

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

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

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

IN RE: HB3255 by Gattis (Relating to the impoundment of a motor vehicle if operated without financial responsibility or a driver's license.), **Committee Report 1st House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would add Section 601.0535 to Chapter 601 of the Transportation Code to authorize a law enforcement officer to impound a motor vehicle if the operator fails to display a driver's license and does not have proof of financial responsibility. The bill provides requirements for the impounding officer and their agency and the paperwork they must provide the operator or owner of the vehicle and lists the conditions under which the impounding agency may release the vehicle to the owner and or operator.

The bill would take effect September 1, 2009 and would apply only to an offense committed on or before that date.

Based on information provided by the Department of Public Safety, it is anticipated that costs associated with implementing provisions of the bill could be absorbed using existing resources.

Local Government Impact

The fiscal impact on municipal police departments and county sheriffs' offices would vary depending on the number of violations that occur and whether the peace officer chooses to impound the vehicle, as well as current practices.

Dallas County (2000 U.S. census population of over 2.2 million) reports that the sheriff's office already has a policy of having vehicles towed if the driver is unable to provide a license. The county does not, therefore, anticipate any fiscal impact as a result of passage of the bill.

Harris County (population of over 3.4 million) estimates that based on the approximately 42,000 applicable citations written annually, if the county sheriff's office were to impound in each case, the sheriff's office would have to add 11 new deputies (because of increased use of deputy time per violation resulting in a tow) and 6 new clerks (to enter the data, process the releases, and write the reports) at a cost of slightly more than \$1million in fiscal year 2010, increasing up to \$1.1 million by fiscal year 2014. The county anticipates that under the provisions of the bill, there would be revenue gains of \$82,500 annually, which would not come close to offsetting costs of new staff.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DB