

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 22, 2003

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB418 by Martinez Fischer (Relating to fines collected for child safety belt offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 545.413(j), Transportation Code to clarify that existing statute requires municipalities and counties to send to the Comptroller of Public Accounts 50 percent of fines collected for child safety belt offenses. The bill would take effect September 1, 2003.

The existing law reads that a municipality and a county, "...shall send to the Comptroller an amount equal to 50 percent of the fines collected...for violations of this section." Violations listed in 545.413 (a) address offenses related to persons at least 15 years of age and (b) addresses offenses related to children between the ages of five and 17 and those under the age of five. The proposed amendment would specify that local governments shall remit 50 percent of the fines collected for violations of offenses listed in (b).

As the statute currently reads, there has been a misunderstanding among municipalities and counties as to whether 50 percent of fines collected for all seat belt offenses, or just for child safety belt offenses, should be submitted to the Comptroller for deposit into the tertiary care fund. For units of local government that have been submitting 50 percent of fines for all safety belt offenses, the clarifying language would result in a savings, as the entity would retain the full amount of fines collected for non-child safety belt offenses. If an entity has already been submitting half of fines collected just for child safety belt violations, there would be no fiscal impact. The fine for non-child safety belt offenses ranges from \$25 to \$50, whereas the fine for child safety belt offenses ranges from \$100 to \$200.

As the law would be amended, municipalities and counties would retain 100 percent of the fines collected for non-child safety belt violations and continue to retain 50 percent and to remit to the Comptroller 50 percent of fines collected for child safety belt violations as defined in subsection (b). The impact to those municipalities and counties that have been submitting 50 percent of fines for all safety belt violations would be a slight savings (retaining all instead of just half of each fine ranging from \$25 to \$50). The state would experience a slight loss in revenue that corresponds to the savings experienced by units of local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JK, WK, SD, DLBa