

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB55 by Branch (Relating to an offense of using a wireless communication device while operating a motor vehicle.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to prohibit an operator of a motor vehicle from using a wireless communication device while operating a motor vehicle within a school crossing zone unless the vehicle is stopped or the wireless device is used with a hands-free device. An exception to the use of a wireless communication device in a school zone would be allowed for making an emergency call to certain entities and would not apply to certain entities. An offense would be a misdemeanor punishable by a fine of not more than \$50.

A municipality, county, or other political subdivision that enforces the applicable section of the Transportation Code would be required to post a sign at the entrance to each school crossing zone within the entity's jurisdiction. The Department of Public Safety would be required to adopt standards related to the signs.

The proposed change in law would preempt all local ordinances, rules, or regulations adopted by a political subdivision of the state related to the use of a wireless communication device by the operator of a motor vehicle that are inconsistent with the specific provisions of the bill. The change in law would apply only to an offense committed on or after the effective date of the bill, which would take effect on September 1, 2009.

It is anticipated that any costs associated with enforcement would be absorbed using existing resources.

Local Government Impact

A municipality, county, or other political subdivision would incur costs for purchasing and posting signs at all school crossing zones. According to information obtained from the Texas Department of Transportation, the cost of a small mounted sign is between \$450 and \$650. The total cost for each affected unit of local government would depend on the standards established for the size and type of sign and the number of school crossing zones within each municipality, county, or other political subdivision.

Costs could also be incurred to make administrative adjustments if a local government entity has existing ordinances, rules, or regulations that would be preempted; depending on fines imposed by the current local ordinance, rule, or regulation, a local government's revenue could also be affected.

Any revenue gain related to the fine specified in the bill would depend on the number of offenses prosecuted and the amount of the fine imposed up to the \$50 limit.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DB