



Legislative Fiscal Bureau

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November 30, 2005

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 120: Use of Cell Phones by Certain Drivers

Assembly Bill 120 was introduced on February 22, 2005, and referred to the Committee on Highway Safety. On March 16, 2005, that Committee recommended the bill for passage on a vote of seven to one. On April 4, 2005, the bill was referred to the Joint Committee on Finance.

BACKGROUND

Under current law, a person who is at least 15 years and 6 months old and who meets certain qualifications can obtain an instruction permit that allows the person to operate a "Class D" vehicle, subject to certain restrictions related to other persons in the vehicle and the time of day. Upon reaching age 16, a person may obtain an instruction permit for the operation of a motorcycle, also subject to certain restrictions. Also upon reaching age 16, a person becomes eligible to receive a regular license for the operation of a "Class D" vehicle or an endorsement for the operation of a motorcycle. A first original license issued to a person (with certain exceptions) is a probationary license. Persons under 18 years of age who hold a probationary license are subject to operating restrictions, for the first nine months after being issued the license, as to the number of other people in the vehicle and the hours of operation.

SUMMARY OF BILL

Assembly Bill 120 would prohibit holders of an instruction permit for either "Class D" vehicles or motorcycles and holders of a regular probationary license, during the first nine months after issuance, from using a cellular telephone or other wireless telecommunications device while operating a vehicle, except to report an emergency. Persons convicted of violating this restriction would be subject to a forfeiture of \$50 for a first offense and not less than \$50 nor more than \$100

for each subsequent offense. (When the penalty surcharge and various other surcharges are included, the total amount owed for a \$50 forfeiture would be \$185.50.) This restriction would first apply to licenses or permits issued on the first day of the seventh month beginning after publication of the act.

FISCAL EFFECT

In its fiscal estimate for AB 120, the Department of Transportation indicates that the bill would require data processing modifications to accommodate the new restriction on the permit or probationary license. Based on similar modifications in the past, it is estimated that these modifications would take 48 programmer-days, at a cost of \$40,800. The bill would not provide funding for these costs, so the Division of Motor Vehicles would have to absorb the costs within its budget.

Prepared by: Jon Dyck