

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

February 25, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB41 by Menéndez (Relating to the use of a wireless communication device while operating a motor vehicle; providing for penalties.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Section 545.425 of the Transportation Code to prohibit the use of a wireless communication device while operating a motor vehicle unless the vehicle is in park, the parking brake is applied, or the device is hands-free, and sets forth certain defenses to prosecution. The bill establishes that a violation of this offense is a misdemeanor punishable by a fine of not less than \$25 or more than \$100 if the offense occurs outside a school crossing zones, and a fine of not less than \$125 or more than \$200 if the offense occurs within a school crossing zone.

The bill would repeal Sections 545.425(b-1), (b-2), (b-3), (b-4), and (d-1) of the Transportation Code which relate to requirements for a municipality, county, or other political subdivision that bans the use of wireless communication devices to post signs notifying motor vehicle operators of the ban and that violators are subject to a fine.

The Department of Public Safety estimates there would be a minimal cost associated with implementing the provisions of the bill. The Office of Court Administration indicates it could absorb the costs associated with the bill within its current resources. It is anticipated additional cases could result in more court fines and costs being collected, but the number of convictions and state revenue generated are not expected to be significant.

Local Government Impact

There could be a cost savings to a local governmental entity that would not be required to post signs at entrances to school crossing zones; however, the amounts would vary depending on whether signs currently exist and whether existing signs would be removed.

Costs associated with enforcement and prosecution, and revenue gain from fines imposed and collected would vary depending on the number of offenses committed; however, the amounts are not anticipated to have a significant fiscal impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: UP, AG, JI, MMe, TP