

Judicial Impact Fiscal Note

Bill Number: 5656 E S SB	Title: Distracted driving incidents	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
General Fund-State 001-1	20,847	20,847	41,694	41,694	41,694
Highway Safety Account-State 106-1	55,982	55,982	111,964	111,964	111,964
Counties	9,810	9,810	19,620	19,620	19,620
Cities					
Total \$	86,639	86,639	173,278	173,278	173,278

Estimated Expenditures from:

COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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Request # -1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The engrossed substitute bill would add language to RCW 46.61.668 to read that the state preempts the field of regulating the use of personal wireless communication devices in motor vehicles and supersedes any local laws, ordinances, rules, etc enacted to regulate the use of personal wireless communication devices. In addition, except in the case of a driver that holds a commercial driver's license, a first finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers. There is no change to the judicial impact note.

Original bill:

This bill would combine the infractions for talking and texting on cell phones, and double the penalty for the second offense.

Sections with potential court impact:

Section 2 would amend the traffic infraction in RCW 46.61.668 to prohibit persons operating a motor vehicle from holding a personal wireless communications device in his or her hand, or using it to read, retrieve, or send data. The holder of an intermediate driver's license would be prohibited from using a personal wireless communications device in any manner while operating the vehicle. The provisions that prevent the infraction from appearing on a driving record or being available to insurance companies would be deleted. Operation of the vehicle would be defined as moving or being temporarily stopped in traffic, but not pulling off the roadway and safely stopping. The mandatory penalty for the second infraction would be twice the normal penalty, and 50% of the money collected would be deposited in the highway safety fund. This section would preempt and supersede local laws.

Section 7 would repeal RCW 46.61.667 (Using a wireless communications device while driving).

Section 8 would provide that this would take effect on August 1, 2015.

II. B - Cash Receipts Impact

SB 5656 would combine two infractions, Cell Phone Use While Driving and Text Messaging While Driving, into one infraction. It is assumed that there would be about the same number of infractions filed under the new law as was the number of infractions filed under the individual laws. Over the last 5 years, there was an average of 35,457 cases filed in the state which included one or both of Cell Phone Use While Driving and Text Messaging While Driving.

For those cases where the courts found that one of these infractions were committed, the courts ordered penalties which averaged \$6,281,498 per year. Of the amount ordered, the courts have collected an average of \$4,721,721 per year. For the purposes of this cash receipt impact, \$4,721,721 will be used as potential annual revenue. This is not new revenue but rather the potential revenue to be collected in place of the two infractions noted above because that portion of the law is repealed and replaced with the combined infraction.

There is insufficient data on how many of the 35,457 cases included a second offense. These two infractions have existed since 2007, and because they are relatively newer than other infractions, it is not possible to compare them to other infractions to estimate a percentage. However, if we assume that 5% of these infractions would be a second infraction, for purposes of this cash receipt impact, there could potentially be 1,773 (35,457 X 5%) of committed infractions that would be assessed the additional penalty. It is our assumption that the base penalty would be doubled from \$42 to \$84 with \$42 going to the highway safety account. The maximum potential for new revenue to the highway safety account would be a total of \$74,460. Based on the ordered and collected above (\$4,721,721 paid divided by \$6,281,498 ordered) the rate of collection would be 75.18%. It should be noted that as fines increase, the percentage of collection decreases, therefore for the purposes of this new cash receipt impact, we will use 75.18%. Therefore the potential new revenue for the highway safety account is calculated to be \$55,982. In addition, because of the addition to the base, there are some mandated assessments that also occur of which 68% goes to general fund-state and 32% remains with the counties. The additional revenue to general fund state would be \$20,847 and the additional revenue to the counties would be \$9,810.

Once again, there is no data to support 5% of the cases are second offenses. The example above is provided for illustrative purposes only.

II. C - Expenditures

This bill would require modifications to the Judicial Information System (JIS) to add new coding to track the doubled penalty for a second offense of the infraction. These modifications are estimated to be absorbed with current resources.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$					

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

Part IV: Capital Budget Impact