

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4376-05
Bill No.: Perfected SS for SCS for SB 916
Subject: Children and Minors; Motor Vehicles; Public Safety Department
Type: #Corrected
Date: #March 14, 2006
Corrected the date

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Transportation (MoDOT)** stated if the legislation is enacted the state will be eligible to receive a federal Child Safety and Child Booster Seat Incentive grant through FY 2009. If the grant application submitted by the state is not approved the fiscal impact of the legislation would be zero. However, if the grant application is approved the state will be eligible for grant funding up to a maximum of \$850,000. The grant could be less than \$850,000 if other states become eligible for the grant by enacting similar laws. Therefore, MoDOT estimates the positive fiscal impact of the legislation to range from \$0 - \$850,000 per year.

In response to a previous version of this proposal, MoDOT stated the educational materials with revised law information would have to be redesigned and printed, but the cost will be absorbed by MoDOT.

Oversight assumes the receipt of federal incentive grant moneys resulting from this proposal is speculative and therefore, have not included the estimate in the fiscal note.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain

ASSUMPTION (continued)

amount of normal activity resulting from each year's legislative session. The fiscal impact for this proposal for Administrative Rules is less than \$1,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

Officials of the **Department of Elementary and Secondary Education** state there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

This proposal allows for violators to have the charges and fines resulting from this proposal be dismissed if the violator brings in or show supporting documentation that an appropriate child restraint system has been purchased. Therefore, **Oversight** assumes the fine revenue resulting from this proposal will be minimal.

In response to a previous version of this proposal, officials of the **Office of Prosecution Services** assumed the proposal would not have a significant direct fiscal impact on County Prosecutors.

Officials of the **Department of Revenue** assume no fiscal impact.

Officials of the **Office of State Court Administrator** assume there is no fiscal impact on the Courts.

Officials of the **Department of Public Safety - Director's Office** and the **Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 1043), officials from the **Office of the State Public Defender** assumed the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This substitute modifies the law with respect how motorist must restrain children in motor vehicles.

CHILD PASSENGER RESTRAINT LAW - This act modifies the law with respect to the use of child passenger safety restraint systems and booster seats. The act requires children of certain ages, weights and heights to be restrained by either a child passenger restraint system, booster seat or safety belt.

AGE/WEIGHT/HEIGHT CLASSIFICATION -

1. LESS THAN 4 YEARS OLD - This act requires children less than four years old, regardless of weight, to use an appropriate child passenger restraint system.
2. LESS THAN 40 POUNDS - The act requires children weighing less than 40 pounds, regardless of age, to be secured in a child passenger restraint system appropriate for the child.
3. LESS THAN 8 YEARS OLD/80 POUNDS OR UNDER 4'9" - Children (ages 4-7) and who weigh at least 40 pounds but less than 80 pounds, or such children that are less than 4'9" tall must be secured in a child passenger restraint system or booster seat appropriate for that child.

DESCRIPTION (continued)

4. GREATER THAN 80 POUNDS OR TALLER THAN 4'9" - Children who are at least 80 pounds or children taller than 4'9" shall be secured by a vehicle safety belt or booster seat appropriate for that child.

The act allows a child to be transported in back seat without a booster seat if the child is secured with a lap belt if the vehicle is not equipped with combination lap and shoulder belt for booster seat installation.

A violation of the child passenger restraint/booster provisions is an infraction and the fine is \$50 plus court costs. Charges for violating the child passenger restraint and booster seat provisions shall be dismissed or withdrawn if the driver provides evidence that he or she acquired a child passenger restraint system or booster seat prior to or at his or her hearing. The act does not apply to public carriers for hire or students 4 years of age or older who are passengers on a school bus (sections 307.178 and 307.182).

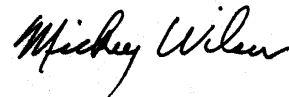
The act also amends a provision of law which provided that if there were more passengers than seat belts in the enclosed area of the vehicle, then there is no violation of the seat belt law (Subsection 7 of Section 307.178). Senate Amendment 2 states that if there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. No. 4376-05
Bill No. Perfected SS for SCS for SB 916
Page 6 of 6
#March 14, 2006

SOURCES OF INFORMATION

Department of Public Safety
Department of Transportation
Office of the State Courts Administrator
Office of the State Public Defender
Office of the Secretary of State
Department of Revenue
Department of Elementary and Secondary Education
Office of Prosecution Services



Mickey Wilson, CPA
Director
#March 14, 2006