

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 19, 2007

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

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

IN RE: HB2309 by Rose (Relating to the penalty for failure to yield the right-of-way.) ,As
Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB2309, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

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
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from STATE HIGHWAY FUND 6
2008	(\$372,800)
2009	\$0
2010	\$0
2011	\$0
2012	\$0

Fiscal Analysis

The bill would amend the Transportation Code and the Code of Criminal Procedure relating to the penalty for failure to yield the right-of-way.

The bill would amend Transportation Code, Sections 545 and 708 and Code of Criminal Procedure, Article 42 which states if a trial results in the commission of an offense where: 1) a collision causing property damage occurred, the offense is a misdemeanor punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year or both the fine and the confinement; or 2) a collision causing bodily injury or death occurred, the offense is a misdemeanor punishable by a fine of not more than \$4,000 and confinement in jail for not less than 30 days and not to exceed one year. The bill would also add six points per violation to the offender's driver license. The bill also adds Transportation Code, Section 708.106, Surcharge for Conviction of Failure to Yield Right-of-Way

Resulting in Injury or Death, which states that a person convicted for an offense under Transportation Code, Section 545 that resulted in serious bodily injury or death will be charged a \$500 surcharge per year for three years. The bill states a defendant convicted of this offense shall pay the surcharge as a condition of their community supervision. The bill would take effect September 1, 2007 and apply only to offenses committed on or after the effective date of the Act.

Methodology

The Department of Public Safety (DPS) would be required to collect a \$500 surcharge per year for three years under the provisions of this bill. This analysis assumes the potential surcharge collected would be a revenue gain for the Trauma Facilities/EMS Account No. 5111 and General Revenue Fund, but the amount of estimated revenue collected is not known at this time. DPS estimates a required \$372,800 in professional service fees for additional driver license system programming changes in fiscal year 2008 in order to implement the provisions of the bill.

Technology

DPS estimates a required \$372,800 in professional service fees for additional driver license system programming changes in fiscal year 2008 in order to implement the provisions of the bill.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, GG, LG