

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: HB103 by Martinez Fischer (Relating to the creation of an offense for certain prohibited uses of a wireless communication device while operating a motor vehicle.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Section 545.425 of the Transportation Code to create an offense for using text-based communications while operating a vehicle unless the vehicle is stopped, or a peace officer or an emergency response provider is conducting official duties. The offense would be punishable by a fine of not more than \$400 if the person is in a school crossing zone.

The Texas Department of Public Safety (DPS) reports a new offense code will need to be created to implement the provisions of the bill. The Texas Department of Transportation (TxDOT) reports signs in TxDOT-maintained school zones would need to be replaced to reflect the new fine structure. Based on the analysis of DPS and TxDOT, it is assumed any additional costs or duties associated with implementing the provisions of the bill could be absorbed within the agencies' existing resources.

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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