes, to collision data, collision reports, registration information used for toll enforcement, and driver records of employees or prospective employees.

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**SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Moved to DMV Section, proviso 82.pdd.* Requested by Department of Motor Vehicles.

~~117.42. (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:~~

- ~~(1) all collision data and collision reports;~~
- ~~(2) registration information used for toll enforcement; and~~
- ~~(3) driver records of employees or prospective employees.~~

**117.88 AMEND (WIA WIOA Service Advertising)** Establishes Workforce Investment Act advertising guidelines.

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “investment” to “development” and “Workforce Investment Act” to “Workforce Innovation and Opportunity Act.” *Technical.*

**117.88. (GP: ~~WIA~~ WIOA Service Advertising)** For the current fiscal year, the Workforce ~~Investment~~ Development Boards may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce ~~investment~~ development areas. This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce ~~investment~~ development boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce ~~Investment~~ Innovation and Opportunity Act.

**117.89 AMEND (WIA WIOA Training Marketability Evaluation)** Directs the department to submit a report to the chairmen of various legislative committees on: how funds were spent in the prior fiscal year to provide marketable work skills training; on any restructuring or realignment of agency functions as well as changes in staffing levels or service; on employees terminated, hired, re-hired, reassigned, or reclassified by program area and location; and to describe efforts the agency made to reassign or retrain employees who were terminated if the agency hired new employees for that position.

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change the report due date from “November 16” to “December 16.”

**117.89. (GP: ~~WIA~~ WIOA Training Marketability Evaluation) (A)** For the current fiscal year, the Department of Employment and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before ~~November~~ December sixteenth.

(B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated for positions for which the department hired new employees.

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**117.143 DELETE** (Bridge Stabilization and Repair) Directs DOT and Santee Cooper to develop a plan and cost estimate for repairing the US 15/US 301 bridge over Lake Marion for public pedestrian and bicycle traffic. Directs DOT and Santee Cooper to include input from the Santee Cooper Counties Promotion Commission, PRT, Clarendon and Orangeburg Counties, the Cities of Summerton and Santee, and the Palmetto Conservation Foundation.

**SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Requested by Department of Transportation.

~~117.143. (GP: Bridge Stabilization and Repair) The Department of Transportation and Santee Cooper are jointly directed to develop a detailed plan and cost estimate for stabilizing and repairing the US 15/US 301 bridge over Lake Marion for public pedestrian and bicycle traffic based on a study conducted by the Palmetto Conservation Foundation using the bridge as a connector route for the Palmetto Trail. In developing this plan and cost estimate, the Department of Transportation and Santee Cooper shall include input from the Santee Cooper Counties Promotion Commission, the Department of Parks, Recreation and Tourism, Clarendon and Orangeburg Counties, the Cities of Summerton and Santee and the Palmetto Conservation Foundation.~~

**117.144 DELETE** (Intrastate Motor Carrier Fee Collections) Directs DMV to consult with DOR and any association representing taxpayers subject to, or entities imposing, the road use fee pursuant to Section 12-37-23 [ASSESSMENT OF PROPERTY TAXES-MOTOR CARRIERS] to determine the most efficient manner to implement a standardized system for DMV to collect commercial motor vehicles fees. Requires that there be a payment plan option to pay the infrastructure maintenance fee in multiple installments. Directs RFA to prepare a fiscal impact statement detailing the plan costs. Directs DMV to submit the plan by December 1, 2019, to the Chairmen of the Senate Finance, Senate Transportation, House Ways and Means, and House Education and Public Works Committees.

**SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Plan was submitted in 2019.*

~~117.144. (GP: Intrastate Motor Carrier Fee Collections) In the current fiscal year, the Department of Motor Vehicles shall consult with the Department of Revenue and any association representing taxpayers subject to, or entities imposing, the road use fee pursuant to Article 23, Chapter 37, Title 12 of the 1976 Code, to determine the most efficient manner to implement a standardized system whereby the Department of Motor Vehicles collects all fees owed by commercial motor vehicles operating solely intrastate, including fees imposed by local government. The system must allow a payment plan option to allow these commercial motor vehicles to pay the infrastructure maintenance fee in multiple installments. The plan must include a fiscal impact statement, prepared by the Revenue and Fiscal Affairs Office, detailing the costs associated with the plan. The Department of Motor Vehicles shall submit the plan for the standardized system by December 1, 2019, to the Chairman of the Senate Finance Committee, the Chairman of the Senate Transportation Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee.~~