

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0176H.01I
Bill No.: HB 73
Subject: Telecommunications; Roads and Highways; Transportation
Type: Original
Date: January 19, 2021

Bill Summary: This proposal prohibits the use of a hand-held wireless communication device within school zones and construction or work zones.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Total Estimated Net Effect on General Revenue | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| 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 2022 | FY 2023 | FY 2024 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| | | | |
| 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.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| 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 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. In CY 2019, this resulted in 43 convictions for drivers under the age of 21 texting while driving and 64 convictions for drivers operating a CMV while using a hand-held device. 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 does not have available data to determine an estimated volume of increase, but assumes it will be minimal enough to be absorbed by current 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 would be required to:

- Complete programming and user acceptance testing of MODL to develop a new MODL code for prohibited use of hand-held device while driving in a school zone for violations by persons of any age,
- Update interactive applications for automated responses to customers through telephone system (current vendor Genesys) or online (DORA);
- Update forms, including the MO Driver Guide and website information; and
- Train staff.

FY 2022-Driver License Bureau

| | | |
|------------------------|-------------------|-----------|
| Research/Data Analyst | 60 hrs. @ \$23.82 | = \$1,429 |
| Administrative Manager | 30 hrs. @ \$22.24 | = \$ 667 |
| Total | | \$2,096 |

FY 2022-Public Service Bureau

| | | |
|---------------------------------|-------------------|---------|
| Associate Research/Data Analyst | 20 hrs. @ \$19.08 | = \$382 |
| Associate Research/Data Analyst | 15 hrs. @ \$19.08 | = \$286 |
| Total | | = \$668 |

| | | |
|-------------------|--|----------------|
| Total Cost | | \$2,764 |
|-------------------|--|----------------|

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 **\$6,464** in FY 2022 (68.04 hours x \$95 per hour).

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the OA-ITSD costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Officials from the **Missouri Department of Transportation, Department of Commerce and Insurance, Missouri Highway Patrol, Missouri 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 in the fiscal note for these agencies.

Oversight notes, according to data provided by the Office of the State Courts Administrator, there were 33 infractions (guilty pleas) in FY 2020 for the offense of 21 years of age and under texting while driving and 1 infraction (guilty plea) 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 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 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 2022 (10 Mo.) | FY 2023 | FY 2024 |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| VARIOUS STATE FUNDS | | | |
| <u>Revenue</u> - Court costs for tickets for texting while driving in a school zone | 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 2022 (10 Mo.) | FY 2023 | FY 2024 |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| LOCAL POLITICAL SUBDIVISIONS | | | |
| Revenue - fine revenue and court costs to various local political subdivisions for tickets for texting 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

This bill specifies that no person shall operate a motor vehicle within a school zone, construction zone, or work zone while using a wireless communication 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.

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SOURCES OF INFORMATION

Department of Revenue

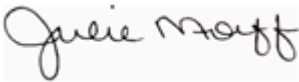
Missouri Department of Transportation

Missouri Highway Patrol

Department of Commerce and Insurance

Missouri Office of Prosecution Services

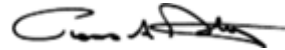
Office of the State Courts Administrator



Julie Morff

Director

January 19, 2021



Ross Strobe

Assistant Director

January 19, 2021