

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0242S.01I
Bill No.: SB 61
Subject: Motor Carriers; Motor Vehicles; Transportation; Department of Transportation;
Telecommunications
Type: Original
Date: January 16, 2023

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue	(\$26,881)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$26,881)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Various State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

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

Administrative Impact

The current law prohibits drivers 21 years or younger from texting while driving. In calendar year 2020, the Department added 35 convictions on record. The Department assumes the increase for convictions for drivers of all ages would not be significant.

Current law already provides for convictions for commercial vehicle operators who operate mobile phones or text while driving. In calendar year 2021, the Department added 40 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.

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

- Complete system programming and user acceptance testing of Missouri Driver License (MODL), and Missouri Driver License MEDL system 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
- Update the Department website.
- Training staff

FY 2024 – Driver License Bureau

Research/Data Analyst 80 hrs. x \$25.63 per hr. = \$2,050
Administrative Manager 40 hrs. x \$27.82 per hr. = \$1,113
Total = \$3,163

FY 2024 – Public Service Bureau

Associate Research/Data Analyst 40 hrs. x \$20.54 per hr. = \$822

Total = \$3,985

The Department anticipates being able to absorb these costs. If multiple bills pass that require Department resources, FTE/funding will be requested through the appropriations process.

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 **\$26,881** in FY 2024 (282.96 hours x \$95 per hour).

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

Revenue Impact

DOR notes this legislation could result in an increase in driver license suspensions and reinstatements, but the Department assumes any increase will be minimal. Reinstatement fees are distributed 75/15/10 Highways, Cities and Counties.

Officials from the **Missouri Department of Transportation (MoDOT)** assume this bill could have a positive fiscal impact. The Infrastructure Investment and Jobs Act (IIJA) includes a distracted driving grant that states can apply for when requirements are met. Requirements that have been met are the following:

- Prohibit all drivers from texting through a personal wireless communications device
- Make a violation of the statute a primary offense
- Establish a minimum fine of \$25.00 for the violation of the statute
- Not include an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic

According to the National Highway Transportation Safety Administration (NHTSA), a potential grant award amount could be \$1M to \$2M annually. Ultimately, the NHTSA would be responsible for determining whether or not Missouri's statutes are in compliance with the federal requirements outlined in 23 CFR 1300.24.

Oversight assumes MoDOT would apply for the distracted driving grant if legislation was passed that met the requirements listed above. Oversight is unable to determine when or if this grant would be awarded to Missouri; therefore, for simplicity purposes, Oversight will not reflect the potential federal funding on the fiscal note.

Officials from the **Department of Commerce and Insurance, Missouri Highway Patrol and Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a similar proposal from 2022 (SB 713), officials from the **Missouri Office of Prosecution Services** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Oversight notes, according to data provided by the Office of the State Courts Administrator, there were 46 infractions (guilty pleas) in FY 2022 for the offense of 21 years of age and under texting while driving and 39 infractions (guilty pleas) for operating a CMV while texting, both with an approximate fine of \$83 per ticket.

Of the \$83 fine, \$20.50 goes to local schools as fine revenue and the remaining \$62.50 goes to various state and local funds for court costs. 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 impact to the state and local political subdivisions of "Less than \$100,000" in additional fine revenue and court cost revenue 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

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE FUND			
<u>Cost – DOR – OA-ITSD services p. 5</u>	<u>(\$26,881)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$26,881)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026
VARIOUS STATE FUNDS			
<u>Revenue</u> - Court costs from using an electronic wireless communication device while driving p. 5	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 2024 (10 Mo.)	FY 2025	FY 2026
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - fine revenue and court costs from offense of using an electronic wireless communication device while driving p. 5	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

This act modifies provisions relating to the operation of motor vehicles while using electronic wireless communication devices (EWCDs), as defined in the act.

Under the act, no person shall operate a noncommercial motor vehicle on a public road in this state while using an EWCD, except that a person may operate a noncommercial motor vehicle while using a hands-free EWCD, as defined in the act, provided the operator is not holding the hands-free EWCD in his or her hand or hands, and provided the operator does not divert his or her attention from the operation of the motor vehicle.

The act limits the prohibitions against operating a commercial motor vehicle while using an EWCD to operation on public roads. The act also modifies the prohibition against operating a commercial motor vehicle while using an EWCD to read, write, or send a text message or electronic message in that it creates an exception for when the message is read, written, or sent by touching a single button and the driver remains seated and is restrained by a seat belt as required by law.

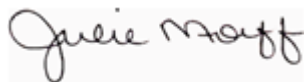
The act specifies penalties for violations of the prohibition against operating motor vehicles while operating EWCDs, including an enhanced penalty for violations occurring in a work zone or school zone. Under the act, a violation shall not be deemed a moving violation, but shall be deemed a "serious traffic violation" for purposes of commercial driver's license disqualification.

Lastly, the act specifies that no person under the age of 18, and no person with an instruction permit or intermediate license regardless of age, shall use an EWCD while operating a motor vehicle, except to contact emergency services.

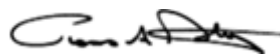
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Missouri Department of Transportation
Missouri Highway Patrol
Department of Commerce and Insurance
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
January 16, 2023



Ross Strobe
Assistant Director
January 16, 2023