



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 37

PRINTER'S NO. 1588

PRIME SPONSOR: Brown

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
Motor License Fund	\$0	See Fiscal Impact
Local/Municipal Funds	\$0	See Fiscal Impact

SUMMARY: SB 37 PN 1588 would modifies Title 75 (Vehicles) to make changes to penalties for texting while driving violations, prohibit the use of a handheld interactive mobile device while driving, and provides for data collection and reporting related to traffic stops within this Commonwealth. Sections within this legislation take effect immediately, Section 6329 related to data collection and reporting would take effect in 18 months, and the remainder sections take effect in 12 months.

ANALYSIS: This legislation amends several sections of Title 75 (Vehicles) to update definitions, require minors to be informed and/or view materials relating to distracted driving, prohibit the use of a handheld interactive mobile device while driving, and provide for data collection and reporting requirements related to traffic stops. Specific sections include:

- **Section 102 (relating to definitions)** – amends the definition of “*Interactive wireless communications device*” to “*Interactive mobile device*” and includes playing games, taking or transmitting images, recording or broadcasting videos, creating or sharing social media or otherwise sending or receiving electronic data;
- **Section 1505 (relating to learners’ permits)** – requires a person under the age of 18 with a learners’ permit to either become familiar with or view educational materials related to the dangers of distracted driving;
- **Section 1508 (relating to examination of applicant for driver’s license)** – requires that the portion of examination on traffic laws contains at least one question on distracted driving;
- **Section 3316 (relating to prohibiting text-based communications)** –provides for emergency use exception for texting law enforcement or EMS

Language further provides that for the first twelve months from the effective date of this section, a violator may only be issued a warning. Moreover, a person who has also committed a violation of Section 3316.1 (relating to prohibiting use of interactive mobile device) can only be charged with violating only one section.

- **Section 3316.1 (relating to prohibiting use of interactive mobile device)** – prohibits a driver operating a motor vehicle from using an interactive mobile device but provides for emergency use exception. A violation of this section would be a summary offense and carries a fine of \$50

Language further provides that for the first twelve months from the effective date of this section, a violator may only be issued a warning. Additionally, a person who has also committed a violation of Section 3316 (relating to prohibiting text-based communications) can only be charged with violating only one section.

This section supersedes and preempts all ordinances of any municipality relating to the use of interactive mobile devices.

Lastly, language indicates that nothing in this section shall be construed to authorize a seizure or forfeiture of an interactive mobile device;

- **Section 3732 (relating to homicide by vehicle)** – incorporates this section’s penalties for violating section 3316.1 (relating to prohibiting use of interactive mobile device) that cause homicide by vehicle and provides that a driver may be sentenced to an additional term, not to exceed five years of confinement.

The section further requires the Pennsylvania Commission on Crime and Delinquency to create a sentencing enhancement for a homicide that occurs in an active work zone, resulting from violation of Section 3316.1 (relating to prohibiting use of interactive mobile device);

- **Section 3732.1 (relating to aggravated assault by vehicle)** - incorporates this section’s penalties for violating section 3316.1 (relating to prohibiting use of interactive mobile device) that cause aggravated assault by vehicle and provides that a driver may be sentenced to an additional term, not to exceed five years of confinement.

The section further requires the Pennsylvania Commission on Crime and Delinquency to create a sentencing enhancement for a homicide that occurs in an active work zone, resulting from violation of Section 3316.1 (relating to prohibiting use of interactive mobile device);

- **Section 6329 (relating to data collection and reporting)** – this is a new section and requires the Pennsylvania State Police (PSP) and a local police officer to collect the following:
 - Reason for the traffic stop
 - Race and ethnicity of the driver
 - Gender and age of the driver
 - Whether search was initiated and/or conducted and whether the search was conducted with consent from the driver
 - Results of the search if one was conducted
 - Whether the traffic stop, or subsequent search resulted in warning, citation, arrest, or other action

FISCAL IMPACT: The enactment of this legislation would have a fiscal impact on both Commonwealth and Municipal funds. Furthermore, the fiscal impact affects the Department of Transportation, Pennsylvania State Police, and Municipal and Regional Police Departments, who serve populations over 5,000. Lastly, the fiscal impact is related to State, Municipal, and Federal funding sources. We would explore each area separately to determine the effects of the bill.

PennDOT

According to PennDOT, the total cost of this legislation would be approximately \$422,000, which would be realized within the Motor License Fund (MLF), and includes the following components:

- \$245,000 for system changes, which are estimated to take five (5) months to complete
- \$176,000 for driver manual related costs, which are estimated to take up to twelve (12) months
 - Due to the agency’s driver’s manual being available in 25 languages and an audio version
- \$1,000 for “Distracted driving” permit test questions at a cost of \$350 per question (translated to 25 languages)
- As it relates to the development and electronic distribution of educational materials on how police can effectively detect distracted drivers, that component would need to be contracted out and associated costs are unknown at this time

In addition to the upfront state costs which would be realized within the MLF, PennDOT would be able to qualify for Federal grants available under 23 U.S.C. §405(e) Distracted Driving, specifically:

- Distracted Driving Awareness Grant - 23 C.F.R. §1300.24(c) (2024)
- Distracted Driving Law Grant - 23 C.F.R. §1300.24(d) (2024)

Under each of the Distracted Driving programs, we anticipate that PennDOT could qualify for up to \$1.2 million, or a total of \$2.4 million combined (depending on the number of qualifying states).

Pennsylvania State Police

The fiscal impact of this legislation would be a function of the section related to data collection and reporting (§6329). Specifically, the section provides that the Pennsylvania State Police:

- Shall determine the process and form for the data to be collected
- PSP or a designated third party would conduct an analysis of the data which was collected and issue a public report

Specific costs for PSP are a function of developing a way to capture the data (IT system changes), compile it, and ultimately transmit it, if necessary to a third party. It is worth noting that currently, PSP has a contract with a vendor by the name of National Policing Institute (NPT) for data analysis and reporting purposes of data collected by the agency. The cost of said contract is \$250,000 per year. It is anticipated that the contract cost will increase as a result of the number of traffic stops and number of reporting police departments, which would need to be included as part of a data analysis. Furthermore, it is unknown whether PSP would be able to continue its contract with the current vendor or need to contract with a different vendor. The fiscal impact to the agency is indeterminate at this point, as a result of the number of unknown costs associated with implementation of §6329.

Local/Municipal/Regional Police Departments

The population threshold of five thousand would apply to local, municipal, or regional police departments as the determining factor as to whether those departments are subject to the legislation. Based on an analysis of Municipal Statistics data available through DCED, there would be 452 police departments within this Commonwealth, that would be subject to the data collection and reporting requirements contained within §6329.

Language within §6329 provides that a local police department:

- which collects and provides the required data directly to a third party of their choosing and subsequently issues a public report, would not be required to submit data to Pennsylvania State Police
- may enter into intergovernmental agreement(s) for the implementation of this section
- shall annually transmit the data it has collected to Pennsylvania State Police or its designated third party

Resulting from the differences in the size of its force, area covered, and number of traffic stops conducted by local/municipal/regional police departments, the fiscal impacts related to local/municipal/regional police departments are indeterminate at this point.

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Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.