

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 8, 2011**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

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

**IN RE: HB37** by Menendez (Relating to the use of a wireless communication device while operating a motor vehicle; providing for penalties.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 545.425 of the Transportation Code to prohibit the use of a wireless communication device for calls or text-based communications while operating a motor vehicle unless the vehicle is in park, the parking brake is set, or the device is hands-free.

The bill would establish an exception to an offense related to using a wireless communication device to include an emergency call to a law enforcement agency, but would not allow an exception for an emergency call made in a school crossing zone that does not have required signs posted.

The bill would create a misdemeanor offense with fines of not more than \$200 as defined by the provisions of the bill.

The bill would repeal Section 545.425(b-1) of the Transportation Code which requires a municipality, county, or other political subdivision that bans the use of wireless communications devices in school zones to post a sign that notifies motor vehicle operators of the ban and that violators are subject to a fine.

The Department of Public Safety reports programming changes will be needed to implement this bill, which would not have a significant fiscal impact. The Texas Department of Transportation reports that eliminating the need to replace existing school crossing zone signs would result in a savings and no costs would be incurred assuming existing school crossing zone signs could remain in place until the end of their normal life span.

**Local Government Impact**

Costs associated with enforcement and prosecution, and revenue gain from fines imposed and collected, would vary depending on the number of offenses committed. To the extent that any local entities already have a fine for this offense in place, a revenue loss could be experienced as a result of the fine structure created by this bill. However, the provisions of the bill are not anticipated to have a significant fiscal impact.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

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