

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 2, 2019

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2679 by Craddick (Relating to damage to certain state transportation infrastructure resulting from certain motor vehicle accidents; creating a criminal offense.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Chapter 545 of the Transportation Code to establish a Class C misdemeanor offense for a person who recklessly operates a commercial motor vehicle and is involved in an accident that causes damage to a highway or other transportation infrastructure that is part of the state highway system. The bill would amend Chapter 601 of the Transportation Code, by adding Subchapter O regarding claims for damage to state transportation infrastructure. The bill would authorize the Texas Department of Transportation (TxDOT) to submit a claim with the insurer of the operator of a motor vehicle or the owner of the vehicle that causes damage to state transportation infrastructure to recover the estimated cost to repair or replace the damaged infrastructure. If a claim were to be denied and TxDOT prevails in a suit against the owner, the bill would authorize TxDOT to recover costs incurred in bringing the suit, including reasonable attorney's fees and court costs.

TxDOT reports that the agency has an existing process to recover highway infrastructure damages and for the Office of the Attorney General to file suit on behalf of TxDOT to pursue unpaid debts. This analysis assumes the implementation of remedies authorized by the bill would not result in a significant change to the amount of damages the agency would be able to recover. Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

This analysis assumes the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies. Based on the analysis of the Office of Court Administration, it is assumed the bill would not result in a significant impact to the state court system.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

A Class C misdemeanor is punishable by a fine of not more than \$500. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain

from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition to the fine, punishment can include up to 180 days of deferred disposition.

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

LBB Staff: WP, JGAn, TG, SMi, LM