

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 868 – SB 954

April 11, 2017

**SUMMARY OF ORIGINAL BILL:** Creates a class C misdemeanor, punishable by fine only not to exceed \$50, for driving a motor vehicle and talking on a hand-held mobile telephone. Creates a delinquent act for, but does not prohibit, persons under age 18 driving a motor vehicle and using a hands-free device to talk on a mobile telephone or transmit or read written messages. Creates an exemption for emergency personnel or drivers communicating in an emergency situation. Limits court costs to \$10 for a violation.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – \$3,800/FY17-18  
\$7,600/FY18-19  
\$15,200/FY19-20  
Exceeds \$30,400/FY20-21 and Subsequent Years

Increase Local Revenue – \$200/FY17-18  
\$400/FY18-19  
\$800/FY19-20  
Exceeds \$1,600/FY20-21 and Subsequent Years

**SUMMARY OF AMENDMENT (007161):** Deletes language in the original bill that creates the offense of driving a motor vehicle and talking on a hand-held mobile telephone.

Adds language that creates an offense for a person to knowingly operate a motor vehicle in any marked school zone in this state, when a warning flasher or flashers are in operation, and specifies that use of a hand-held mobile telephone while the vehicle is in motion is not prohibited. Specifies that a mobile telephone does not include a two-way radio or push to talk device.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – \$1,900/FY17-18  
\$3,800/FY18-19 and Subsequent Years

Increase Local Revenue – \$100/FY17-18  
\$200/FY18-19 and Subsequent Years

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Assumptions for the bill as amended:

- All law enforcement agencies that issue citations for the proposed offense will charge the maximum allowed fine of \$50.
- Pursuant to Tenn. Code. Ann. § 8-21-401(h)(1), the local clerks of the court retain five percent of fine revenue as commission.
- Twenty percent of offenders will not pay the fine due to indigence.
- The precise number of citations issued for the offense of using a hand-held mobile telephone to make or receive a phone call while driving a motor vehicle in a school zone is not known; however, a minimum of 100 citations are estimated to be issued each year.
- Due to the proposed effective date of January 1, 2018, the first year impacted will be FY17-18 and the first full-year impact will occur in FY18-19.
- The number of hand-held mobile telephone citations are estimated to be 50 in FY17-18 (half-year impact due to effective date), and 100 in FY18-19 and subsequent years.
- In FY17-18, the increase in state revenue is estimated to be \$1,900 (50 violations x \$50 x 95.0% x 80.0%); the increase in local revenue is estimated to be \$100 (50 violations x \$50 x 5.0% x 80.0%).
- In FY18-19 and subsequent years, the recurring increase in state revenue is estimated to be \$3,800 (100 violations x \$50 x 95.0% x 80.0%); the recurring increase in local revenue is estimated to be \$200 (100 violations x \$50 x 5.0% x 80.0%).
- Any increase in state and local government expenditures is considered to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista M. Lee in blue ink.

Krista M. Lee, Executive Director

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