

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 256 - SB 388

April 2, 2019

SUMMARY OF BILL: Prohibits physically holding or supporting, with any part of a person's body, a wireless telecommunications device or stand-alone electronic device while operating a motor vehicle unless the vehicle is lawfully parked. Authorizes use of earpiece, headphone device, or wrist device. Exempts employers or contractors of utility services providers, law enforcement, and emergency personnel acting within the scope of their employment and persons who are lawfully parked in their motor vehicles from the above prohibitions.

Establishes that violation of such is a Class C misdemeanor, punishable by fine only, not to exceed \$50. Specifies that each violation constitutes as a separate offense.

Requires the Department of Safety (DOS) to include distracted driving as part of the instructional information used in driver education training.

ESTIMATED FISCAL IMPACT:

Increase State Revenue -

Exceeds \$32,700/FY19-20

Exceeds \$65,500/FY20-21

Exceeds \$32,700/FY21-22 and Subsequent Years

Increase Local Revenue -

Exceeds \$1,700/FY19-20

Exceeds \$3,400/FY20-21

Exceeds \$1,700/FY21-22 and Subsequent Years

Assumptions:

- It can be reasonably estimated that all law enforcement agencies that issue citations for the proposed offense will charge the maximum allowed fine of \$50, pursuant to Tenn. Code Ann. § 55-8-207.
- In 2016, there were 1,723 texting while driving citations issued. It is estimated that a similar number of total citations will be issued under this legislation.
- Twenty percent of fines are assumed to go unpaid due to indigence.

- In FY20-21, the increase in fine revenue is estimated to exceed \$68,920 [(1,723 x \$50) x 80%].
- The state will receive 95 percent of such fine revenue and locals will receive the remaining five percent.
- The increase in state revenue is estimated to exceed \$65,474 (\$68,920 x 95%).
- The increase in local revenue is estimated to exceed \$3,446 (\$68,920 x 5%).
- Given the effective date of January 1, 2020, there will be a half year impact for FY19-20. The increase in state revenue in FY19-20 is estimated to exceed \$32,737 (\$65,474 x 50%); the increase in local revenue in FY19-20 is estimated to exceed \$1,723 (\$3,446 x 50%)
- California was one of the first states to pass similar legislation. According to the California Office of Traffic Safety's *Observational Study of Handheld Cellphone and Texting Use Among California Drivers 2017 Summary Report*, hand-held cellphone usage fell from 7.6 percent to 3.6 percent in one year following the passage of the law.
- Given the above information and the increasing access to hands-free technology, it is reasonably estimated there will be an approximant 50 percent reduction in the use and citations issued for talking on a hand-held mobile telephone under this legislation by 2021.
- The recurring increase in state revenue in FY21-22 and subsequent years is estimated to exceed \$32,737 (\$65,474 x 50%).
- The recurring increase in local revenue in FY21-22 and subsequent years is estimated to exceed \$1,723 (\$3,446 x 50%)
- Any increase to the workload of the courts or law enforcement officers, as a result of this legislation, is estimated to be handled with existing resources and personnel.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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