

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2638-06
Bill No.: Perfected SCS for SB 710
Subject: Motor Vehicles; Public Safety Department; Children and Minors.
Type: Original
Date: April 2, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue Fund	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
State School Money Fund *	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

* Contains offsetting transfers.

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 13 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Senate Committee Substitute; Child passenger restraints.

Officials from the **Department of Revenue, Department of Public Safety - Missouri Highway Patrol** and the **Office of the State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator (CTS)** state while there may be a number of violations, they would not expect the number to significantly increase the workload of the courts and, after a period of adjustment, would expect substantial compliance to reduce the initial number of violations.

Oversight assumes any additional costs to CTS would be minimal and could be absorbed from existing resources

Officials from the **Department of Public Safety - Director's Office** state they would require an unknown amount of General Revenue funds to concur with the proposal. The Division of Highway Safety (which is now under the Department of Transportation) currently is responsible for child restraint programs.

Oversight assumes the proposal would be implemented by the Department of Transportation -

ASSUMPTION (continued)

Division of Highway Safety and not the Department of Public Safety.

Officials from the **Office of Prosecution Services** state any costs resulting from this proposal could be absorbed within the current budget constraints.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Public Safety's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 8 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 12 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal are estimated to be \$492, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal, however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Transportation (MoDOT)** state this proposal amends various provisions regarding the use of child restraint systems in motor vehicles. The educational materials with revised law information would have to be redesigned and printed, but MoDOT assumes they can absorb the resulting cost. Therefore, MoDOT assumes no fiscal impact from this proposal.

Officials from the **Department of Elementary and Secondary Education (DES)** state that school districts owning buses that are required to be equipped with safety belts pursuant to federal motor vehicle safety standards, as well as those districts that have chosen to equip buses with safety belts, will incur costs to bring their buses in line with the requirements of section 307.179.

DES states that personnel at the Missouri State Highway Patrol, Motor Vehicle Safety Inspection Division have indicated that 900 buses are currently required to be equipped with safety belts. DES estimates that 20% of the other approximate 10,500 buses have had seat belts installed

ASSUMPTION (continued)

because school districts have chosen to do so. Therefore, approximately 3,000 (i.e. 900 + 2,100) buses will require child passenger restraint systems. Assuming a conservative estimate of 10 restraint systems per bus at a cost of \$60 per restraint system, the bottom range of the cost estimate would be \$1,800,000 (i.e. 3000 buses x 10 restraint systems x \$60 each).

DES assumes this will be a \$1,800,000 cost to the State's General Revenue Fund since the proposal would mandate to the local school districts and bus companies that serve them, the improvements required to be made to their buses.

Oversight assumes it is unclear how many local school districts would choose to use the child passenger restraint systems or the booster seats. Oversight assumes buses that are already equipped with seat belts may opt to furnish to the small children, booster seats instead of adding shoulder harnesses to some of the existing lap belt systems. Therefore, Oversight will assume this proposal would result in an unknown additional cost to local school districts to update their buses to be in compliance with the proposal.

Senate Amendment 1; Primary enforcement of seat belts.

In response to a similar proposal from this year, officials from the **Office of Prosecution Services, Office of the State Public Defender** and the **Department of Public Safety** – divisions of **Missouri Highway Patrol** and **Capitol Police** each assumed the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Office of the State Courts Administrator (CTS)** state the amendment would allow an officer to stop a vehicle for non-compliance with the seat belt law if the violation is clearly visible to the officer without stopping the vehicle, and increase the fine from \$10 to \$15.

Depending on the degree of enforcement, there could be a significant increase in the number of cases filed. However, we have no way of estimating that increase. Again, any significant increase would be reflected in future budget requests.

Official from the **Department of Transportation (MoDOT)** state that currently, the federal TEA-21 reauthorization bills are being negotiated. There are three versions of the bill (senate

bill, house bill and the administration bill). The administration bill would allow a windfall incentive to states that pass primary seat belt enforcement laws. The maximum grant for states that enact a "safety belt use law" would be equal to 5 times the FY 2003 Section 402 formula grant. Missouri's FY 2003 grant was about \$3.4 million, therefore the total incentive would be \$17 million (\$3.4 million X 5). Until a bill is passed on the federal level, the fiscal impact to

ASSUMPTION (continued)

MoDOT is unknown, however the fiscal impact would be either \$0 or \$17 million.

Oversight assumes the incentive is prospective and dependent on future events, and has excluded these revenues from the estimate of fiscal impact.

