

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

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

**March 6, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

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

**IN RE: SB547** by Carona (Relating to commercial motor vehicle safety; providing a criminal penalty.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB547, 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 Revenue Gain from <i>GENERAL REVENUE FUND 1</i>	Probable (Cost) from <i>GENERAL REVENUE FUND 1</i>	Probable (Cost) from <i>STATE HIGHWAY FUND 6</i>
2008	\$618,872	(\$618,872)	(\$2,251,044)
2009	\$12,680	(\$12,680)	(\$1,367,641)
2010	\$12,680	(\$12,680)	(\$1,367,641)
2011	\$12,680	(\$12,680)	(\$1,367,641)
2012	\$12,680	(\$12,680)	(\$1,670,539)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	27.0
2009	19.0
2010	19.0
2011	19.0
2012	19.0

## **Fiscal Analysis**

The bill would amend the Transportation Code by allowing the Texas Department of Transportation (TxDOT) to suspend or revoke a registration if a motor carrier fails to conduct alcohol and drug testing of an employee who holds a commercial driver's license. The bill would also require a motor carrier to complete a criminal history check on a motor carrier driver, a driver applicant to whom an offer of employment is made, and any person who leases a commercial motor vehicle. TxDOT, by rule, would require a motor carrier to pay a fee to the Department of Public Safety (DPS) in an amount equal to the administrative costs that DPS incurs in conducting the criminal history checks.

The bill would require DPS, as part of its compliance review and safety audit program, to determine whether a motor carrier required to conduct alcohol and drug testing of an employee who holds a commercial driver's license is conducting the required testing.

The bill would take effect on September 1, 2007. A motor carrier would not be required to conduct criminal history checks until October 1, 2007.

## **Methodology**

Based on the analysis of DPS, it is assumed the bill would require an additional 618,872 criminal history records checks to be conducted in fiscal year 2008, and 12,680 checks each year thereafter. Based on the \$1.00 fee currently assessed for criminal history record checks conducted through name searches, the record checks would generate \$618,872 in additional General Revenue collections for fiscal year 2008, and \$12,680 each year thereafter. It is assumed these revenues would be appropriated to DPS to pay for the administrative expenses of the criminal history program.

Based on the analysis of DPS, it is assumed that an additional 27 FTEs would be required in fiscal year 2008 to implement the provisions of the bill, including 8 temporary FTEs to process the initial increase in criminal history checks, and 19 permanent FTEs each year thereafter to process record checks and conduct the required compliance audits (Administrative Assistant III positions at \$28,666 per year, progressing to Training Specialist II positions at \$32,065 per year in 2009, plus estimated employee benefit costs at 28.29 percent of salary costs). DPS estimates that 46,280 motor carrier entities would be affected by the provisions of the bill, on which the agency would be required to conduct compliance audits. DPS estimates each FTE can complete 800 audits per year or 2,400 in 3 years ( $800 \times 3 = 2,400$ ). The number motor carrier entities divided by 2,400 audits per person results in approximately 19 additional FTEs. It is assumed that travel costs associated with the increased staff and responsibilities would be \$456,000 each year.

DPS estimates that additional office space will be required to accommodate the additional personnel at an estimated lease cost of \$63,606 in 2008 and \$44,760 2009 each year thereafter. Other operating expenses are estimated to be \$738,496 in fiscal year 2008, 485,293 in fiscal years 2009 through 2011, and \$388,191 in fiscal year 2012 for maintenance and repair of office machines and computer equipment, computer supplies, non-capital computer equipment, and furniture and equipment.

## **Technology**

This analysis includes estimated technology costs computers, printers, enterprise agreements totaling \$73,715 in fiscal year 2008. Fiscal years 2009 through 2012 include a technology impact of \$2,831 per year for continued enterprise software agreements.

## **Local Government Impact**

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

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

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