

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1616**

January 14, 2020

**SUMMARY OF BILL:** Exempts transportation network company, taxicab, limousine, and other for-hire vehicle drivers from the prohibition of holding a wireless telecommunication device while operating a motor vehicle, if they are engaged in transportation services.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue – Exceeds \$4,000/FY20-21 and Subsequent Years**

**Decrease Local Revenue – Exceeds \$800/FY20-21 and Subsequent Years**

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-8-199(d), a person, while operating a motor vehicle on any road or highway in this state, shall not physically hold or support, with any part of the person's body, wireless telecommunications device, with the exception of:
  - Law enforcement officers;
  - Campus police officers and public safety officers;
  - Emergency medical technicians, emergency medical technician-paramedics, and firefighters;
  - Emergency management agency officers;
  - Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;
  - Employees or contractors of utility services; and
  - Persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.
- A violation is a Class C misdemeanor, subject only to imposition of a fine not to exceed \$50. However, if the violation is the person's third or subsequent offense or if the violation results in an accident, the fine is \$100 or if the violation occurs in a work zone, it is \$200. Any person violating this section is subject to the imposition of court costs not to exceed \$10.
- Since the hands-free law went into effect on July 1, 2019, the Tennessee Highway Patrol has issued more than 7,500 citations.
- It can be reasonably assumed that a full fiscal year would result in at least 12,000 citations issued.

- Of the estimated 12,000 citations, the total of those that would be transportation network company, taxicab, limousine, and other for-hire vehicle drivers is unquantifiable, but it can be reasonably estimated that at least 200 would meet the requirements of this distinction.
- 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 of and citations issued for talking on a hand-held mobile telephone under existing law by FY20-21, resulting in an expected 100 citations (200 x 50%) that would have been issued to transportation network company, taxicab, limousine, and other for-hire vehicle drivers.
- Twenty percent of fines are assumed to go unpaid due to indigence.
- Assuming that 100 citations would be simple, first time violations, the recurring decrease in state revenue in FY20-21 and subsequent years is estimated to be at least \$4,000 [(\$50 x 100) x 80%].
- Under the provisions of Tenn. Code Ann. § 55-8-199(c), a violation is subject to the imposition of court costs up to \$10. It can be reasonably estimated that the court cost imposed will be \$10.
- In FY20-21 and subsequent years, the total decrease in local revenue is estimated to be at least \$800 [(\$10 x 100) x 80%].

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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