In response to a similar proposal from this year, officials from the **City of Springfield Police Department** state the proposal would result in additional revenues to the city from additional tickets being issued. They estimate the additional revenues to be \$1,500.

In response to a similar proposal from this year, officials from the **St. Louis Metropolitan Police Department (SLPD)** assumed fine revenue could increase.

Oversight notes that increases in fines which would go to school districts would be offset by reduced payments to those districts through the State Foundation Formula.

Senate Amendment 5; Department of Revenue notification of altered driving statutes.

Officials from the **Department of Revenue** assume this amendment would not fiscally impact their agency.

Senate Amendment 6; Installation of air bags;

In response to a similar proposal from this year, officials from the **Department of Transportation, Office of State Courts Administrator** and the **Department of Public Safety – State Highway Patrol** each assumed the proposed legislation would have no fiscal impact on their respective agencies.

In response to a similar proposal from this year, officials from the **Office of Prosecution Services** stated as this creates new crimes, it will impact the caseloads of prosecutors, but the net effect should not be substantial.

In response to a similar proposal from this year, officials from the **Office of State Public Defender** assumed existing staff could provide representation for those cases arising where indigent persons were charged with installing fake air bags in automobiles. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state that Senate Amendment 6 and Senate Amendment 7 relate to airbags and bicycle safety with penalty provisions up to a class C felony.

DOC states that currently, they cannot predict the number of new commitments which may result from the creation of the offenses outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY03 average of \$38.10 per inmate, per day or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Senate Amendment 7; Bicycle safety:

For a response from the **Department of Corrections**, please see under Senate Amendment 6.

Officials from the **Office of the State Public Defender** and the **Department of Public Safety - Missouri Highway Patrol** each assume this amendment will not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would create several new crimes and penalties relating to bicycle safety and vehicle

accidents that result in injury or death.

There may be a significant increase in the number of cases filed, but CTS is not able to provide a precise estimate at this time.

Because of the increase in points assessed, there may also be an increase in the number of appeals and revocations of drivers' licenses.

Any significant increase in the workload of the courts will be reflected in future budget requests.

ASSUMPTION (continued)

Officials from the **Department of Transportation (MoDOT)** state they may have to provide additional signs along the roadways, however this legislation does not indicate that the signs would have to be provided by MoDOT. If additional signs are required to be erected and maintained by MoDOT, this legislation would have a fiscal impact for the sign costs. Otherwise this legislation would have no fiscal impact on MoDOT.

Oversight assumes the additional fine revenue to be generated from various aspects of the perfected proposal would result in an increase of revenue to the local school districts, but an offsetting reduction of funding from the state government, since fine revenue is a deduction in the calculation of state funding to local school districts. Therefore, Oversight assumes the increase in fine revenue will actually result in a savings to the state's General Revenue Fund. Oversight assumes this savings to the state's General Revenue fund will exceed the additional costs anticipated by the Department of Corrections.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (6 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Savings</u> – Reduced appropriations to State School Moneys Fund	Unknown	Unknown	Unknown
<u>Costs</u> – Department of Corrections			
Incarceration/probation costs from installation of airbags (amendment 6)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

**ESTIMATED NET EFFECT ON
 GENERAL REVENUE FUND**

Unknown

Unknown

Unknown

FISCAL IMPACT - State Government

FY 2005
 (6 Mo.)

FY 2006

FY 2007

STATE SCHOOL MONEYS FUND

Savings – Reduced distributions to school
 districts

Unknown

Unknown

Unknown

Losses – Reduced appropriations from
 General Revenue Fund

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 STATE SCHOOL MONEYS FUND**

\$0

\$0

\$0

FISCAL IMPACT - Local Government

FY 2005
 (6 Mo.)

FY 2006

FY 2007

SCHOOL DISTRICTS

<u>Revenues</u> – Income from fines from not having a child in an appropriate child restraint system (307.179.3), increase in fines from primary enforcement of seat belts and the increase in fines from \$10 to \$15 regarding seat belt infractions (Senate Amendment 1), and the increase in fines from speeding in school zones (Senate Amendment 7).	Unknown	Unknown	Unknown
<u>Costs</u> – Reduced distributions from State School Moneys Fund	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - expense to purchase booster seats and/or retrofit existing lap belts with qualified child passenger restraint system	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal requires children less than four years old, regardless of weight, or children weighing less than 40 pounds, regardless of age, to use an appropriate child passenger restraint system. The proposal requires children four years of age through five years of age or who weigh 40 pounds to 60 pounds to be secured in a child passenger restraint system or a child booster seat. Children six years of age or older, or children who are at least 60 pounds, must use a safety belt, child restraint system or booster seat. Children weighing more than 40 pounds, who would otherwise be required to be secured in a booster seat, may be transported in the back seat while only wearing a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

