

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4232-03
Bill No.: HCS for HB 1378, 1379, 1391, & 1541
Subject: Roads and Highways; Transportation; Department of Transportation
Type: Original
Date: March 14, 2006

FISCAL SUMMARY

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

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

* Offsetting savings and losses to State School Moneys Fund in FY 2008 and FY 2009.

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 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** | Unknown | \$0 | \$0 |

** Local School Districts would have offsetting income from increased fines and losses from reduced distribution from State School Moneys Fund in FY 2008 and FY 2009.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections, Department of Health and Senior Services, Department of Public Safety – Missouri State Highway Patrol**, and the – **Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation could result in some increase in the number of cases filed. CTS would not anticipate a fiscal impact on the judiciary.

Officials from 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 a positive fiscal impact of the legislation to range from \$0 - \$850,000 per year.

ASSUMPTION (continued)

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 **Department of Elementary and Secondary Education (DESE)** assume 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.

Oversight assumes the proposal could result in increased fines collected for moving violations that occur within a travel safe zone. Oversight assumes the amount of the increase is unknown. Oversight assumes school districts would receive the increased fine revenues. Any increase in this money distributed to schools increases the deduction in the foundation formula the following year, which would reduce the cost to the state of funding the formula.

Officials from the **Department of Revenue (DOR)** assume the changes to §§302.302, 304.580, and 304.582 would result in fewer than 100 of these types of convictions to be reported for point assessment. This would create minimal impact that would be absorbed within existing resources.

DOR also assumes there will be programming requirements to the Missouri Electronic Driver License (MEDL) to allow for parent signature to include the additional hours of training as a result of the provisions in §§302.130 and 302.178. DOR assumes this will be absorbed within existing resources.

Officials from the Office of Prosecution Services and Office of the State Public Defender did not respond to Oversight's request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2007 (10 Mo.) | FY 2008 | FY 2009 |
|--|-----------------------|-----------------------|-----------------------|
| GENERAL REVENUE FUND | | | |
| <u>Savings</u> – Reduced appropriations to State School Moneys Fund | <u>\$0</u> | <u>Unknown</u> | <u>Unknown</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>\$0</u> | <u>Unknown</u> | <u>Unknown</u> |
| STATE SCHOOL MONEYS FUND | | | |
| <u>Savings</u> – Reduced distributions to local school districts | \$0 | Unknown | Unknown |
| <u>Losses</u> – Reduced appropriations from General Revenue Fund | <u>\$0</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2007 (10 Mo.) | FY 2008 | FY 2009 |
| POLITICAL SUBDIVISIONS | | | |
| <u>Revenues</u> – School Districts Income from fines | Unknown | Unknown | Unknown |
| <u>Losses</u> – School Districts Reduced distributions from State School Moneys Fund | <u>\$0</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS | <u>Unknown</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

§§210.106, 307.178, and 307.182 – Child Passenger Restraints and Safety Belts

1. Requires children younger than four years of age, regardless of weight, or who weigh less than 40 pounds, regardless of age, to be secured in a child passenger restraint system;
2. Requires children four to eight years of age or weighing 40 to 80 pounds or less than four feet nine inches in height to be secured in a child passenger restraint system or booster seat;
3. Requires children at least 80 pounds or more than four feet nine inches in height or eight years of age or older to be secured by a vehicle safety belt;
4. Requires car rental agencies doing business in Missouri to inform customers of the requirements of the bill and to provide an appropriate child passenger restraint system;
5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation. This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen years of age being transported in a motor vehicle;
6. Exempts public carriers for hire and school buses; and
7. Requires the State Highways and Transportation Commission to develop a public information program to ensure compliance with child passenger restraint laws.

DESCRIPTION (continued)

8. Violators of the proposal would be guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars. Court costs shall be charged for a violation as well. However, in no case shall points be assessed for violations. The charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.

No citation shall be issued for a violation of subdivision (3) of subsection 2 of this section until after December 31, 2006.

Sections 307.178 and 307.182 become effective January 1, 2007.

§§302.130 & 302.178 – Temporary Instruction Permit

This proposal requires, beginning January 1, 2007, parents or legal guardians of applicants for a temporary instruction permit to provide 40 hours of behind-the-wheel driving instruction. A minimum of 10 hours must occur during the nighttime hours. Currently, only 20 hours of behind-the-wheel driving instruction is required. For the first six months after issuance of an intermediate driver's license, the driver cannot operate a vehicle with more than one passenger younger than 19 years of age who is not a member of the driver's immediate family. After the first six-month time period has passed, the driver must not operate a vehicle with more than three passengers younger than 19 years of age who are not members of the driver's immediate family.

§§302.302, 304.580, 304.582, & 304.585 – Highway Work Zones or Construction Zones

The proposed legislation changes the laws regarding offenses occurring within highway work zones or construction zones. Any person convicted of a second or subsequent moving violation within a work zone will be assessed a fine of \$75. A person who is convicted of speeding or passing a vehicle within a work zone when a highway worker is present for a second or subsequent occurrence will be assessed \$300 in addition to any other fine authorized by law.

The proposal creates the crime of endangerment of a highway worker when a motorist driving in a construction or work zone:

1. Exceeds the posted speed limit by 15 miles per hour or more;
2. Passes another vehicle which results in the death or injury of a highway worker;

DESCRIPTION (continued)

3. Fails to stop for a work zone flagman or fails to obey traffic control signals;
4. Physically assaults or attempts to assault a highway worker with a motor vehicle or other instrument;
5. Intentionally strikes or moves barrels, barriers, signs, or other devices erected to control the flow of traffic for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of another person; or
6. Commits various offenses in which points may be assessed.

A person who is convicted of the offense of endangerment of a highway worker in which no injury or death results will be subject to a fine of not more than \$1,000 and will have eight points assessed on his or her driver's license. If a highway worker is injured or killed in a work zone, the offender will be guilty of aggravated endangerment of a highway worker and subject to a fine of not more than \$5,000 for an injury, not more than \$10,000 if a death resulted, and will have 12 points assessed on his or her license.

§304.590 – Travel Save Zone

The proposed legislation doubles the fine imposed for a moving or speeding violation when committed in a designated travel safe zone. A "travel safe zone" is defined as any area upon or around any highway, visibly marked by the Department of Transportation, where a highway safety analysis shows the number of fatal or disabling vehicle crashes exceeds a predicted safety performance level for comparable roadways as determined by the department.

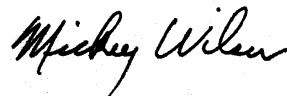
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Transportation
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Public Safety
– Missouri State Highway Patrol
– Director's Office

NOT RESPONDING

**Office of Prosecution Services
Office of the State Public Defender**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 14, 2006