

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB61 by Zaffirini (Relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 545.412, Transportation Code, to change the requirements for securing a child passenger in a motor vehicle. Under current statute, a person operating a motor vehicle and transporting a child is required to secure in a child safety seat a child under the age of five years and less than 36 inches in height. The bill would require a child younger than the age of eight years, unless the child is taller than four feet, nine inches, to be secured in a child safety seat. This requirement would not be enforceable until June 1, 2010.

The bill would modify the fine for a violation of the child safety seat requirement from between not less than \$100 or more than \$200 to not more than \$25 for the first offense and not more than \$250 for any subsequent offenses. The bill would also require that a person convicted of this offense pay a court cost of \$0.15 to be remitted monthly to the Comptroller of Public Accounts (CPA). The court clerk of a municipality or county would be required to remit each court cost collected under SECTION 1 of the bill to the CPA for deposit in a separate account in the General Revenue Fund that may be appropriated only to the Texas Department of Transportation (TxDOT) for the purpose of purchasing child passenger safety seat systems and distributing them to low-income families.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

According to the Comptroller of Public Accounts and the Office of Court Administration (OCA), the impact to the state from provisions of the bill cannot be estimated due to the lack of information available on the number of children who would fit this criteria and therefore, the number of potential convictions. OCA did offer for illustrative purposes that 10,000 convictions would result in \$1,500 in revenue from the \$0.15 court cost, assuming a 100 percent collection rate.

According to TxDOT, although the actual number of citations issued for child passenger safety violations statewide is undetermined, there were approximately 16,700 citations issued through TxDOT Selective Traffic Enforcement Program grants in fiscal year 2008. If the new \$0.15 court cost was assigned to each of these violations, the total revenue would be approximately \$2,500. Using OCA reports showing that there were approximately 7.3 million dispositions in Texas for misdemeanor non-parking traffic offenses in 2008, TxDOT assumes that if 1 percent of the violations were child passenger safety citations, the total amount generated by the new court cost would be approximately \$11,000. Therefore, a possible total amount of revenue that could be generated would be \$13,500.

In addition, TxDOT reports that provisions of the bill could result in the state qualifying for additional federal Section 2011 funding.

The bill does not specify which account in the General Revenue Fund would receive the fine revenue, but CPA assumes that the revenue would be deposited to a new General Revenue Account - Purchase

Child Safety Seat Program.

Although the bill would not make an appropriation, it would establish the basis for an appropriation.

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

Local Government Impact

A county or municipality would experience a change in revenue collected related to the fine for an offense; the amount would depend on the number of first offenses and the number of subsequent offenses prosecuted.

A county or municipality would incur administrative costs related to collecting and submitting to the state \$0.15 in court costs imposed for violations of the child safety seat system.

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

LBB Staff: JOB, SD, DB, JJO, KJG