A person found guilty of violating this new law would be assessed a fine of not more than \$25. A person may escape the \$25 penalty by demonstrating that the person obtained a child safety

seat prior to or at his or her hearing which is satisfactory to the court or the party responsible for prosecuting the violator's citation. No points will be assessed against a person's driver's license for violating this proposal. If there are more persons than there are seat belts in the car, then the passengers must sit in the area behind the front seat unless the vehicle is designed only for a front-seated area. This exception does not apply to passengers riding with an intermediate licensee. This proposal has an effective date of January 1, 2005.

Senate Amendment 1 permits a law enforcement officer to enforce the seat belt law if the violation is clearly visible to the officer without stopping the vehicle. The amendment provides noncompliance with the seat belt law shall not constitute probable cause for a search of the driver, passenger, or vehicle. The proposal also increases a seat belt fine from \$10 to \$15.

Senate Amendment 5 states the Department of Revenue shall notify licensed Missouri motorists by public service announcement or other mass communication mean, any changes in Missouri driving statutes before the changes become effective.

Senate Amendment 6 would make it illegal to install automobile air bags that does not meet all applicable federal safety regulations or installs an airbag which has previously been installed in

DESCRIPTION (continued)

another motor vehicle without disclosing in writing to the owner that a used airbag has been installed. A person convicted of this offense would be guilty of a class D felony.

Senate Amendment 7 provides for various measures relating to bicycle safety and the duties owed to bicyclists by motorists.

DESIGNATED BICYCLE LANES - This amendment prohibits blocking or obstructing a designated bicycle lane with a parked or standing motor vehicle. The amendment establishes standards for motorists crossing bicycle lanes (Section 300.330).

DEGREE OF CARE - This amendment requires drivers to exercise the highest degree of care to avoid colliding with pedestrians, bicyclists, and motorcyclists (Section 300.410- Model Traffic Ordinance) (Sections 304.677 and 537.038).

OVERTAKING A BICYCLIST - This amendment requires motorists to pass bicyclists with the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle (no less than 3 feet) (Section 300.411-Model Traffic Ordinance)(Section 304.678).

UNIFORM SCHOOL SPEED ZONES - This amendment allows counties and municipalities to establish maximum school speed zones of not less than 20 miles per hour. This proposal allows the county or municipality to double the fines for traffic violations that occur within a school zone (Section 304.675).

DEFINITION OF BICYCLE - This amendment modifies the definition of bicycle (Section 307.180).

APPROACHING AN INTERSECTION - This amendment requires bicyclists approaching a stop sign to slow down or stop before entering the intersection. The bicyclist shall yield the right-of-way to any motor vehicle in the intersection or approaching in such a manner to constitute an immediate hazard. Under this act, a bicyclist approaching a traffic light shall stop before entering the intersection, except that the bicyclist may cautiously make a right-hand turn without stopping or make a left-hand turn onto a one-way highway without stopping. (Section 307.189).

DESCRIPTION (continued)

RIDING ON SHOULDERS - This amendment provides that the riding of bicycles on shoulders shall be permitted unless local regulations or State Highways and Transportation Commission regulations provide otherwise. If shoulder travel is prohibited, it shall be clearly designated by sign (Section 307.191).

INVOLUNTARY MANSLAUGHTER - This amendment provides that knowingly passing too close to (colliding with) a bicyclist causing death is first degree involuntary manslaughter. The amendment also provides that the reckless operation of a motor vehicle causing death to another person is second degree involuntary manslaughter (Section 565.024).

ASSAULT - This amendment provides that recklessly causing serious physical injury to another person with a motor vehicle is 2nd degree assault. Recklessness shall be presumed if it is shown that the motorist overtook a bicyclist too closely by failing to leave a safe distance of at least three feet (Section 565.060). The amendment also provides that if a person operates a motor

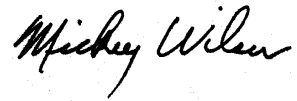
vehicle in a manner that violates a traffic law or regulation and the violation causes serious physical injury to another person, then the person is guilty of 3rd degree assault (Section 565.070).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
 Director's Office
 Missouri Highway Patrol
 Capitol Police
Department of Transportation
Department of Revenue
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Office of the Secretary of State
Springfield Police Department
St. Louis Metropolitan Police Department
Department of Elementary and Secondary Education
Department of Corrections

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A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 2, 2004