

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3029-01
Bill No.: HB 1265
Subject: Motor Vehicles; Roads and Highways; Telecommunications
Type: Original
Date: January 9, 2020

Bill Summary: This proposal prohibits anyone from using a hand-held electronic wireless communication device while driving a non-commercial motor vehicle 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 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation** assume the proposal will have no fiscal impact on their organization.

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

§304.820

The proposed legislation removes the "twenty-one years of age or younger" provision for texting while driving and adds language to prohibit the use of all hand-held electronic devices for all drivers unless the device is equipped with hands-free operations or voice-recognition hands-free texting technology.

§304.820.5

The proposed legislation removes language that allowed for use of a hand held device while operating a noncommercial motor vehicle.

The proposed language changes "communication" to "communications."

§304.820.8 amended to be §304.820.7

Proposed language changes "making" to "make" and "taking" to "take" and "communication" to "communications."

§304.820.9 amended to be §304.820.8

The proposed changes remove the language allowing reading, selecting or entering a phone number for purposes of a making a telephone call.

§304.820.11 amended to be §304.820.10

The proposed language changes "communication" to "communications."

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 using a hand-held device will result in an increase of the number of traffic convictions received and processed by the Department.

ASSUMPTION (continued)

Administrative Impact (continued)

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 2021 - 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 2021 - 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**

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** (68.04 hours x \$95 per hour) in FY 2021.

Oversight assumes DOR is provided with core funding to handle a certain amount of computer programming activity each year. Oversight assumes DOR could absorb the programming 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.

ASSUMPTION (continued)

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 61 tickets issued in 2019, 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 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.

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 **Office of the State Courts Administrator, Department of Commerce and Insurance, and Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the agencies mentioned above 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.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
VARIOUS STATE FUNDS			
<u>Revenue</u> - Court costs 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 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 2021 (10 Mo.)	FY 2022	FY 2023
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - 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

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 bill prohibits anyone operating a moving noncommercial motor vehicle, 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..

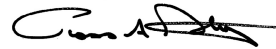
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Department of Transportation
Department of Public Safety - Missouri Highway Patrol
Department of Commerce and Insurance
Office of the State Courts Administrator
Office of Prosecution Services



Julie Morff
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January 9, 2020



Ross Strobe
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January 9, 2020