

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0338-02
Bill No.: Perfected SCS for SB 11
Subject: Motor Vehicles; Transportation; Roads and Highways
Type: Original
Date: February 4, 2011

Bill Summary: This proposal prohibits all drivers, regardless of age, from text messaging while operating motor vehicles.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Road Fund	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Federal Highway Funds	\$0 or (\$203,300,000)	\$0 or (\$203,300,000)	\$0 or (\$203,300,000)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or (\$203,300,000)	\$0 or (\$203,300,000)	\$0 or (\$203,300,000)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender, Office of Prosecution Services, Office of the State Courts Administrator** and the **Department of Transportation** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Revenue (DOR)** assume Section 304.820 now requires the DOR to assess points to a driver's record for a conviction violation of text messaging while driving offense created under these provisions regardless of age of the offender. This legislation removes the 21 and under age limitation which will result in an unknown increase in the number of convictions for driving while texting.

The proposal would administratively impact the DOR's Driver License Bureau. DOR states there are no statistics available to determine how many additional convictions the DOR may be required to process; however, one FTE can process 320 convictions per day. The DOR assumes that a minimum of 1 FTE will be needed to process the additional convictions resulting from this violation. If the volume of convictions received for processing exceeds 320 per day, then additional FTE will be required and will be requested through the appropriation process.

There are no statistics available to determine the volume of phone calls that may be received; however, currently a Telephone Information Operator is required to handle 100 calls per day. The DOR assumes that a minimum of 1 FTE will be needed to answer the additional phone calls. If the calls received for texting while driving exceeds 100 calls per day, then additional FTE will be required and will be requested through the appropriation process.

The DOR is unable to determine how many convictions will be received for texting while driving and, therefore, is unable to determine the forms and postage costs for issuing the suspension/revocation notices.

DOR assumes the following costs:

One FTE Revenue Processing Tech (at \$25,380 per year) to process additional convictions for texting while driving and One FTE Telephone Information Operator (at \$25,380 per year) to answer telephone calls related to texting while driving. Postage and forms costs are unknown. DOR estimates the total cost to be approximately \$80,000 in FY 12, \$80,000 in FY 13, and \$81,000 in FY 14.

ASSUMPTION (continued)

DOR assumes the proposal would also have a revenue impact of an unknown amount in the form of Reinstatement Fees Collected. Fees collected will be distributed, 75% highway fund, 15% cites, and 10% counties.

In response to a previous version of this proposal, officials from **Kansas City** assumed the proposal would not fiscally impact their city.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposal would not fiscally impact their agency. The MHP states they wrote 65 texting-while-driving tickets in 2010. Of those, nine were involved in accidents.

Oversight received information that, as of January 5, 2011, the Department of Revenue (DOR) processed 56 convictions for drivers twenty-one years of age or younger text messaging while driving since the statute went into effect on August 28, 2009.

Oversight assumes, based on the information received from the Missouri State Highway Patrol and the Department of Revenue (DOR), that the number of convictions resulting from prohibiting all drivers, regardless of age, from text messaging while operating motor vehicles would not be excessive. Oversight assumes DOR could absorb the increase in work load resulting from the proposal within existing resources. If the DOR experiences an increase that would require additional funding, the DOR could request the funding through the appropriation process.

Oversight assumes any revenue impact would be minimal, and reflects no change to Total State Revenue as a result of the proposal.

Officials from the cities of **Grandview, Columbia, Independence, Lee's Summit** and **O'Fallon** as well as the counties of **Callaway, Clay, Franklin, Greene** and **Jasper** did not respond to our request for fiscal impact.

Senate Amendment 1 (timing of traffic-control signal):

Officials from the **Department of Transportation** and the **Department of Public Safety - Highway Patrol** each assume this amendment would not have a fiscal impact.

Oversight assumes this amendment will not create a fiscal impact for local political subdivisions.

