

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 1, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1671 by Nichols (Relating to the fines for and other enforcement of laws providing for the operation of oversize or overweight vehicles; creating an offense.), **Committee Report 2nd House, Substituted**

Although the bill is expected to generate revenue for the state and for units of local government, the fiscal implications of the bill cannot be determined at this time due to a lack of data on the violations subject to the penalties.

The bill would amend civil and criminal penalties for certain violations of the Transportation Code or Texas Transportation Commission rules relating to oversize or overweight vehicles. The bill specifies criminal offense levels, maximum penalties, and court jurisdiction for specific infractions.

The bill would increase penalties under the Transportation Code Chapter 621, relating to vehicle size and weight, and Chapter 623, relating to permitting of certain vehicles. Under the terms of the bill, penalties assessed under both chapters would be divided equally between the assessing governmental entity and the state. The bill specifies certain limited circumstances in which counties or municipalities may keep all of an assessed penalty. The bill creates a new law enforcement fee of \$5,000 accompanying administrative penalties for false information on certain certificates and provides that the fee is for deposit in a special account in the general revenue fund and available for appropriation only to the Department of Public Safety for commercial vehicle enforcement.

The Department of Public Safety reports that the bill will not have a fiscal impact to the agency. The Comptroller of Public Accounts reported on previous versions of this bill that data on which to calculate the amount of state revenue the bill would generate is not available and that the fiscal impact of the bill cannot be estimated. It is not anticipated that the bill will result in any significant fiscal impact to the court system.

This analysis assumes that the bill will increase state revenue, and that depending on the number and type of assessed penalties, the amount of revenue generated may be significant. However, the fiscal implications of the bill cannot be determined due to a lack of data on the violations that will be subject to penalties.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included

in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

The bill would increase fine revenue to counties and municipalities; however, future revenue generated under the bill cannot be estimated.

Source Agencies: 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 601 Department of Transportation, 608 Department of Motor Vehicles

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