

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



Fiscal Note On: **HB 565** HLS 21RS 250

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 9, 2021	3:10 PM	<b>Author:</b> HUVAL
<b>Dept./Agy.:</b> Public Safety, State Police and LA Highway Commission		<b>Analyst:</b> Patrice Thomas
<b>Subject:</b> Prohibit Handheld Wireless Telecom Devices Public Roadways		

MTR VEHICLE/VIOLATIONS OR See Note Page 1 of 1  
Provides relative to the operation of a motor vehicle while using wireless telecommunication devices

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 provides new and enhanced definitions. Proposed law provides for an exception to the wireless telecommunication device prohibition for a law enforcement officer, firefighter, and operator of an emergency vehicle as well as for any person reporting a traffic accident or other emergency, 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 01/01/22 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 the driver is involved in a 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 01/01/22, proposed law requires only written warnings shall be issued. Proposed law prohibits certain acts of law enforcement officers for violations of proposed law. Beginning 8/01/2022, proposed law requires State Police to annually report the data collected on race and ethnicity of violators.

<b>EXPENDITURES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	SEE BELOW					
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><u>\$0</u></b>
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</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	SEE BELOW					
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law is anticipated to result in a minimal increase in expenditures within the Dept. of Public Safety and Corrections (DPS), Public Safety Services, Office of State Police for changes to the information technology system and website. The proposed law requires State Police to collect and report on the race and ethnicity information of violators under this measure from sheriffs, local law enforcement agencies, state university law enforcement agencies, and municipal law enforcement agencies. DPS indicates the proposed law requires coding changes of approximately 120 hours of overtime for the Information Services Section to the OMV Driver's License Issuance system at an average cost of \$80 per hour (\$80 x 120 = \$9,600 x 1.45% Medicare = \$9,739). The Legislative Fiscal Office presumes additional IT workload associated with this proposed law is incremental in nature and will be accomplished utilizing existing resources and budget authority. To the extent that numerous pieces of legislation are enacted that require additional programming efforts, the department may require additional resources.

The proposed law will require modifications to the website that State Police will use to collect data from various law enforcement agencies. DPS anticipates the cost to create the website of approximately \$50,000.

**REVENUE EXPLANATION**

Proposed law may decrease Local Funds revenues by an indeterminable amount as a result of fines being reduced and increase revenues into the local indigent defender fund of corresponding local judicial districts by an indeterminable amount. Proposed law repeals present law fines of \$500 for the 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 violate the prohibition on using wireless devices.

Under present law, the local indigent defender fund of the judicial district in which the violation is issued receives \$25 from fines collected. The proposed law increases that amount to \$50 from fines collected for second and subsequent violations. This provision may increase revenue collections for local public defender offices.

Because the number of drivers who may be fined under the 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}

*Alan M. Boxberger*  
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**Staff Director**