ASSUMPTION (continued)

Senate Amendment 2 (increases load limits between October 15th and December 15th):

Officials from the **Department of Transportation (MoDOT)** state this increased weight will have a significant negative impact on the state highway and bridge systems, as these lower-volume roads and bridges are not constructed to standards that can accept the heavier weights authorized in this amendment.

The increased allowable weights will likely result in increased damage to bridges. Additionally, it will reduce the life expectancy of the bridges in Missouri including those owned by MoDOT and those owned by local agencies. There is really no good way to quantify this issue in terms of a dollar amount without a more extensive engineering study.

The increased allowable weights will result in an increase in the number of bridges requiring postings for legal loads. It is estimated that the number of MoDOT bridges requiring some type of posting would increase by 20%. Posting signs would have to be installed at these locations, so there would be a cost associated with this. An unknown number of existing posting signs would require updating. It is unknown what the number of local agency bridges impacted would be without a significant engineering study.

MoDOT expects a negative unknown impact greater than \$100,000 to the road fund annually.

Also, MoDOT believes that this amendment will put them out of compliance as it relates to 23 USC 127. Federal law prohibits increased weight limits greater than 80,000 pounds on interstate highways and those highways designated by the federal government as Defense Highways (also known as STRAHNET). Examples of such defense highways include parts of Highways 71, 65, 63, 60, 50 and 17.

While the amendment does exempt the increased weight limit for interstate highways, it does not have such an exemption for defense highways. Thus putting MoDOT out of compliance.

The impact to MoDOT would be loss of federal funds of \$203.3 million annually.

Oversight has requested MoDOT obtain a letter from the Federal Highway Administration regarding a determination of noncompliance with respect to this amendment. Until this letter is provided to Oversight, we will range the fiscal impact of this amendment on federal funding from \$0 (Missouri will not be out of compliance) to the annual estimate provided by MoDOT.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
ROAD FUND			
<u>Costs</u> - Department of Transportation Senate Amendment 2 - increased cost of maintenance/replacement for roads/bridges due to larger loads between October 15 th and December 15 th each year	Unknown - could exceed <u>\$100,000</u>	Unknown - could exceed <u>\$100,000</u>	Unknown - could exceed <u>\$100,000</u>
ESTIMATED NET EFFECT TO THE ROAD FUND	Unknown - could exceed <u>\$100,000</u>	Unknown - could exceed <u>\$100,000</u>	Unknown - could exceed <u>\$100,000</u>

FEDERAL FUNDS

<u>Loss</u> - Department of Transportation Senate Amendment 2 - could jeopardize funding from the Federal Highway Administration if Missouri is found to be out of compliance	\$0 or <u>(\$203,300,000)</u>	\$0 or <u>(\$203,300,000)</u>	\$0 or <u>(\$203,300,000)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	\$0 or <u>(\$203,300,000)</u>	\$0 or <u>(\$203,300,000)</u>	\$0 or <u>(\$203,300,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

HARVEST WEIGHT TOLERANCE - Under this act, for the period between October 15th and December 15th of each year, any motor vehicle or combination of motor vehicles carrying agricultural products may operate with a load that exceeds the maximum weight load permitted by this chapter by ten percent on any tandem axle, group of axles, and gross weight. If enforcement action is taken pursuant to this act, the fine or penalty shall only apply to that portion of the load that is more than ten percent above the legal limit. The weight tolerance authorized by the act shall apply to all highways within the state of Missouri except for the interstate highway system (Section 304.180).

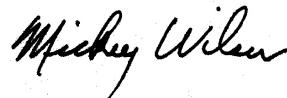
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Transportation
Office of the State Courts Administrator
Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Revenue
City of Kansas City

Not responding:

**cities of Grandview, Columbia, Independence, Lee's Summit, O'Fallon
counties of Callaway, Clay, Franklin, Greene and Jasper**



Mickey Wilson, CPA
Director
February 4, 2011