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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 15, 2007

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

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

IN RE: **SB60** by Zaffirini (Relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.), **As Engrossed**

> **Because the bill language is permissive in setting fee amounts and the prospective actions of judges cannot be determined, the fiscal impact to the state cannot be estimated.**

The bill would amend Section 545.412, Transportation Code, to change the requirements for securing a child passenger in a motor vehicle. Under current statute, a person operating a motor vehicle and transporting a child is required to secure in a child safety seat a child under the age of five years and less than 36 inches in height. The bill would require a child younger than the age of eight years, unless the child is taller than four feet, nine inches, to be secured in a child safety seat. This requirement would not be enforceable until June 1, 2008.

The bill would lower the fine for a violation of the child safety seat requirement from between not less than $100 or more than $200 to not more than $25. Notwithstanding any other law, a municipality or county would be required to remit each fine collected under the section to the comptroller for deposit in a separate account in the General Revenue Fund that may be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families.

Chapter 133, Local Government Code would apply to the fine collected for violations of the child safety seat law. Chapter 133 allows a county or municipality to deposit fines in an interest bearing account to be held until remitting to the comptroller and allows the local government to retain the interest earned.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

The Comptroller's Office makes note of the following regarding the fiscal impact of the provisions of the bill:

The bill does not specify which account in the General Revenue Fund 0001 would receive the fine revenue, but a new unspecified dedicated account would be created because of the dedication of revenues.

The proposed statutory changes to Section 545.412(b) of the Transportation Code would create a conflict with Section 545.412(h), which requires that counties and municipalities remit 50 percent of the collected fine revenue to GR Account 5102—Tertiary Care. In fiscal 2006, $2.8 million in fine revenue was deposited to GR Account 5102. This account revenue and the equivalent revenue retained by counties and municipalities could be in jeopardy pending resolution of the conflicting subsections.

Although the bill would not make an appropriation, it would establish the basis for an appropriation.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury,

or create a dedicated revenue source. The fund, account, or revenue dedication included in the bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

A county or municipality would experience a revenue loss by being required to remit the $25 to the state. The loss would be more than $25 per offense; the loss in revenue would include amounts of the portion of fines retained locally that under current statute were up to $200 and the interest earned on those higher amounts. The negative fiscal impact would vary by county and municipality, depending on how many fines are imposed annually and what amounts would have been imposed if the limits were not to change as a result of passage of the bill.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JOB, KJG, DB