



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 50** SLS 20RS 75

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action: **w/ HSE FLOOR AMD**

Proposed Amd.:

Sub. Bill For.:

Date: May 28, 2020	6:00 AM	Author: MCMATH
Dept./Agy.: Public Safety, LA Highway Safety Commission		Analyst: Patrice Thomas
Subject: Prohibit Handheld Wireless Telecom Devices Public Roadways		

TRAFFIC REF INCREASE LF EX See Note Page 1 of 1
Prohibits use of a handheld wireless telecommunications device by a person when operating a motor vehicle upon any public roadway in this state. (8/1/20)

Proposed law prohibits all drivers from calling, text messaging, or using social networking on a handheld telecommunication device while driving on a public road or highway. Proposed law repeals present law relating to use of telecommunication devices by drivers who hold a Class E learner's license or intermediate license or persons 17 years of age or younger, and drivers in a school zone. Proposed law provides new and enhanced definitions. Proposed law provides for exception to the wireless telecommunication device prohibition for a law enforcement officer, firefighter, and operator of emergency vehicle as well as for any person reporting a traffic accident, reporting serious injury or death, using a dispatching system, using hands-free GPS, or while a vehicle is lawfully stationary. Proposed law provides for moving violation fines after 01/01/21 as follows: \$50-\$100 and up to 15 hours of community service for 1st offense; \$100-\$300 and up to 30 hours of community service for 2nd offense; \$100-\$300, 30 days license suspension, and up to 60 hours of community service for 3rd offense; double fines if driver involved in traffic accident; and provides for an allocation of a portion of fines to be distributed to the indigent defender fund of the corresponding judicial district. Before 01/01/21, only written warnings shall be issued. Proposed law defines probable cause determination, prohibits seizure, searches or arrests for violations of proposed law. Proposed law is effective 08/01/2020.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	SEE BELOW					
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will increase local governmental expenditures by an indeterminable amount as a result of potential imprisonment under this measure. Proposed law consolidates and expands current statutes that prohibit the use of handheld telecommunication devices (such as cellphone) while driving on public roads and highways.

Proposed law imposes a maximum imprisonment term of 30 days for 3rd and subsequent offenses. Violations of the proposed law constitute a moving violation; therefore, any persons convicted are not sentenced to the Department of Public Safety and Corrections. Local law enforcement agencies will realize an indeterminable increase in Local Funds expenditures to imprison convicted individuals in local facilities. The cost increase will depend on the number of persons convicted and the cost per day for the respective local law enforcement agency to incarcerate. The total, or aggregate, cost statewide is indeterminable.

For informational purposes, proposed law may permit the La Highway Safety Commission within the Department of Public Safety & Corrections to apply annually for a federal grant of \$2.4 M. In the past, the LA Highway Safety Commission has not been eligible for the federal Comprehensive Distracted Driving grant because present law does not satisfy the National Highway Traffic Safety Administration criteria. The LA Highway Safety Commission reports that proposed law may place LA statutes in the proper posture with federal requirements to receive funding from the Comprehensive Distracted Driving grant, which is estimated at \$2.4 M annually and used for public education and enforcement related to distracted driving.

REVENUE EXPLANATION

Proposed law will decrease Local Funds revenues by an indeterminable amount as a result of fines being reduced and increase revenues into the indigent defender fund of corresponding local judicial districts by an indeterminable amount. Proposed law repeals present law fines of \$500 for first violation; \$1,000 for 2nd and subsequent violations; and double fines if a driver was involved in a traffic accident. Proposed law provides for lower fines of \$50-\$100 for 1st offense; \$100-\$300 for 2nd offense; \$100-\$300 and 30 days license suspension for 3rd offense; and maintains that fines shall be doubled if the driver involved in a traffic accident is found to be in violation or the prohibition on using wireless devices. Under present law, the indigent defender fund of the judicial district in which the violation is issued receives \$25 from fines collected. Proposed law retains the \$25 collected on 1st offenses and provides \$50 from fines collected on subsequent violations accrue to the indigent defender fund of the judicial district in which the violation was issued. Because the number of drivers who may be fined under proposed law is unknown, revenue derived from this source is indeterminable. However, all fines would accrue to local governing entities.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director