

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2574 HB	<b>Title:</b> Distracted driving incidents	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

**Non-zero but indeterminate cost. Please see discussion.**

**Estimated Expenditures from:**

COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
<b>Account</b>					
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.

Legislative Contact: Jerry Long	Phone: 360-786-7306	Date: 01/18/2016
Agency Preparation: Sam Knutson	Phone: 3607045528	Date: 01/27/2016
Agency Approval: Sam Knutson	Phone: 3607045528	Date: 01/27/2016
OFM Review:	Phone:	Date:

Request # 2574 HB-2

## Part II: Narrative Explanation

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

### II. B - Cash Receipts Impact

### II. C - Expenditures

## 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					
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					
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					
Total \$					

## Part IV: Capital Budget Impact

## **Part II: Narrative Explanation**

This bill would revise existing cell phone use laws to address the problem of distracted driving.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

If enacted, this bill would:

RCW 46.61.668 would be amended (Section 2) to prohibit persons operating a motor vehicle from holding a personal wireless communication device in his or her hand, or using it to read, retrieve or send data. The holder of an intermediate driver license would be prohibited from using a personal wireless communication device in any manner while operating a vehicle. Provisions that prevent the infraction from appearing on a driving record or being available to insurance companies would be deleted. Operation of a 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 a second infraction would be twice the normal penalty. Fifty percent of the infraction revenue would be deposited into the Highway Safety Fund. This section would preempt and supersede local laws.

RCW 46.61.667 (Section 7) would be repealed (using a wireless communications device while driving).

Section 8 would make this bill effective August 1, 2016.

### **II.B - Cash Receipt Impact**

Indeterminate. The Administrative Office of the Courts (AOC) does not have data available to estimate the number of cases that would be a second offense. The following example is provided for illustration purposes.

This bill would combine two infractions, Cell Phone Use While Driving and Text Messaging While Driving, into one infraction. The AOC assumes that there would be about the same number of infractions filed under the new law as 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 that 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 example, \$4,721,721 will be used as potential annual revenue. This is not new revenue but rather the potential revenue to that would 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 no data available 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. For purposes of this example, the AOC assumes that 5% of these infractions would be a second infraction. Thus, there could potentially be 1,773 (35,457 X 5%) of committed infractions that would be assessed the additional penalty. For this example, it is assumed that the base penalty would be doubled from \$48 to \$96 with \$48 going to the state Highway Safety Account . The maximum potential for new revenue to the highway safety account would be a total of \$85,097. 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, thus for the purposes of this example, 75.18% will be used as a collection

rate. Therefore, the potential new revenue for the Highway Safety Account is calculated to be \$63,980 ( $\$85,097 \times 75.18\%$ ).

## **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 can be done during routine system maintenance.