

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 7, 2013

TO: Honorable Larry Phillips, Chair, House 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.),
Committee Report 1st House, Substituted

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 to read, write, or send a text-based communication while operating a motor vehicle.

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 currently ban the use of a wireless communication device for text-based communication while driving and impose a fine higher than \$100 for first time offenders and \$200 for second time offenders. Cities that do 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