

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 23, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB63** by Craddick (Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.),  
**As Engrossed**

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

The bill would amend Section 545.425 of the Transportation Code to establish a misdemeanor offense punishable by a fine of not more than \$100, or \$200 if the offender has been previously convicted for the same offense, for using a handheld wireless communication device to read, write, or send a text-based communication while operating a moving vehicle that is not stopped. The bill sets forth certain exceptions and defenses to prosecution for this offense.

The bill would add Section 545.4251 to include definitions for handheld wireless communication device and text-based communication. This section would preempt all local ordinances, rules, or regulations relating to using a wireless communication device while operating a motor vehicle adopted after September 1, 2011.

The bill would require the Texas Department of Transportation (TxDOT) to post a sign on each interstate highway or United States highway at the entrance to the state informing motor vehicle operators of the prohibition on using a wireless communication device while operating a motor vehicle set forth by the bill.

TxDOT reports approximately 43 signs would need to be installed as a result of the bill's provisions; it is anticipated the cost of installing these signs could be absorbed within current resources. TxDOT reports the Moving Ahead for Progress in the 21st Century Act (MAP-21) created a federal distracted driving grant program and authorized \$22.5 million for use by states with conforming distracted driving laws. The provisions of the bill would allow TxDOT to apply for grant funding under this program; however, the amount of federal funds the state would receive is unknown.

OCA anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The Department of Public Safety estimates there would be a minimal cost associated with implementing the provisions of the bill. 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 negative fiscal impact to cities that adopted a ban after September 1, 2011, and currently ban the use of a wireless communication device for text-based communication while driving for the fine limit of \$100 for first time offenders and \$200 for second time offenders. In addition, a city that does not currently have a ban may experience a positive fiscal impact. The fiscal impact would vary by locality and would depend on the number of offenses committed and the amount of the fine issued.

The City of Austin reported there would be no significant fiscal impact since Austin currently prohibits texting while driving in the city.

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

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