

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 25, 2005**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB514** by Hunter (Relating to the penalty for failure to yield the right-of-way.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to establish that a collision caused by a failure to yield right-of-way that results in property damage or causes serious bodily injury or death would be a misdemeanor offense. Punishment for when the damage is to property would be a fine of not more than \$4,000, confinement in jail for not more than one year, or both. Punishment for when serious bodily injury or death are caused would be a fine of not more than \$4,000 and confinement in jail for between 30 days and one year.

Additionally, if the offender is placed on community supervision for a failure to yield right-of-way offense that resulted in serious bodily injury or death, a required condition of community supervision would be not less than 30 days confinement in jail.

The bill would take effect September 1, 2005, and would apply only to an offense committed on or after that date.

The Department of Public Safety reports the agency would have to train its officers on the new version of the law, but training costs could be absorbed using existing resources.

**Local Government Impact**

Under current statute, a person convicted of failure to yield the right-of-way is subject to a fine of between \$1 and \$200. The bill would increase this fine to a maximum of \$4,000 and introduce jail time for the offense. As a result, it is assumed that more applicable traffic accident cases could be contested in the courts (as opposed to the situation now where defendants in most of these cases simply pay a traffic ticket, according to the Office of Court Administration). This could result in increased costs to counties because county-level courts would be responsible for handling these cases. Municipal courts and justice of the peace courts would no longer handle the cases because of the increase in the penalties associated with the offense. While the bill would result in an increase in fine revenue for counties, the counties would also have to pay for any incarceration of defendants who caused serious bodily injury or death. The statewide average cost of confinement in county jail per person per day is \$36.00.

The fiscal impact would vary by county and would depend on the number of offenses that occur and the level of punishment imposed.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

**LBB Staff:** JOB, SR, DLBa