

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 376** SLS 12RS 729

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 25, 2012 5:05 PM	<b>Author:</b> SMITH, GARY
<b>Dept./Agy.:</b> Department of Public Safety	<b>Analyst:</b> Alan M. Boxberger
<b>Subject:</b> Notice of violations regarding transport of hazardous waste	

MOTOR CARRIERS

OR INCREASE SD RV See Note

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Provide for notice of a violation of provisions regarding transportation of hazardous waste. (8/1/12)

Present law requires the Office of State Police (OSP) to send a "Notice of Violation, Proposed Finding, and Proposed Civil Penalty" of any provision of existing law or any provision of Federal Motor Carrier Safety Regulations to the responsible party within 30 calendar days of the violation. Present law provides for dismissal of a violation if OSP fails to issue a violation notice timely and provides an additional 60 days to issue a violation if OSP experiences a data system failure. Proposed law changes the time of notice from within 30 calendar days of the violation to within 30 days upon completion of the investigation.

<b>EXPENDITURES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

<b>REVENUES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure. The proposed law will allow the Office of State Police's Emergency Services/Right to Know Unit adequate time to investigate each violation and to process hazardous waste incidents of a serious or lengthy nature. Under current law, failure to deliver notice to a violator within 30 days of the incident causes dismissal of the violation.

**REVENUE EXPLANATION**

The proposed law will likely increase revenue collections through Notice of Violation penalties. These violations are deposited into the Hazardous Materials Emergency Response Fund, a statutory dedication used by the Traffic Enforcement Program of the Office of State Police (OSP).

**For illustrative purposes,** OSP indicates that between FY 10 and FY 12, there were approximately 6 to 8 violations that were dismissed due to expiration of the 30 day time limit. Assuming this number to be indicative of the number of spills that will result in notice of violations, an average of two events per year would increase revenues by up to \$50,000 per year (2 violations per year X \$25,000 maximum penalty per violation = \$50,000).

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)1 >= \$500,000 Annual Fiscal Cost {S}

*Evan Brasseaux*

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

**Evan Brasseaux**  
**Staff Director**