

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0978-01
Bill No.: HB 241
Subject: Crimes and Punishment; Motor Vehicles; Roads and Highways
Type: Original
Date: March 2, 2009

Bill Summary: The proposal allows various political entities to establish automated photo red light enforcement systems to detect red light signal violations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Road	(Unknown)	(Unknown)	(Unknown)
Red Light Enforcement	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	(Unknown) to Unknown	(Unknown) to Unknown	(Unknown) to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office, City of Centralia, City of West Plains, Cass County, and St. Louis County** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

Officials from the **Department of Transportation (MoDOT)** assume the bill imposes some obligations upon MoDOT, which could result in the need for additional staff or overtime. The bill requires MoDOT to collect of funds, assess of fines, and certify traffic signal timing for signals. The proposal also requires MoDOT to change signal timing. There are also some requirements for signing and pavement marking.

Section 304.287.2 requires all automated photo red light enforcement systems to be registered with MoDOT before they are installed. MoDOT will also collect a one-time registration fee of \$500 for each system used; these fees are to be deposited into the newly-created “Red Light Enforcement Fund,” which will be used to fund audits of agencies using the systems.

ASSUMPTION (continued)

Section 304.287.8 requires all signal phase timings to be certified by MoDOT before a system can be activated. Any signal timing adjustments must be approved in writing by MoDOT and must be certified by a MoDOT traffic engineer.

Section 304.287.10 requires all agencies and political subdivisions using red light camera systems to submit an annual report to MoDOT.

Section 304.289.2 states that no agency shall employ the use of a photo radar system to enforce speeding violations. This would prohibit any future use of automated speed enforcement in work zones where studies show the use to be effective in reducing speeds.

MoDOT assumes an unknown negative fiscal impact from the legislation. They are unable at this time to determine an amount but anticipate the amount to be less than \$100,000 annually.

Officials from **Clinton County** assume the proposal could generate revenues for their city if violations are prevalent. They may experience a savings in police time. They may experience increased costs for the equipment as well as the legal time for court cases.

Oversight assumes the registration fees will be deposited into the Red Light Enforcement Fund. For fiscal note purposes, Oversight assumes the costs of compliance audits will equal the registration fees collected.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined because the number of cities utilizing the red light camera systems is not known. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

Oversight assumes local governments that choose to implement an automated red light enforcement system could realize increased revenues in the form of fines. These local governments could also realize increased costs of equipment and administrative costs for implementing and enforcing the system. For fiscal note purposes, Oversight has reflected the revenues and costs as Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
ROAD FUND			
<u>Costs</u> – Department of Transportation			
Administrative costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON ROAD FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
RED LIGHT ENFORCEMENT FUND			
<u>Revenues</u> – Department of Transportation			
Registration fees	Unknown	Unknown	Unknown
<u>Costs</u> – Department of Transportation			
Costs of compliance audits	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON RED LIGHT ENFORCEMENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL GOVERNMENT			
<u>Revenues</u> – From fines	Unknown	Unknown	Unknown
<u>Costs</u> – To implement and enforce system	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>(Unknown) to Unknown</u>	<u>(Unknown) to Unknown</u>	<u>(Unknown) to Unknown</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation establishes the Missouri Universal Red Light Enforcement Act which allows various political entities to establish automated photo red light enforcement systems to detect red light signal violations.

Prior to installation, all systems must be registered with the Department of Transportation. At the time of registration, a one-time, \$500-per-light fee will be collected and deposited into the Red Light Enforcement Fund for conducting audits to ensure entity compliance with the provisions of the bill.

The proposal requires entities implementing a system to submit an annual report to Department of Transportation regarding the number of intersections enforced by an active system; the number of notices of violation mailed; the number of notices of violation paid; the number of hearings; and the total revenue collected as a result of the system. Any entity failing to complete the annual report within 45 days of its due date will be fined \$50,000 and must remove all automated photo red light enforcement systems.

Before a notice of violation may be issued, all images produced by a system must be reviewed and approved by a law enforcement officer employed by the entity in which the alleged violation occurred. Based on inspection of recorded images, a signed notice of violation or copy of the notice alleging that the violation occurred will be evidence of the facts and will be admissible in any proceeding.

The proposal specifies what the notice of violation is to contain including a copy of two recorded images and a zoomed and cropped image of the vehicle's license plate as well as information on how he or she can review the alleged violation and contest it. Any issued notice of violation must be mailed no later than three business days after the violation was recorded by the automated system.

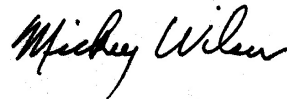
The civil penalties and court costs imposed for a violation must not exceed an amount that would have been imposed if the violation had been detected by a law enforcement officer present when the violation occurred. The combined fine and court costs cannot exceed \$25. Any fines collected must go to the local school district where the infraction occurred. A person who commits a red light violation will be guilty of an infraction with no points being assessed against his or her driver's license and not made a part of his or her operating record. A person charged with committing a red light violation may rebut the violation by filing an affidavit with the court that he or she was not the operator of the vehicle at the time of the alleged violation.

FISCAL DESCRIPTION (continued)

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

Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Transportation
Department of Revenue
Department of Public Safety
 – Missouri State Highway Patrol
City of Centralia
City of West Plains
Cass County
Clinton County
St. Louis County



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Director
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