



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3011 Amended by House Education and Public Works on February 3, 2021
Author: West
Subject: Driving on the Right Half of the Road
Requestor: House Education and Public Works
RFA Analyst(s): Griffith and Gardner
Impact Date: February 8, 2021

Fiscal Impact Summary

The Department of Transportation (DOT) indicates the bill requires the agency to install 128 signs along interstate roadways to direct slower traffic to keep right. This would increase Other Funds expenditures of DOT by \$24,148 in FY 2021-22. Once installed, the signs can be maintained within DOT's existing authorizations.

This bill, as amended, will have no expenditure impact on the Department of Motor Vehicles (DMV) because the agency will use its existing appropriations for programming changes related to adding a new violation.

The Department of Public Safety reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

The state and local revenue impacts are undetermined because there is no data available to estimate the amount of revenue that may be generated by a new offense.

Explanation of Fiscal Impact

Amended by House Education and Public Works on February 3, 2021

State Expenditure

This bill, as amended, relates to the operation of a motor vehicle in the farthest left lane on a controlled access roadway having two or more lanes in each direction. It prohibits a driver from driving in the left most lane if the driver knows or reasonably should know that he is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This provision does not apply when a driver is operating a vehicle that is overtaking another vehicle driving in the same direction, when the driver of a tractor-trailer commercial motor vehicle is unable to move into the right lane safely due to other vehicles overtaking or passing his vehicle on the right, or when the driver of a vehicle requiring a commercial driver's license is unable to move into the right lane safely due to a highway grade or other vehicles overtaking or passing his vehicle on the right. A person violating this provision is guilty of a misdemeanor punishable by a fine of \$200 or imprisonment for not more than thirty days, as well as the assessment of two

points against his motor vehicle operating record. The bill provides an exception to the penalty schedule when the person violating this provision is operating a vehicle requiring a commercial driver's license. In such an instance, the driver may not be fined more than \$50 and will have no points assessed against his driving record. The Department of Transportation is responsible for placing signage every thirty-five miles along the state's interstate roadways to direct slower traffic to move right. This bill, as amended, takes effect 180 days after approval by the Governor, and for a period of 180 after the effective date, only warning tickets may be issued for a violation.

Department of Transportation. This bill would require the department to install signage at least every thirty-five miles along interstate roadways to direct slower traffic to keep right. The cost to manufacture each sign is \$109.67 and the cost to install each sign is \$78.99, resulting in a total cost of \$188.66 per sign. The department estimates that there are 128 additional signs needed to meet the requirements of the bill. The total expenditure impact of the bill is \$24,148, which would be covered by the agency's Other Funds.

Department of Public Safety. This bill will have no expenditure impact on the Department of Public Safety because the agency will administer policies resulting from the bill with the use of existing staff and resources.

Department of Motor Vehicles. DMV indicates that approximately 12 hours of programming are needed to add the violation to its systems. However, the department plans to use existing resources and appropriations to complete this change. Therefore, there will be no expenditure impact to DMV.

State Revenue

This bill creates the new offense of driving in the left-most lane on a roadway with two or more lanes heading in the same direction when the driver knows or reasonably should know that his vehicle is being overtaken in that lane by a motor vehicle traveling behind him at a higher rate of speed. The penalty for this offense is \$200. While there are other states that have similar laws in place, there is significant variability in the number of citations that have been issued in a given year, and there is a broad range of fines that may be assessed. Based on the variability between the number of citations that may be issued and the differences in allowable fines for each state having a similar law, the amount of state revenue that may be generated from the implementation of this bill is undetermined. The counties will retain a portion of the revenue generated by the assessment of these fines and must remit the remainder to the State Treasurer for appropriate distribution.

Local Expenditure

N/A

Local Revenue

This bill creates the new offense of driving in the left-most lane on a roadway with two or more lanes heading in the same direction when the driver knows or reasonably should know that his vehicle is being overtaken in that lane by a motor vehicle traveling behind him at a higher rate of

speed. The penalty for this offense is \$200. While there are other states that have similar laws in place, there is significant variability in the number of citations that have been issued in a given year, and there is a broad range of fines that may be assessed. Based on the variability between the number of citations that may be issued and the differences in allowable fines for each state having a similar law, the amount of local revenue that may be generated from the implementation of this bill is undetermined. The counties will retain a portion of the revenue generated by the assessment of these fines and must remit the remainder to the State Treasurer for appropriate distribution.

Introduced on January 12, 2021

State Expenditure

This bill relates to the operation of a motor vehicle in the farthest left lane on a controlled access roadway having two or more lanes in each direction. It prohibits a driver from driving in the left most lane if the driver knows or reasonably should know that he is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This provision does not apply when a driver is operating a vehicle that is overtaking another vehicle driving in the same direction, when the driver of a tractor-trailer commercial motor vehicle is unable to move into the right lane safely due to other vehicles overtaking or passing his vehicle on the right, or when the driver of a vehicle requiring a commercial driver's license is unable to move into the right lane safely due to a highway grade or other vehicles overtaking or passing his vehicle on the right. A person violating this provision is guilty of a misdemeanor punishable by a fine of \$200 or imprisonment for not more than thirty days, as well as the assessment of two points against his motor vehicle operating record. The bill provides an exception to the penalty schedule when the person violating this provision is operating a vehicle requiring a commercial driver's license. In such an instance, the driver may not be fined more than \$50 and will have no points assessed against his driving record. The Department of Transportation is responsible for placing signage every thirty-five miles along the state's interstate roadways to direct slower traffic to move right. This bill takes effect 180 days after approval by the Governor.

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Frank A. Rainwater, Executive Director