

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0933-02
Bill No.: Perfected HCS for HB 293
Subject: Transportation; Motor Carriers; Motor Vehicles; Roads and Highways
Type: Original
Date: April 19, 2017

Bill Summary: This proposal establishes the Fair Fare Passenger Safety Act that prohibits any person operating a motor vehicle for compensation from using a hand-held wireless device.

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 7 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)** assume the following regarding this proposal:

§304.823

This legislation prohibits anyone operating a moving motor vehicle who is receiving compensation for the transportation of one or more passengers from using a hand-held device to send, write, read a text message or make or take part in a telephone call.

Administrative Impact

Driver License Bureau

This will result in an increase in the number of traffic convictions received and processed by the Department. With the increase in convictions, the Department will issue more point warnings, suspension and revocation notices pursuant to §302.304. This 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 so significant that it cannot be absorbed by existing staff, additional FTE(s) will be requested through the appropriations process.

FY 2018

Requires programming and user acceptance testing of the Missouri Driver License System (MODL) for a new conviction code for operating a motor vehicle for hire using a hand-held device.

- The Department will assess 2 points for the conviction(s).

Administrative Analyst I - 40 hours @ \$24.83 (1 ½) per hour	\$993
Management Analysis Spec I - 40 hours @ \$20.94 per hour	<u>\$838</u>
Total = \$1,831	

Requires updates to the following:

- Procedures;
- Correspondence letters;
- Driver Guide;

ASSUMPTION (continued)

Administrative Impact (continued)

- Department Website; and
- Training of staff.

FY 2018

Update website - Administrative Analyst III - 10 hours @ \$22.59 per hour	\$226
Update forms - Management Analysis Spec I - 40 hours @ \$20.94 per hour	\$838
Update procedures - Management Analysis I - 40 hours @ \$20.94 per hour	\$838
Total =	\$1,902

OA-ITSD services will be required at a cost of \$3,078 (41.04 hours x \$75 per hour) in FY 2018.

In summary, DOR assumes a cost of \$6,811 (\$1,902 + \$1,831 + \$3,078) in FY 2018.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal.

Revenue Impact

Reinstatement fees collected are unknown. Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

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

Since it is unknown how many convictions there will be as a result of this proposal, **Oversight** will estimate an increase in revenue from the texting while driving fine of "Less than \$100,000" to local school districts. Oversight will also estimate an increase in revenue from the reinstatement fees of "Less than \$100,000" to the Highway Fund, Cities and Counties.

House Amendment 1

Oversight notes this amendment prohibits anyone who receives compensation for transportation to read, send, or write a text message or electronic message while operating a motor vehicle.

ASSUMPTION (continued)

Officials from the **Department of Transportation, Department of Public Safety - Missouri Highway Patrol, Office of the State Public Defender, Department of Insurance, Financial Institutions and Professional Registration, Department of Corrections and Office of Prosecution Services** each assume House Amendment 1 will have no fiscal impact on their respective organizations.

Officials from the **Department of Revenue** state the fiscal impact of House Amendment 1 is the same as the House Committee Substitute.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
HIGHWAY FUND			
<u>Revenue</u> - DOR Reinstatement fees (75%)	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
ESTIMATED NET EFFECT TO THE 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> - Local School Districts and municipalities - fine revenue	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 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 proposal establishes the Fair Fare Passenger Safety Act of 2017, which prohibits any person operating a motor vehicle on the highways or other public roadways of this state for compensation for the transportation of one or more passengers from using a handheld electronic wireless communications device to send, read, or write a text message or electronic message.

The person is also prohibited from making or taking part in a telephone call by means of a hand-held electronic wireless communication device.

The provisions of the proposal do not apply to a person operating:

- (1) An authorized emergency vehicle; or
- (2) A moving motor vehicle while using a hand-held device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information between a transit or for-hire operator and that operator's dispatcher when the device is permanently affixed to the vehicle.

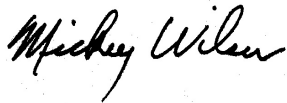
A violation of these provisions must be deemed an infraction and must be deemed a moving violation that is assessed points.

Any city or county must have the authority to adopt ordinances or regulations that are equivalent to, but not more restrictive than, the provisions of the proposal.

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



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