

Fiscal Estimate Narratives

DOT 2/16/2007

LRB Number	07-0312/1	Introduction Number	AB-0038	Estimate Type	Original
Description Motor vehicle accidents while using a cellular telephone, cellular telephone dealers, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

EFFECT OF AB 38 ON CURRENT STATE LAW

Under current law, operators of vehicles involved in an accident resulting in injury or death to another, any damage to government property exceeding \$200, or other damage exceeding \$1,000 must report the accident. The department supplies accident reports at no charge to law enforcement agencies and coroners. Accident reports must include sufficient detail to disclose the cause, existing conditions, persons, and vehicles involved in the crash.

This bill requires accident reports also to include whether an operator of a vehicle involved was using a cellular telephone at the time of the accident. The bill allows the department to exhaust its existing stock of forms before it is required to supply the new form to law enforcement agencies and coroners.

This bill states that if an operator of a motor vehicle is involved in a crash while using a cell phone, there is a rebuttable presumption that the use of the cellular telephone contributed to causing the accident. This bill also creates a new traffic offense for persons operating a motor vehicle while on a cellular phone who are primarily at fault in a crash. The penalties are:

- Ø \$300 forfeiture for causing property damage
- Ø \$300 – \$1,000 forfeiture for causing injury
- Ø \$1,000- \$5,000 fine for causing for great bodily harm, plus not more than 6 months in county jail
- Ø \$5,000 - \$10,000 fine, plus not more than one year in county jail for causing death.

In addition, the bill requires that businesses that sell or lease cell phones must include along with any cell phones they sell and deliver to a customer, a written warning, of a minimum type size, warning that using a cell phone while operating a vehicle may be hazardous.

FISCAL EFFECT

DMV will incur total one-time cost of \$6,100. This includes \$5,900 for data processing programming, to add required information to the accident database and inquiry functions, and \$200 vendor cost to add the required information to the accident report forms. The bill does not fund this cost, and DMV cannot absorb this cost within its current budget.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Description Motor vehicle accidents while using a cellular telephone, cellular telephone dealers, and providing a penalty		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): DMV will incur total one-time cost of \$6,100. This includes \$5,900 for data processing programming, to add required information to the accident database and inquiry functions, and \$200 vendor cost to add the required information to the accident report forms. The bill does not fund this cost, and DMV cannot absorb this cost within its current budget.		
II. Annualized Costs:		
Annualized Fiscal Impact on funds from:		
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	State	Local
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By Authorized Signature Date		
DOT/ Carson Frazier (608) 266-7857	Julie Johnson (608) 267-3703	2/15/2007