

Judicial Impact Fiscal Note

Bill Number: 2574 S HB H-4287.2	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		(415,424)	(415,424)	(906,380)	(906,380)
Highway Safety Account-State 106-1		610,918	610,918	1,221,836	1,221,836
Counties		(195,494)	(195,494)	(426,532)	(426,532)
Cities					
Total \$				(111,076)	(111,076)

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.

Legislative Contact: Jerry Long	Phone: 360-786-7306	Date: 02/10/2016
Agency Preparation: Renee Lewis	Phone: 360-704-4142	Date: 02/17/2016
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/17/2016
OFM Review:	Phone:	Date:

Request # 2574 SHB-1

Part II: Narrative Explanation

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

The substitute version would change the impact note. This bill would create a new section to RCW 46.61 that would combine two infractions - Cell Phone Use While Driving and Text Messaging While Driving, into one infraction. (6) states that if a person is found to have committed a traffic infraction under this section, all monetary penalty and fee amounts collected for this infraction under RCW 46.63.110, notwithstanding the provisions under RCW 46.63.110 or any other section of this chapter regarding the allocation of monetary penalties and fees, shall be deposited into the highway safety fund under RCW 46.68.060 and may only be used to support programs that contribute to driver education. Funds collected for this infraction may not be used for any other purpose.

Section 7 would repeal RCW 46.61.667 (using a wireless communications device while driving) and RCW 46.61.668 (sending, reading or writing a text message while driving).

Previous version of the bill:

RCW 46.61.668 would be repealed (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 Receipts Impact

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 was 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 which is a 75.18% collection rate. For the purposes of this note, 75.18% collection rate will be used. The bill states that all monetary penalty and fee amounts collected for this infraction under RCW 46.63.110, notwithstanding the provisions under RCW 46.63.110 or any other section of this chapter regarding the allocation of monetary penalties and fees, shall be deposited into the highway safety fund under RCW 46.68.060 and may only be used to support programs that contribute to driver education. The base penalty is \$48. Other fees and assessments are statutorily added to the base penalty. In addition, \$23 of the base penalty is statutorily required to go into the Judicial Information System fund. The remaining \$25 would be available for deposit into the Highway Safety Fund. Please see the attached spreadsheet for the calculations of the revenue loss to the General Fund-State and to the counties. For the purposes of this note, it is assumed that eleven months of revenue would be affected for FY 2017.

II. C - Expenditures

This bill would require modifications to the Judicial Information System (JIS) to add new codes. These modifications can be done during routine system maintenance.

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

District Court

	Ordered	Paid
46.61.667 Cell phone use while driving	\$2,882,311	\$2,290,099
46.61.667.1A Cell phone use while driving	\$805,868	\$588,994
46.61.667.1B CMV cell phone use while driving	\$19,239	\$17,683
46.61.668 Text messaging while driving	\$146,516	\$105,166
46.61.668.1A Text messaging while driving	\$95,933	\$62,649
46.61.668.1B CMV text messaging while driving	\$3,061	\$2,570
	\$3,952,928	\$3,067,162

Municipal Court

	Ordered	Paid
46.61.667 Cell phone use while driving	\$1,661,301	\$1,223,482
46.61.667.1A Cell phone use while driving	\$550,704	\$357,834
46.61.667.1B CMV cell phone use while driving	\$2,570	\$2,147
46.61.668 Text messaging while driving	\$60,320	\$41,654
46.61.668.1A Text messaging while driving	\$53,571	\$30,339
46.61.668.1B CMV text messaging while driving	\$104	\$104
	\$2,328,570	\$1,655,559

	Ordered	Paid
TOTAL	\$6,281,498	\$4,722,721

New Revenue for Highway Safety Account

Number of cases	35,457
Penalty amount available for redirection	\$25
Total potential revenue	\$886,425
Collection rate based on last five years	75.18%
Actual potential revenue	\$666,456

Revenue Loss for GF-S and Local

When the base penalty is put into the split calculation spreadsheet, there is a remainder of \$25. This is split 68% state and 32% local

Number of cases	35,457
Remainder from new calculations	\$25
Total potential revenue	\$886,425
Collection rate based on last five years	75.18%
Actual potential revenue	\$666,455
68% to General Fund-State	\$453,190
32% to County	\$213,266