

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 6, 2009**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

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

**IN RE: HB758** by Martinez Fischer (Relating to the creation of an offense for certain prohibited uses of a wireless communication device while operating a motor vehicle.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to prohibit an operator of a motor vehicle from using a wireless communication device to read, write, or send a text message while operating a motor vehicle unless the vehicle is stopped or if the operator is a peace officer or emergency response provider using the device in connection with official duties. An offense would be punishable by a fine of not less than \$2 nor more than \$400 if the offense is committed in a school crossing zone.

Costs associated with enforcement could be absorbed using existing resources. Revenue generated from imposition of the fine would vary by government entity, depending on the number of offenses occurring in each and the discretion of the judge in the amount of fine imposed.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, KJG, JB, DB, HC