

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0491-01
Bill No.: SB 15
Subject: Motor Vehicles; Telecommunications; Transportation
Type: Original
Date: January 14, 2019

Bill Summary: This proposal enacts provisions relating to the operation of motor vehicles while using electronic devices.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$7,253)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$7,253)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Various State Funds	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 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation** assume the proposal will have no fiscal impact on their organization.

Officials at the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

The only convictions that will be reportable to the Department are those that occur in a commercial motor vehicle (CMV) and those involving a person under eighteen years of age or drivers with an instruction permit or intermediate license regardless of age.

The current law prohibits drivers 21 years of age or younger from texting while driving and drivers from operating a CMV while using a hand-held device. This resulted in 118 convictions in CY 2017. The proposed legislation is similar to the current law, therefore, the Department does not feel that a significant increase in convictions will be received. If the increase is more significant than anticipated, additional FTE will be requested through the appropriation process.

To implement the proposed legislation, the Department would be required to:

- Complete system programming and user acceptance testing of MODL to remove the point assessment violations occurring in a CMV;
- Develop a new MODL code for prohibited use of any electronic communication device while driving for drivers under the age of eighteen or drivers possessing an instruction permit or intermediate license;
- Update forms and the Department website; and
- Train staff.

FY 2020 - Driver License Bureau

Management Analysis Spec II	40 hrs. @ \$20.57 per hr.	= \$823
Revenue Manager	20 hrs. @ \$20.59 per hr.	= <u>\$412</u>
Total		= \$1,235

ASSUMPTION (continued)

FY 2020 - Personnel Services Bureau

Administrative Analyst III	20 hrs. @ \$19.80 per hr.	= \$396
Management Analysis Spec I	15 hrs. @ \$18.42 per hr.	= \$276
Total		= \$672

Total Costs = **\$1,907**

OA-ITSD services will be required at a cost of **\$5,346** (71.28 hours x \$75 per hour) in FY 2019.

In summary, DOR assumes a cost of **\$7,253** (\$1,907 + \$5,346) in FY 2019.

Oversight does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's costs on the fiscal note.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposal will have no fiscal impact on their organization. MHP states there were 54 tickets issued in 2018, 60 tickets issued in 2017 and 76 tickets issued in 2016 by troopers for the offense of 21 years of age and under texting while driving with an approximate fine of \$85 per ticket currently.

Oversight notes, of the \$85 fine, \$20.50 goes to fine revenue and the remaining \$64.50 goes to various state and local funds for court costs. However, all fines may not have been paid (for example, the court could have dismissed the ticket or set the fine at a different amount).

Oversight notes, according to data provided by the Office of the State Courts Administrator, there were 19 guilty pleas in FY 2018 for the infraction of "21 years old or less operating a noncommercial motor vehicle while sending/reading/texting on a mobile electronic device" and 1 guilty plea in FY 2018 for the infraction of "Operating a commercial motor vehicle while texting."

Oversight does not know how many such tickets were issued statewide by all law enforcement agencies. However, it would take approximately 1,200 tickets to be issued to reach \$100,000 in fine and court cost revenue. Oversight will reflect a potential amount of revenue to the state and local political subdivisions of "Less than \$100,000" per year from this charge.

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.

ASSUMPTION (continued)

For simplicity, Oversight will only reflect the increase in fine revenue as a positive impact to local political subdivisions.

Below are examples of some of the state and local funds which court costs are distributed to.

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff's Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

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

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost</u> - DOR - Administrative costs	(\$1,907)	\$0	\$0
<u>Cost</u> - DOR - IT costs	(\$5,346)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$7,253)</u>	<u>\$0</u>	<u>\$0</u>

VARIOUS STATE FUNDS

<u>Revenue</u> - Court costs for tickets for texting while driving	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - fine revenue and court costs to various local political subdivisions for tickets for texting while driving	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	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>	<u>Less than \$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, drivers under the age of 22 are prohibited from using electronic wireless communication devices to send text messages or electronic messages while driving. This act extends the prohibition to drivers of all ages. Operators of noncommercial motor vehicles may still use "hands-free" electronic wireless communication devices, as defined in the act.

This act exempts emergency vehicles and other motor vehicles responding in a commercial capacity to another vehicle's request for roadside assistance from the prohibition against operators using electronic wireless communication devices.

This act also allows for use of an electronic wireless communication device to contact emergency services or relay information between for-hire operators and their dispatchers. Individuals under the age of 18 or who have an intermediate license or instruction permit are prohibited from using the devices for any purpose other than to contact emergency services.

A violation of the prohibition against using electronic communication devices while driving shall be an infraction punishable by a \$50 fine, or by a \$100 if in a school zone or in a work zone when workers are present. Violations committed while operating a commercial vehicle shall constitute a serious traffic violation for purposes of commercial motor vehicle license suspensions.

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

SOURCES OF INFORMATION

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



L.R. No. 0491-01
Bill No. SB 15
Page 8 of 8
January 14, 2019

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