

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 7, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB80 by Craddick (Relating to the use of a portable wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB80, As Engrossed: an impact of \$0 through the biennium ending August 31, 2017.

However, there would be an estimated cost of (\$14,271,179) to Fund 6 in fiscal year 2016 associated with the bill's signage requirements.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from State Highway Fund 6
2016	(\$14,271,179)
2017	\$0
2018	\$0
2019	\$0
2020	\$0

Fiscal Analysis

The bill would amend Chapter 545 of the Transportation Code to establish a misdemeanor offense punishable by a fine of not more than \$99 for a first time offense or \$200 if the offender has been previously convicted for the same offense, for using a hand held 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. This section would preempt a local ordinance, rule or regulation relating to the use of a portable wireless communication device by the operator of a motor vehicle to read, write, or send a text-based communication.

The bill would amend Chapter 521 of the Transportation Code to include knowledge of the effect of using wireless communication device while in operation of a motor vehicle in the examination of license applicants.

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, a prominent location at each rest stop, and each exit point from a public airport informing motor vehicle operators of certain information relating to the prohibition of using a wireless communication device while operating a motor vehicle as set forth by the bill.

The bill would take effect on September 1, 2015.

Methodology

Based on the information and analysis provided by TxDOT, the bill would require the installation of 1,987 signs, designed with dimensions sufficient to accommodate information prescribed by the bill, for a total cost of \$14.3 million to the State Highway Fund in fiscal year 2016.

The Office of Court Administration (OCA) anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The Department of Public Safety (DPS) reports there will be information technology costs to implement the bill. These costs are not likely 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 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 El Paso reported no significant fiscal impact is anticipated.

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, SD, EK, TG