

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 868 – SB 954

March 1, 2017

SUMMARY OF BILL: Creates a class C misdemeanor, punishable by fine only not to exceed \$50, for driving a motor vehicle and talking on a hand-held mobile telephone. Creates a delinquent act for, but does not prohibit, persons under age 18 driving a motor vehicle and using a hands-free device to talk on a mobile telephone or transmit or read written messages. Creates an exemption for emergency personnel or drivers communicating in an emergency situation. Limits court costs to \$10 for a violation.

ESTIMATED FISCAL IMPACT:

**Increase State Revenue – \$3,800/FY17-18
\$7,600/FY18-19
\$15,200/FY19-20
Exceeds \$30,400/FY20-21 and Subsequent Years**

**Increase Local Revenue – \$200/FY17-18
\$400/FY18-19
\$800/FY19-20
Exceeds \$1,600/FY20-21 and Subsequent Years**

Assumptions:

- All law enforcement agencies that issue citations for the proposed offense will charge the maximum allowed fine of \$50.
- Pursuant to Tenn. Code. Ann. § 8-21-401(h)(1), the local clerks of the court retain five percent of fine revenue as commission.
- Twenty percent of offenders will not pay the fine due to indigence.
- Annual hand-held mobile telephone citations are projected based on texting while driving citation statistics beginning in 2010.
- Due to the proposed effective date of January 1, 2018, the first year impacted will be FY17-18 and the first full-year impact will occur in FY18-19.
- It is reasonably assumed that enforcement of the provisions of the bill will increase over time.
- The number of annual hand-held mobile telephone citations are estimated to be 100 in FY17-18 (half-year impact due to effective date), 200 in FY18-19, 400 in FY19-20, and a number exceeding 800 in FY20-21 and subsequent years.

HB 868 – SB 1954

- In FY17-18, the increase in state revenue is estimated to be \$3,800 (100 violations x \$50 x 95.0% x 80.0%); the increase in local revenue is estimated to be \$200 (100 violations x \$50 x 5.0% x 80.0%).
- In FY18-19 the increase in state revenue is estimated to be \$7,600 (200 violations x \$50 x 95.0% x 80.0%); the increase in local revenue is estimated to be \$400 (200 violations x \$50 x 5.0% x 80.0%).
- In FY19-20, the increase in state revenue is estimated to be \$15,200 (400 violations x \$50 x 95.0% x 80.0%); the increase in local revenue is estimated to be \$800 (400 violations x \$50 x 5.0% x 80.0%).
- In FY20-21 and subsequent years, the recurring increase in state revenue is estimated to exceed \$30,400 (800 violations x \$50 x 95.0% x 80.0%); the recurring increase in local revenue is estimated to exceed \$1,600 (800 violations x \$50 x 5.0% x 80.0%).
- Any increase in state and local government expenditures is considered to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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