

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0274-02
Bill No.: HB 68
Subject: Motor Vehicles; Roads and Highways; Telecommunications
Type: Original
Date: January 23, 2019

Bill Summary: This proposal prohibits the use of a hand-held electronic wireless communication devices within a school zone.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$7,010) to (\$68,539)	\$0 to (\$80,631)	\$0 to (\$81,312)
Total Estimated Net Effect on General Revenue	(\$7,010) to (\$68,539)	\$0 to (\$80,631)	\$0 to (\$81,312)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE
Total Estimated Net Effect on FTE	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

☐ 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 2020	FY 2021	FY 2022
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:

Administrative Impact

The current law prohibits drivers 21 years of age or younger from texting while driving and drivers operating a commercial motor vehicle (CMV) while using a hand-held device for any reason. This resulted in 118 convictions in CY 2017. The proposed legislation prohibiting all drivers from texting within a school zone will result in an increase of the number of traffic convictions received and processed by the Department. The Department has no data that would help us determine how big that increase will be, but assumes it will be minimal enough to not cause additional FTE. If the increase is more significant than anticipated or additional laws are passed that impact the staff who process convictions, additional FTE may be requested through the appropriations process.

To implement the proposed legislation, the Department will 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 the Department website; and
- Train staff.

FY 2020 - 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 2020 - 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**

ASSUMPTION (continued)

OA-ITSD services will be required at a cost of **\$5,103** (68.04 hours x \$75 per hour) in FY 2020.

In summary, DOR assumes a cost of **\$7,010** (\$1,907 + \$5,103) in FY 2020.

Oversight notes ITSD assumes that every new IT project/system will be bid out because all their resources are at full capacity. For this bill, ITSD assumes they will contract out the programming changes needed to the MODL system. ITSD estimates the project would take 68.04 hours at a contract rate of \$75 per hour for a total cost to the state of \$5,103. Oversight notes that an average salary for a current IT Specialist within ITSD is \$51,618, which totals roughly \$80,000 per year when fringe benefits are added. Assuming that all ITSD resources are at full capacity, Oversight assumes ITSD may (instead of contracting out the programming) hire an additional IT Specialist to perform the work required from this bill. Therefore, Oversight will range the fiscal impact from the cost of contracting out the work (\$5,103) to hiring an additional FTE IT Specialist (roughly \$80,000 per year).

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 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 also notes this proposal only prohibits texting while driving while within a school zone.

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.

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 which court costs are distributed to.

ASSUMPTION (continued)

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 **Department of Insurance, Financial Institutions and Professional Registration, Department of Transportation, Office of Prosecution Services 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 on the fiscal note to these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost</u> - DOR - Administrative costs	(\$1,907)	\$0	\$0
<u>Cost</u> - DOR - ITSD costs (ranged from contracting out programming to hiring additional FTE IT Specialist)	(\$5,103) to (\$66,632)	\$0 to (\$80,631)	\$0 to (\$81,312)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(\$7,010) to (\$68,539)	\$0 to (\$80,631)	\$0 to (\$81,312)
VARIOUS STATE FUNDS			
<u>Revenue</u> - Court costs for tickets for texting while driving	Less than \$100,000	Less than \$100,000	Less than \$100,000
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	Less than \$100,000	Less than \$100,000	Less than \$100,000
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - fine revenue and court costs to various local political subdivisions for tickets for texting while driving	Less than \$100,000	Less than \$100,000	Less than \$100,000
ESTIMATED NET EFFECT TO THE LOCAL POLITICAL SUBDIVISIONS	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill specifies that no person shall operate a motor vehicle within a school zone while using a wireless communications device to make or take part in a phone call or to send, read, or write a text message or electronic message unless the device is equipped with technology allowing for hands-free operation or for voice-recognition hands-free texting and is being used in such 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 Transportation
Department of Revenue
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



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January 23, 2019

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January 23, 2019