

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4338-01
Bill No.: HB 1297
Subject: Motor Vehicles; Roads and Highways
Type: Original
Date: January 16, 2018

Bill Summary: This proposal prohibits anyone from using a hand-held electronic wireless communication device while driving unless the device is equipped for hands-free operation and is being used in that manner.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

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

§304.820.1

The proposed legislation prohibits the use of any electronic communication device by any person, of any age, to make or take part in a phone call, or write, send or receive a text message while driving, unless the device is equipped with voice-recognition hands-free technology. It is the Department's interpretation that this section does not affect federal compliance for the use prohibition of handheld devices while operating a commercial motor vehicle.

Administrative Impact

The current law prohibits drivers 21 years of age or younger from texting while driving and drivers from operating a commercial motor vehicle (CMV) while using a hand-held device. This resulted in 210 convictions in CY 2016 (.058% of those drivers). The proposed legislation prohibiting all drivers of any age from using a hand-held device will result in an increase in the number of traffic convictions received and processed by the Department.

To implement the proposed changes to §304.820, the Department would be required to:

- Complete programming and user acceptance testing of MODL to develop a new MODL code for prohibited use of a hand-held device while driving;
- Update forms and website; and
- Train staff.

FY 2019 - Driver License Bureau

Management Analysis Spec II	40 hrs. @ \$20.57 per hr.	= \$823
Revenue Manager Band I	20 hrs. @ \$25.05 per hr.	= \$501
Total		= \$1,324

FY 2019 - Public Service Bureau

Administrative Analyst III	20 hrs. @ \$19.43 per hr.	= \$389
Management Analysis Spec I	15 hrs. @ \$18.42 per hr.	= \$276
Total		= \$665

Total Cost **\$1,989**

ASSUMPTION (continued)

Administrative Impact (continued)

OA-ITSD services will be required at a cost of **\$5,103** (68.04 hours x \$75 per hour) in FY 2019.

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.

Officials at the **Office of the State Courts Administrator** assume the fiscal impact of this proposal is unknown. There may be some impact but there is no way to quantify the impact at this time. Any significant changes will be reflected in future budget requests.

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

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposal will have no fiscal impact on their organization. MHP state there were 76 tickets issued in 2016 and 60 tickets issued in 2017 (to date) 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 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.

ASSUMPTION (continued)

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

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.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
VARIOUS STATE FUNDS			
<u>Revenue</u> - Court costs for tickets for using a cellular phone 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	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 2019 (10 Mo.)	 FY 2020	 FY 2021
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - fine revenue and court costs to various local political subdivisions for tickets for using a cellular phone 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	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, an individual 21 years of age or younger is prohibited from sending, reading, or writing a text message or electronic message from a hands-held electronic wireless communications device while operating a moving motor vehicle on any highway in this state. This proposal prohibits anyone, regardless of age, from these activities and from making or taking part in a phone call unless the device is equipped with technology allowing for hands-free operation or equipped for voice-recognition hands-free texting and is being used in that manner.

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 Insurance, Financial Institutions and Professional Registration
Office of Prosecution Services
Office of the State Courts Administrator

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
January 16, 2018