

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

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

**March 25, 2009**

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

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

**IN RE: HB985** by Brown, Betty (Relating to the creation of a memorial sign account, the imposition of a memorial sign fee on certain defendants, and the posting of memorial signs for certain victims of alcohol or controlled substance related vehicle accidents.), **Committee Report 1st House, Substituted**

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| <b>No significant fiscal implication to the State is anticipated.</b> |
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The bill would amend statute by adding Article 102.0184 to the Code of Criminal Procedure, which creates a mandatory cost charged to persons convicted of Driving While Intoxicated (DWI), Driving While Intoxicated with a Child Passenger, Intoxication Assault, and Intoxication Manslaughter that involved a motor vehicle and resulted in the death of another person. This cost would be used to fund memorial signs for victims of vehicle accidents involving alcohol or controlled substances and would not exceed \$300.

The bill would amend statute by adding Section 201.9095 to the Transportation Code to create a new General Revenue-Dedicated Account, the Memorial Sign Account. Money in this account could only be appropriated to the Texas Department of Transportation to pay costs related to posting memorial signs for victims of alcohol or controlled substance related vehicle accidents.

According to the Comptroller of Public Accounts (CPA), a fiscal impact from this bill could not be determined because the cost, while mandatory, could be up to \$300 and the agency has no way to estimate what amount local courts would charge. For illustrative purposes the Office of Court Administration (OCA) provided an estimate if the charge was set at \$300. Based on 9,623 felony DWI convictions in fiscal year 2008 and assuming that one out of every 100 cases result in death of a person other than the driver, OCA estimates approximately 96 cases per year to which this cost would apply. With the assumptions of a 40 percent collection rate, and that of the amount collected, local retention of 10 percent as a collection fee, the estimated collection from this cost would be \$10,368 per year.

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 this bill would be subject to funds consolidation review by the current Legislature.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. The courts would incur a slight administrative cost that would vary by court, depending on the number of applicable cases for which the memorial sign fee would be imposed.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 601 Department of Transportation

**LBB Staff:** JOB, KJG, JI, JJO, TP