

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB62 by Craddick (Relating to the use of a 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 the offense. If the offense causes the death or serious bodily injury of another person, the offense would be punishable as a Class A misdemeanor.

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 this state 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.

It is assumed that any state costs associated with implementing the provisions of the bill could be absorbed with existing agency resources.

The bill would take effect on September 1, 2017.

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 depending on whether the fines imposed by the cities exceed the limits specified by the provisions of the bill. Additionally, 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 Georgetown anticipates no significant fiscal impact from the provisions of the bill.

According to the Texas Municipal League, no significant fiscal impact is anticipated.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

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, GG, BM, TG, SD, EK