

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5200-01
Bill No.: Perfected HB 1600
Subject: Motor Vehicles; Telecommunications; Roads and Highways
Type: Original
Date: March 5, 2018

Bill Summary: This proposal establishes the Fair Fare Passenger Safety Act that prohibits any person operating a motor vehicle for compensation from using a hand-held wireless device.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Federal Motor Carrier Safety Assistance Program Fund	\$0 or (Could exceed \$115,000)	\$0 or (Could exceed \$230,000)	\$0 or (Could exceed \$575,000)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or (Could exceed \$115,000)	\$0 or (Could exceed \$230,000)	\$0 or (Could exceed \$575,000)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation (MoDOT)** assume this proposal will have an unknown fiscal impact.

Officials from the **Department of Corrections, Department of Insurance, Financial Institutions and Professional Registration and Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Office of the State Public Defender** assumed the proposal would have no fiscal impact on their organization.

Officials at the **Department of Revenue (DOR)** assume the following regarding this proposal:

§304.823

The proposed language prohibits anyone operating a moving motor vehicle who is receiving compensation for the transportation of one or more passengers from using a hand-held electronic wireless communications device to read, send or write a text message or make or take part in a telephone call. This provision shall not apply to a person using a hand-held electronic wireless communications device in conjunction with a voice-operated or hands-free device.

Administrative Impact

The current law prohibits drivers 21 years of age or younger from texting while driving and drivers from operating a Commercial Motor Vehicle (CMV) while using a hand-held device. This resulted in 210 convictions in CY 2016 (.058% of those drivers).

The proposed legislation prohibiting anyone operating a moving motor vehicle who is receiving compensation for the transportation of one or more passengers from using a hand-held device will result in an increase in the number of traffic convictions received and processed by the Department.

To implement the proposed changes to §304.820.1, the Department would be required to:

- Update forms, procedures, and the Department website;
- Complete programming and user acceptance testing; and
- Train staff.

ASSUMPTION (continued)

Administrative Impact (continued)

FY 2019 - Driver License Bureau

Management Analysis Spec II	40 hrs. @ \$20.57 per hr.	= \$ 823
Revenue Manager Band I	15 hrs. @ \$25.05 per hr.	= \$ 376
Total		= \$1,199

FY 2019 - Personnel Services Bureau

Administrative Analyst III	20 hrs. @ \$19.43 per hr.	= \$ 389
Management Analysis Spec I	15 hrs. @ \$18.42 per hr.	= \$ 276
Total		= \$ 665

Total Cost **\$1,864**

OA-ITSD services will be required at a cost of **\$5,103** (68.04 hours x \$75 per hour) in FY 2019.

In summary, DOR assumes a cost of **\$6,967** (\$1,864 + \$5,103) in FY 2019.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal.

Officials at the **Office of the State Courts Administrator** assume the fiscal impact of this proposal is unknown. There may be some impact but there is no way to quantify the impact at this time. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assumes the following regarding this proposal:

The proposed legislation would prohibit the use of a handheld-wireless device for any person operating a motor vehicle for compensation. Prohibiting the motor vehicle operator from being stopped, inspected, or detained solely to determine compliance with this section would take the state and the Patrol out of compliance with the Federal Motor Carrier Safety Regulations. This would make the Patrol ineligible for approximately \$2.3 million in Motor Carrier Safety Assistance Program (MCSAP) grant funds.

The dollar amount varies slightly from year to year. This would also affect 7 full-time FTE, as their salaries and fringe benefits are fully funded by the MCSAP grant.

ASSUMPTION (continued)

The Federal Motor Carrier Safety Administration (FMCSA) could withhold MCSAP funding completely or it could reduce the funds as follows:

Finding the State in noncompliance and withholding:

- (I) Up to 5 percent of MCSAP funds during the fiscal year that the FMCSA notifies the State of its noncompliance;
- (ii) Up to 10 percent of MCSAP funds for the first full fiscal year of noncompliance;
- (iii) Up to 25 percent of MCSAP funds for the second full fiscal year of noncompliance; and
- (iv) Not more than 50 percent of MCSAP funds for the third and any subsequent full fiscal year of noncompliance

Each year that Missouri remains noncompliant would result in a loss of the State's MCSAP funding as well as a percentage of the Federal Highway Funds. Without the MCSAP funding, the state of Missouri and all participating agencies, could not implement the federally required Commercial Vehicle Safety Plan (CVSP).

Oversight will range the fiscal impact of this proposal from \$0 (Missouri not out of compliance with federal motor carrier safety regulations) to "Could exceed \$115,000" in FY 2019, "Could exceed \$230,000 in FY 2020 and "Could exceed \$575,000 in FY 2021 (if Missouri is found to be out of compliance of federal motor carrier safety regulations).

MHP also states there were 76 tickets issued in 2016 and 60 tickets issued in 2017 (to date) by troopers for the offense of 21 years of age and under texting while driving with an approximate fine of \$83 per ticket.

Oversight notes, of the \$83 fine, \$20.50 goes to fine revenue and the remaining \$62.50 goes to various state and local funds for court costs. However, all fines may not have been paid (for example, the court could have thrown the ticket out or set the fine at a different amount).

Below are examples of some of the state and local funds which court costs are distributed.

ASSUMPTION (continued)

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

Based upon MHP's statement that only 76 tickets for texting while driving for 21 years of age or under were issued by the troopers in 2016 and 60 issued in 2017, **Oversight** assumes a relatively minimal amount of fine revenue and license reinstatement revenue will be collected by expanding the offense to those persons receiving compensation for the transportation of one or more passengers. As this bill only applies to those drivers who are receiving compensation for the transportation of passengers who are currently occupying such motor vehicle, Oversight assumes a minimal amount of fine revenue will be collected and will not reflect it in the fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUND			
<u>Loss</u> - MHP - potential loss of federal funds if Missouri is found to be out of compliance	\$0 or (Could exceed <u>\$115,000</u>)	\$0 or (Could exceed <u>\$230,000</u>)	\$0 or (Could exceed <u>\$575,000</u>)
ESTIMATED NET EFFECT ON THE FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUND	\$0 or (Could exceed <u>\$115,000</u>)	\$0 or (Could exceed <u>\$230,000</u>)	\$0 or (Could exceed <u>\$575,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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 establishes the Fair Fare Passenger Safety Act of 2018, which prohibits any person operating a motor vehicle on the highways or other public roadways of this state for compensation for the transportation of one or more passengers from using a handheld electronic wireless communications device to read, send, or write a text message or electronic message. The person is also prohibited from making or taking part in a telephone call by means of a hand-held electronic wireless communication device.

The provisions of the bill do not apply to a person operating:

- (1) An authorized emergency vehicle; or

FISCAL DESCRIPTION (continued)

(2) A moving motor vehicle while using a hand-held device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information between a transit or for-hire operator and that operator's dispatcher when the device is permanently affixed to the vehicle.

Additional exceptions for parked or stopped vehicles, law enforcement, fire department members, ambulance drivers are specified in the bill.

The use of GPS systems and voice-operated technology to make phone calls is allowed as is the use of radio transmitters by those properly licensed under federal law.

A violation of these provisions must be deemed an infraction and must be deemed a moving violation that is assessed points. Any city or county must have the authority to adopt ordinances or regulations that are equivalent to, but not more restrictive than, the provisions of the bill.

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 Transportation
Department of Public Safety - Missouri Highway Patrol
Department of Revenue
Office of the State Courts Administrator
Department of Insurance, Financial Institutions and Professional Registration
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections

Ross Strobe



Acting Director
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