

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2686H.01I
Bill No.: HB 1425
Subject: Roads and Highways; Buses; Children and Minors
Type: Original
Date: April 9, 2021

Bill Summary: This proposal authorizes the use of crossing control arm enforcement systems on school buses.

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
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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 or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government*	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

*The proposal is permissive to school districts (\$0). The fiscal impact ranges from an unknown amount of fine revenue to an unknown amount of costs to implement/operate the system.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Attorney General’s Office, Missouri Highway Patrol, Department of Elementary and Secondary Education, Department of Revenue, Office of the State Courts Administrator and Missouri Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Officials from the **Kansas City Police Department and St. Louis County Police Department** 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 only reflects the responses that we have received from state agencies and political subdivisions; however, other law enforcement agencies and schools were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

Oversight notes the penalty of a violation detected by a crossing control arm enforcement system shall be \$300. Oversight will reflect an “Unknown” amount of revenue to school districts for the fines and an “Unknown” cost to install or maintain crossing control arm enforcement systems on school buses.

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
SCHOOL DISTRICTS			
<u>Revenue</u> – fines for violations of crossing control arm enforcement systems (\$300)	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
<u>Cost</u> – to install or maintain crossing control arm enforcement systems on school buses	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	<u>\$0 or Unknown to (Unknown)</u>	<u>\$0 or Unknown to (Unknown)</u>	<u>\$0 or Unknown to (Unknown)</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 authorizes school districts to enter into intergovernmental agreements with the primary law enforcement agency in the district to issue violations under Section 304.050, RSMo using an automated crossing control arm enforcement system.

Law enforcement officers and law enforcement agencies enforcing violations of Section 304.050 through the use of automated crossing control-arm enforcement systems must review evidence submitted by the manufacturer or vendor of a system to determine if there is sufficient evidence that a violation under Section 304.050 occurred and electronically certify the notice of violation; and provide information to a school district related to the law enforcement officer's or law enforcement agency's capacity to view and authorize the notice of violation.

The compensation paid to the manufacturer or vendor of the crossing control arm enforcement system must not be based on the number of citations issued. The compensation paid to the manufacturer or vendor of the equipment must be based upon the value of the equipment and services provided or rendered in support of the crossing control arm enforcement system.

In districts utilizing a crossing control arm enforcement system, certain provisions applying to notices of violation, certain provisions applying to payments of fines, and certain provisions relating to contesting liability or notice are detailed in the bill.

The civil penalty for a violation detected by a crossing control arm enforcement system is a civil fine of \$300, which will be distributed to the school district.

For each violation detected by a crossing control arm enforcement system, the owner of the vehicle will be liable for the fine imposed under this Section unless the owner is convicted of the same violation under subsection 7 of Section 304.050 or has a defense under this Section.

A violation under this Section will not:

- (1) Be deemed a criminal conviction;
- (2) Be made part of the operating record of the individual upon whom the penalty is imposed under Section 302.302;
- (3) Be the subject of merit rating for insurance purposes; or
- (4) Authorize imposition of surcharge points in the provision of motor vehicle insurance coverage.

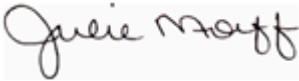
To the extent practicable, an automated crossing control arm enforcement system must use necessary technologies to ensure that photographs or recorded video images produced by the system will not identify the driver, the passengers, or the contents of the vehicle. No notice of liability issued under this Section will be dismissed solely because a photograph or recorded video image allows for the identification of the driver, passengers, or contents of the vehicle as long as a reasonable effort has been made to comply with these provisions.

Defenses to violations under this Section are specified in the bill.

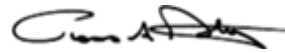
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Attorney General's Office
Department of Revenue
Missouri Highway Patrol
Missouri Department of Transportation
Office of the State Courts Administrator
Kansas City Police Department
St. Louis County Police Department



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April 9, 2021



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