

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0309-01
Bill No.: SB 165
Subject: Crimes and Punishment; Highway Patrol; Internet and Email; Licenses - Driver's;
 Motor Vehicles; Roads and Highways; Telecommunications; Transportation
Type: Original
Date: January 5, 2017

Bill Summary: This proposal applies a ban on using cell phones for text messaging while driving a motor vehicle to all drivers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Highway Fund	Less than \$100,000	Less than \$100,000	Less than \$100,000
Total Estimated Net Effect on Other State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue (DOR)** state the following regarding this proposal:

§304.820

This legislation removes the "twenty-one years of age or younger" provision for the offense of texting while driving and adds language to prohibit all drivers from texting while driving unless it is equipped with technology allowing for voice-recognition hands-free texting and is being used in such manner. This offense requires assessment of points upon conviction pursuant to §302.302, RSMo.

Administrative Impact

This legislation may result in an increase in the number of traffic convictions received and processed by the Department. When the volume of convictions increases, the Department issues more point warning and suspension notices, as required by §302.304, RSMo. This also results in an increase in customer contacts.

There are no statistics available to determine exactly how many additional convictions will result from this proposal. If the volume is significant enough that it cannot be absorbed by existing staff, additional FTE(s) will be requested through the appropriation process.

Revenue Impact

No reliable estimates can be provided for reinstatement fees which may be collected as a result of the law change, however the fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Officials from the **Department of Public Safety - Missouri Highway Patrol (DPS-MHP)** assume the proposal will have no fiscal impact on their organization. DPS-MHP state there were 57 tickets issued in 2015 and 76 tickets issued in 2016 for the offense of 21 years of age and under texting while driving with an approximate fine of \$83 per ticket. However, all fines may not have been paid (for example, the court could have thrown the ticket out or set the fine at a different amount).

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator, Department of Insurance, Financial Institutions and Professional Registration, Office of Prosecution Services and Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

Based upon MHP's statement that only 57 tickets for texting while driving for 21 years of age or under were issued in 2015 and 76 issued in 2016, **Oversight** assumes a relatively minimal amount of fine revenue and license reinstatement revenue will be collected by expanding the offense to everyone.

Also, since it is unknown how many additional convictions the proposal will result in (depending on enforcement by peace officers as well as actions by prosecutors and judges), Oversight will assume a "Less than \$100,000" impact to the Highway Fund, Cities and Counties for additional reinstatement fees as well as a "Less than \$100,000" impact to revenue to local political subdivisions for additional fine revenue.

Additional fine revenue received by local school districts may count as a deduction in the following year in determining their state aid apportionment, if the district is not a 'hold harmless' district. For simplicity, Oversight will only reflect the increase in fine revenue as a positive impact to local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
HIGHWAY FUND			
<u>Revenue - Reinstatement fees (75%)</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
ESTIMATED NET EFFECT ON HIGHWAY FUND	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - various local political subdivisions for tickets for using a cellular phone while driving	Less than \$100,000	Less than \$100,000	Less than \$100,000
<u>Revenue</u> - Cities Reinstatement Fees (15%)	Less than \$100,000	Less than \$100,000	Less than \$100,000
<u>Revenue</u> - Counties Reinstatement Fees (10%)	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
ESTIMATED NET EFFECT TO THE LOCAL POLITICAL SUBDIVISIONS	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

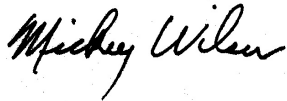
Currently, only drivers under the age of 22 and drivers of commercial motor vehicles are prohibited from using hand-held cell phones to send, read, or write text messages or electronic messages. This proposal applies the ban on use of hand-held cell phones to all drivers for the purposes of sending, reading, or writing text messages. Cell phones are permitted to be used by drivers in a hands-free voice activated mode.

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

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SOURCES OF INFORMATION

Department of Revenue
Department of Transportation
Department of Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Department of Insurance, Financial Institutions and Professional Registration
Office of Prosecution Services



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January 5, 2017

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