

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 4, 2007**

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

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

**IN RE: HB995** by Martinez Fischer (Relating to civil and criminal consequences of riding on a coasting motor vehicle without an operator; providing penalties.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it relates to civil and criminal consequences of riding on a coasting motor vehicle without an operator; providing penalties.

Section 1 of the bill would add Transportation Code, Section 545.4065, Riding on a Coasting Motor Vehicle Without and Operator; Offense, which states a person may not ride on the exterior of a motor vehicle that is coasting with the gears or transmission of the vehicle in neutral and does not have a person seated behind the steering wheel operating the vehicle. The first time a person commits the offense would result in a Class B misdemeanor. If the person had one prior conviction for a Class B misdemeanor or if the person was operating the vehicle while intoxicated and was in the possession of an open container, the offense would be a Class A misdemeanor. If the person had at least two or more prior convictions, the next offense would become a state jail felony. The bill states the degree of the felony (second or third) would be dependent of whether there was a bodily injury, a serious bodily injury or a death occurred related to the offense.

Section 2 of the bill would add Transportation Code, Section 521.352, Suspension for Offense Relating to Riding on Coasting Motor Vehicle Without and Operator, which would require a one-year suspension of a motor vehicle license for a conviction related to this offense. A person under the age of 18 would be allowed to retain their occupational license to allow for limited transportation to and from an educational facility where the student is enrolled and the place where the person resides. A person convicted of this offense would be required to complete an educational program approved and adopted by the Texas Education Agency (TEA) to educate on the dangers of this offense prior to the first anniversary of the conviction. If the person is a resident of Texas without a driver's license, the Department of Public Safety (DPS) is prohibited from issuing a driver license to that person until they successfully complete the educational program.

DPS and TEA would jointly adopt rules for the qualification and approval of providers of appropriate educational programs. The educational program must include a minimum of 100 hours of formal classroom instruction and focus on the danger of this offense. A person completing the required training before the end of the license suspension could apply for reinstatement of their license with satisfactory proof to DPS that the program was successfully completed. If a person is convicted of the same offense during the period of license suspension, DPS shall revoke their license until the first anniversary of the conviction and may not reinstate their license prior to that date. The bill would take effect September 1, 2007.

DPS states that the cost of implementing the bill would be limited to training officers on the new law and such costs could be absorbed within the agency's current appropriations. TEA states the fiscal impact would cost the state \$106,420 in fiscal year 2008 and \$96,420 in fiscal year 2009, which would include 2 full-time-equivalent positions. It is assumed the TEA costs could be absorbed within the agency's current appropriations and therefore would not result in a significant fiscal impact to the state.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety, 701 Central Education Agency

**LBB Staff:** JOB, KJG, GG, LG