

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

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

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

IN RE: HB2185 by Harper-Brown (Relating to the eligibility of commercial driver's license holders for dismissal of certain charges on completion of a driving safety course.), **As Introduced**

While the overall fiscal impact to state administrative costs would not be significant, the enactment of the bill could result in a loss of federal highway funds to the State.

The bill would amend the Code of Criminal Procedure to permit judges to dismiss certain traffic offenses committed by individuals who hold commercial driver's licenses upon completion of a driving safety course. The bill would take effect September 1, 2011.

The Department of Public Safety (DPS) indicates the provisions of the bill would place Texas out of compliance with Title 49, Code of Federal Regulations and risk a loss of federal-aid highway funds and federal Motor Carrier Safety Assistance Program (MCSAP) funds. DPS estimates the potential losses from federal-aid highway funds would be 5 percent of the total funds received in the first year of non-compliance (\$80,227,324) and 10 percent in all subsequent years (\$160,454,648). Non-compliance could also result in a complete withdrawal of MCSAP funds (approximately \$36,000,000). The total amount of potential losses to federal funds would be \$116,227,324 in FY 2012 and \$196,454,648 in FY 2013 and subsequent future years.

Local Government Impact

The bill would allow a judge to implement alternatives to requiring a defendant to make a payment for all court costs.

The local fiscal impact would vary by locality, depending on the number of offenses committed by holders of commercial driver's licenses in a given locality and which, if any, alternative under Article 45.05(a-1) of Code of Criminal Procedure a judge would choose to implement.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, GG, ESi, TP