

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 12, 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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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 informing motor vehicle operators of the prohibition on using a wireless communication device while operating a motor vehicle as set forth by the bill. TxDOT reports approximately 43 signs would need to be installed. It is anticipated the cost of installing these signs could be absorbed within current resources.

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.

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

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