

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION
Revision 1

March 8, 2011

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

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

IN RE: HB93 by Cook (Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle; providing 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 an operator from using a wireless communication device for text-based communications while operating a motor vehicle. The bill would create misdemeanor offenses with fines of not more than \$200.

The bill would create second and third degree felony offenses for offenses that resulted in serious bodily injury or death.

The bill would establish exceptions to an offense related to using a wireless communication device if the wireless communication device is permanently installed in the vehicle or was used under certain circumstances as defined by the provisions of the bill.

The Texas Department of Public Safety (DPS) reports offense codes will need to be modified to implement the provisions of the bill. DPS and the Texas Department of Transportation do not anticipate a significant fiscal impact as a result of the bill.

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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