

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 25, 2005

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

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

IN RE: HB2666 by Krusee (Relating to the criminal and civil enforcement of the required payment of a toll for the use of certain turnpike projects.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2666, As Introduced: an impact of \$0 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>STATE HIGHWAY FUND</i> 6	Change in Number of State Employees from FY 2005
2006	(\$212,156)	6.0
2007	(\$173,841)	6.0
2008	(\$188,787)	6.0
2009	(\$190,575)	6.0
2010	(\$207,701)	6.0

Fiscal Analysis

The provisions of the bill amends the Transportation Code and makes it an offense for a motor vehicle to be operated on a turnpike project if the vehicle has failed to pay a required toll or charge and provides for civil penalties against the registered owner of the vehicle found to be in violation. Additionally, the registered owner, (who might not necessarily be the operator of the vehicle at the time the offense occurred), found liable is subject to having their driver's license or commercial driver's license suspended until they have complied with the order or the court issuing the order of suspension.

According to the Department of Public Safety (DPS), it has determined that the provisions of the bill will have an operational and fiscal impact to the DPS. It will require programming changes to the Drivers' License system to establish new suspension and compliance codes and will require additional Full-Time Equivalent's in the Driver Improvement and Safety Responsibility Bureau's.

The bill would take effect immediately upon receiving a vote of two-thirds of all the members elected to each house. If the bill does not receive the vote necessary for immediate effect, the bill would take effect September 1, 2005.

Methodology

Based on fiscal year 2004, the North Texas Tollway Authority (NTTA) reported 403,292 toll violation invoices mailed. Of these 403,292 notices, 89,854 (22.28 percent) did not comply and enforcement action was taken. The Harris County Toll Road Authority (HCTRA) reported 870,000 toll violation notices mailed. Of these 870,000 notices, 52,200 (6 percent) did not comply and enforcement action was taken. The combined total of toll violations that resulted in enforcement action for the State of Texas for fiscal year 2004 was 142,054. Both the NTTA and the HCTRA indicated that this total reflects the drivers who would be affected by this proposed legislation.

According to DPS, it would initiate 142,054 suspension actions for toll violations. A compliance technician in the Safety Responsibility Bureau processes 100 cases per day. Based on a 66 percent estimate compliance rate 142,054 times 66 percent equals 93,755 divided by 12 months divided by 21 working days per month equals 372 additional compliance items per day. This indicates four additional career progression Administrative Assistant II FTE's needed (382 divides by 100 equals 3.7). The clerks processing the incoming mail and indexing the scanned images process 400 cases per day, requiring 1 additional Clerk IV FTE (372 divided by 400 equals .93). The clerks processing correspondence letters produce 300 letters per day, requiring 1 additional Clerk IV FTE (372 divided by 300 equals 1.2). The clerks imaging documents process over 20,000 documents per day, therefore no additional Clerk IV FTE's will be required for imaging.

The additional costs for FTEs total \$173,841 in fiscal year 2006 and \$173,841 in fiscal year 2007. With career progression, it increases the costs to \$188,787 in fiscal year 2008 and \$188,787 in fiscal year 2009 and to \$205,913 in fiscal year 2010.

Technology

Technology Impact for fiscal year 2006 is \$38,315, which includes computers, printers, software, enterprise agreements, and client licenses for 6 FTE's. For fiscal year 2009, and subsequent years, the technology impact of \$1,788 is for the enterprise agreements.

Local Government Impact

It is assumed that in those counties where the commissioner's court has authorized additional magistrate powers and duties connected to criminal and civil enforcement of required payment of tolls, the fines paid by drivers who do not pay their tolls would cover the costs of implementing the provisions of the bill.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: JOB, SR, MW, DE, KJG, SJ, LM