

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3073H.011
Bill No.: HB 1479
Subject: Telecommunications; Roads and Highways; Transportation
Type: Original
Date: January 4, 2022

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 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue (DOR)** state 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 2023-Driver License Bureau

Research/Data Analyst	60 hrs. @ \$24.29	= \$1,457
Administrative Manager	30 hrs. @ \$26.37	= \$ 791
Total		<u>\$2,248</u>

FY 2023-Public Service Bureau

Associate Research/Data Analyst	20 hrs. @ \$19.47	= \$389
Associate Research/Data Analyst	15 hrs. @ \$19.47	= \$292
Total		<u>= \$681</u>

Total Cost **\$2,929**

The Department anticipates being able to absorb these costs as indicated above. However, until the FY 2023 budget is final, the Department cannot identify specific funding sources. If multiple bills pass that require Department resources, FTE/funding may be requested through the appropriations process.

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 2023 (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 31 infractions (guilty pleas) in FY 2021 for the offense of 21 years of age and under texting while driving and 40 infractions (guilty pleas) 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 impact to the state and local political subdivisions of "Less than \$100,000" in additional fine revenue and court cost revenue 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 2023 (10 Mo.)	FY 2024	FY 2025
VARIOUS STATE FUNDS			
<u>Revenue - Court costs for tickets for texting while driving in a school zone</u>	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>	<u>Less than \$100,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
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.

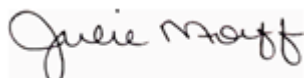
FISCAL DESCRIPTION

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.

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 4, 2022



Ross Strobe
 Assistant Director
 January 4, 2022