

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0663-01  
Bill No.: HB 161  
Subject: Motor Vehicles; Crimes and Punishment  
Type: Original  
Date: February 18, 2015

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Bill Summary: This proposal increases the penalty for crime of texting while driving.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
General Revenue	(\$24,686)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$24,686)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
Various State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000
Highway Fund	Less than \$100,000	Less than \$100,000	Less than \$100,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Revenue (DOR)** assumes this proposal removes the 21 and under age restriction and will prohibit all drivers from texting while driving. It also adds new point values for texting while driving.

DOR assumes texting while driving is considered a primary law, allowing law enforcement the ability to stop a driver suspected of violating this offense. Based on this and the age restriction being removed, it is assumed the volume of convictions will increase.

In addition, by increasing the point value of 8 for the first offense and 12 points for each subsequent offense, each conviction received will result in a driver license suspension or revocation. This will result in additional suspension notices being printed and mailed. Each suspension will require the person to file an SR-22 insurance certificate and pay a \$20 reinstatement fee.

While the exact number of convictions that will be received cannot be accurately determined, statistics available show approximately .04% of drivers 21 years of age or younger are convicted for this offense.

Currently there are 4,430,734 Missouri licensed drivers. If .04% of those drivers receive convictions for texting while driving, we will receive an estimated 1,772 convictions per year ( $4,430,734 \times .04\% = 1,772$ ).

### Administrative Impact

Since each conviction will result in a suspension or revocation, DOR assumes one FTE (Revenue Processing Tech) will be needed to process the additional convictions, phone calls, correspondence, and reinstatement documents (SR-22 and fees) at a cost of \$26,388. If the volume exceeds the projected amount, additional FTE may need to be requested through the appropriation process.

### Printing and Mailing

Suspension Notices - (\$.025 per notice x 1,772) =	\$44.30
Envelope - (\$.040 per envelope x 1,772) =	\$70.88
Postage - (\$.49 per mailing x 1,772) =	<u>\$868.28</u>
<b>Total estimated cost per year =</b>	<b>\$983.46</b>

ASSUMPTION (continued)

Programming, testing and implementation:

The following procedures will need to be implemented for the changes in this proposal:

- Requires programming and testing of the Missouri Driver License System (MODL) for a new conviction code for texting while driving.
- Requires updates to procedures, correspondence letters, Department website and training of staff.
- OA-ITSD will be required to create three new conviction codes in the Missouri Driver License System.

FY 2016

Administrative Analyst I - 80 hours @ \$25 (1 ½) per hour =	\$2,000
Management Analyst Spec II - 80 hours @ \$23 per hour =	\$1,840
Update webpage - Administrative Analyst III - 10 hrs @ \$23 =	\$230
Update forms - Management Analysis Spec I - 40 hrs @ \$21 =	\$840
Update procedures - Management Analysis Spec I - 40 hrs @ \$21 =	\$840
OA-ITSD - 1120 hours @ \$27.30 an hour =	\$20,736
<b>Total =</b>	<b>\$24,686</b>

Revenue Impact

Based on statistics, DLB estimates that 31% of those individuals who are suspended or revoked will submit the reinstatement fee. Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

The reinstatement fee for each action is \$20 and is calculated as follows:

Estimated reinstatements processed per year: 549 (1,772 x 31% = 549)

Reinstatement fees collected per year: \$10,980 (549 reinstatements per year x \$20 reinstatement fee = \$10,980)

ASSUMPTION (continued)

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 Various State Funds. Oversight will also estimate an increase in revenue from the reinstatement fees of "Less than \$100,000" to the Highway Fund, Cities and Counties.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the costs related to this proposal therefore, Oversight will show the estimated cost for programming, testing and implementation to the General Revenue in FY 2016 only.

Officials from the **City of Columbia** assume this proposal would likely increase calls for service but overall the impact to the City would be minimal.

Officials from the **Department of Transportation**, the **Office of Prosecution Services**, the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Public Defender** the **Office of the State Courts Administrator**, the **City of Kansas City**, the **City of Independence**, the **City of Jefferson**, the **St. Louis County Directors of Elections**, and the **Platte County Board of Elections** each assume the proposal will have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Cost - DOR</u> Programming, testing and implementation	<u>(\$24,686)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE</b>	<b><u>(\$24,686)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>VARIOUS STATE FUNDS</b>			
<u>Revenue - DOR</u> Texting while driving fine money	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
<b>ESTIMATED NET EFFECT TO VARIOUS STATE FUNDS</b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
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**HIGHWAY FUND**

<u>Revenue - DOR</u> Reinstatement fees (75%)	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
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<b>ESTIMATED NET EFFECT TO THE HIGHWAY FUND</b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
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**LOCAL POLITICAL SUBDIVISIONS**

<u>Revenue - Cities</u> Reinstatement fees (15%)	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
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<u>Revenue - Counties</u> Reinstatement fees (10%)	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
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<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

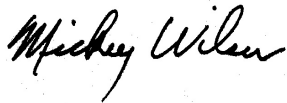
Currently, the penalty for texting while driving is an infraction and a moving violation assessed two points. This bill increases the penalty for texting while driving to eight points for the first offense and 12 points for the second and each subsequent offense.

Currently, persons 21 years of age or younger are prohibited from texting while driving. This bill prohibits any individual, regardless of age, from texting while driving.

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 Public Safety  
Department of Transportation  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Corrections



Mickey Wilson, CPA  
Director  
February 18, 2015

Ross Strobe  
Assistant Director  
February 18, 2015