

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3545-01
Bill No.: SB 532
Subject: Motor Vehicles; Transportation; Telecommunications
Type: Original
Date: January 22, 2020

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 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation (MoDOT)** assume the proposal will have no fiscal impact on their organization. MoDOT notes this proposal could have an indirect positive fiscal impact in the form of a distracted driving grant that can be applied for when requirements are met. The National Highway Traffic Safety Administration would be responsible for determining whether Missouri's statutes are in compliance with these requirements outlined in 23 CFR 1300.24. MoDOT estimates a potential grant worth \$2 to \$4 million annually.

Oversight will not reflect the fiscal impact from a potential distracted driving grant as this is not considered a direct fiscal impact for purposes of the fiscal note.

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

Administrative Impact

The department assumes violations of subsections 3, 4, and 9 would remain point assessable since the language does not specifically state otherwise. If this is not the sponsor's intent, the Department suggests revising subsection 7 to clarify.

The current law prohibits driver 21 years or younger from texting while driving. There are currently 5 of these convictions on record. The Department assumes the increase for convictions under the age of 18, or holders of instruction permits and intermediate licenses, regardless of age would not be significant.

Additionally, the convictions that occur in a commercial motor vehicle (CMV) would now be applied as a serious violation. Currently, there are 74 of these convictions on record. The Department assumes the increase in these convictions would be minimal.

Based on those assumptions, the Department does not expect to require additional FTE. If the increase is more significant than anticipated, or additional laws are passed affecting conviction processing, additional FTE may be requested through the appropriations process.

ASSUMPTION (continued)

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

- Complete system programming and user acceptance testing of Missouri Driver License (MODL) to add the CMV convictions to the disqualification routine;
- Develop a new MODL code for prohibited use of any electronic communication device while driving for persons under 18 or drivers possessing an instruction permit or intermediate license;
- Update forms and the Department website; and
- Train staff.

FY 2021 - Driver License Bureau

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

FY 2021 - 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**

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

DOR notes OA-ITSD services will be required at a cost of **\$6,772** (71.28 hours x \$95 per hour) in FY 2021.

Oversight assumes DOR is provided with core funding to handle a certain amount of computer programming activity each year. Oversight assumes DOR could absorb the programming costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

ASSUMPTION (continued)

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 61 tickets issued in 2019, 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 \$83 per ticket.

Oversight notes, of the \$83 fine, \$20.50 goes to fine revenue and the remaining \$62.50 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 for this proposal a violation of Section 304.820, RSMo, will be punishable by a \$50 fine. In addition, a violation of the section while in a work zone, highway workers are present, or in a designated school zone will be punishable by a \$100 fine.

Oversight does not know how many such tickets were issued statewide by all law enforcement agencies. However, it would take approximately 2,000 tickets to be issued to reach \$100,000 in fine 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. 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 to which court costs are distributed.

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 **Office of the State Courts Administrator, Department of Commerce and Insurance, and Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
VARIOUS STATE FUNDS			
<u>Revenue</u> - fine revenue for tickets for using any hand-held electronic wireless communication device	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	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 2021 (10 Mo.)	FY 2022	FY 2023
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - fine revenue for tickets for using any hand-held electronic wireless communication device	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, 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 Revenue
Department of Transportation
Department of Public Safety - Missouri Highway Patrol
Department of Commerce and Insurance
Office of the State Courts Administrator
Office of Prosecution Services



Julie Morff
Director
January 22, 2020



Ross Strobe
Assistant Director
January 22, 2020