



LEGISLATIVE FISCAL OFFICE
Fiscal Note

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

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 28, 2012	3:08 PM	Author: SMITH, GARY
Dept./Agy.: Department of Public Safety		
Subject: Notice of violations regarding transport of hazardous waste		Analyst: Alan M. Boxberger

MOTOR CARRIERS

EN 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 specifies that in the event an incident involves hazardous materials and includes evacuations, fatalities or serious injuries, the notice shall be sent within 60 calendar days of the violation.

EXPENDITURES	2012-13	2013-14	2014-15	2015-16	2016-17	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

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

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 additional time to investigate violations in the case of incidents involving hazardous materials and including evacuations, fatalities or serious injuries. 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. To the degree that an incident involving hazardous materials causes evacuations, fatalities or serious injuries, and to the degree that the additional 30 days allowed under the proposed law facilitates completion of the investigation, the department may realize an increase in revenues of up to \$25,000 per event if the maximum penalty is assigned to the incident.

Senate	Dual Referral Rules	House	<i>Evan Brasseaux</i>
☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		☐ 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S}	
☐ 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