

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0426H.01I
 Bill No.: HB 110
 Subject: Motor Vehicles; Roads and Highways; Telecommunications
 Type: Original
 Date: January 20, 2021

Bill Summary: This proposal prohibits anyone from using a hand-held electronic wireless communication device while driving a non-commercial motor vehicle unless the device is equipped for hands-free operation and is being used in that manner.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Various State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	Less than \$100,000	Less than \$100,000	Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

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

Administrative Impact

The current law prohibiting drivers 21 years of age or younger from texting while driving resulted in 43 convictions in CY 2019. The proposed legislation prohibiting all drivers from using a hand-held device may result in an increase of the number of traffic convictions received and processed by the Department. The Department has no available data that would help determine the potential volume of increase, but assumes it will be minimal enough to not require additional FTE. If the increase is more significant than anticipated or additional laws are passed that impact the staff who process convictions, additional FTE may be requested through the appropriations process.

To implement the proposed legislation, the Department would be required to:

- Complete programming and user acceptance testing of MODL to develop a new MODL code for prohibited use of hand-held device for violations by persons of any age,
- Update interactive applications for automated responses to customers through telephone system (current vendor Genesys) or online (DORA);
- Update forms, including the MO Driver Guide and website information; and
- Train staff.

FY 2022-Driver License Bureau

Research/Data Analyst	60 hrs. @ \$23.82	= \$1,429
Administrative Manager	30 hrs. @ \$22.24	= \$ 667
Total		<u>\$2,096</u>

FY 2022-Public Service Bureau

Associate Research/Data Analyst	20 hrs. @ \$19.08	= \$382
Associate Research/Data Analyst	15 hrs. @ \$19.08	= \$286
Total		<u>= \$668</u>

Total Cost **\$2,764**

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

DOR notes OA-ITSD services will be required at a cost of **\$6,772** in FY 2022 (71.28 hours x \$95 per hour).

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the OA-ITSD costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Officials from the **Missouri Department of Transportation, Department of Commerce and Insurance, Missouri Highway Patrol, Missouri Office of Prosecution Services and Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes, according to data provided by the Office of the State Courts Administrator, there were 33 infractions (guilty pleas) in FY 2020 for the offense of 21 years of age and under texting while driving with an approximate fine of \$83 per ticket.

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. It would take approximately 1,200 tickets to be issued to reach \$100,000 in fine and court cost revenue. Oversight will reflect a potential amount of revenue to the state and local political subdivisions of "Less than \$100,000" per year from this charge.

Additional fine revenue received by local school districts may count as a deduction in the following year in determining their state aid apportionment, if the district is not a 'hold harmless' district. For simplicity, Oversight will only reflect the increase in fine revenue as a positive impact to local political subdivisions.

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

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

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
VARIOUS STATE FUNDS			
<u>Revenue</u> - Court costs for tickets for texting while driving	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue - fine revenue and court costs to various local political subdivisions for tickets for texting while driving</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
ESTIMATED NET EFFECT TO THE LOCAL POLITICAL SUBDIVISIONS	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Currently, an individual 21 years of age or younger is prohibited from sending, reading, or writing a text message or electronic message from a hands-held electronic wireless communications device while operating a moving motor vehicle on any highway in this state.

This bill prohibits anyone operating a moving noncommercial motor vehicle, regardless of age, from these activities and from making or taking part in a phone call unless the device is equipped with technology allowing for hands-free operation or equipped for voice-recognition hands-free texting and is being used in that manner. Drivers of commercial vehicles are currently prohibited from driving while using a hand-held mobile telephone.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. No. 0426H.01I

Bill No. HB 110

Page 7 of 7

January 20, 2021

SOURCES OF INFORMATION

Department of Revenue

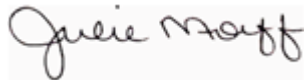
Missouri Department of Transportation

Missouri Highway Patrol

Department of Commerce and Insurance

Missouri Office of Prosecution Services

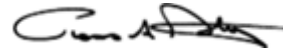
Office of the State Courts Administrator



Julie Morff

Director

January 20, 2021



Ross Strobe

Assistant Director

January 20, 2021