

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2638-15
Bill No.: HCS for SCS for SB 710
Subject: Motor Vehicles; Public Safety Department; Children and Minors.
Type: Original
Date: May 7, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

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

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 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

Section 307.156: Installation of air bags:

Officials from the **Office of State Public Defender, Office of Prosecution Services, Department of Transportation**, and the **Office of State Courts Administrator** each assume the proposed legislation would have no fiscal impact on their respective agencies.

In response to a previous version of this proposal, officials from the **Department of Public Safety – State Highway Patrol** assumed the proposed legislation would have no fiscal impact on their agency.

In response to a previous version of this proposal, officials from the **Department of Corrections (DOC)** stated this proposal relates to airbags with penalty provisions up to a class D felony.

DOC stated that 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

ASSUMPTION (continued)

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.

Section 307.179: Child passenger restraints.

In response to a previous version of this proposal, officials from the **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

In response to a previous version of this proposal, officials from the **Department of Public Safety - Director's Office** stated 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 - Division of Highway Safety and not the Department of Public Safety.

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

ASSUMPTION (continued)

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 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 \text{ buses} \times 10 \text{ restraint systems} \times \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

ASSUMPTION (continued)

this proposal would result in an unknown additional cost to local school districts to update their buses to be in compliance with the proposal.

Department of Revenue notification of altered driving statutes (Section 1).

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

<u>FISCAL IMPACT - State Government</u>	FY 2005 (6 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Corrections			
Incarceration/probation costs from installation of air-bags (Section 307.156)	(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	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (6 Mo.)	FY 2006	FY 2007
SCHOOL DISTRICTS			
<u>Costs</u> - expense to purchase booster seats and/or retrofit existing lap belts with qualified child passenger restraint system	(Unknown)	(Unknown)	(Unknown)
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 substitute 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 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. (Section 307.156)

This proposal also 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 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.

These provisions shall not apply to any public carrier for hire or to school buses, unless such school bus has been equipped with safety belts, or is required to be equipped with safety belts pursuant to federal motor vehicle safety standards.

The department of public safety shall initiate and develop a program of public information to develop understanding of, and compliance with the provisions of this section.

The proposal also 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.

The effective date of the proposal is January 1, 2005.

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
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
Department of Elementary and Secondary Education
Department of Corrections



Mickey Wilson, CPA
Director
May 7, 2004