

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 1371 ESHB	<b>Title:</b> Distracted Driving	<b>Agency:</b> 055 – Admin Office of the Courts (AOC)
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*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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OFM Review:	Phone:	Date:

## Part II: Narrative Explanation

This bill would amend RCW 46.61 and RCW 43.84, modifying statutes related to the distracted driving infraction.

The bill would:

- Prohibit the driver of a vehicle from using a personal electronic device to conduct a wide range of activities with their hands while driving;
- Allow the minimal use of a finger to activate/deactivate, or initiate a function of the personal electronic device to control built-in features of a motor vehicle via the use of a touch screen panel;
- Allow for exceptions to prohibited personal electronic device usage for contacting emergency services, listed uses by transit system employees, activities that are federally authorized for commercial vehicle operators, operation of amateur radio station and citizen band radios, operation of an emergency vehicle, telephone functions by a tow truck operator, and drivers of autonomous vehicles in certain specified circumstances beginning in 2021;
- Supersede local laws restricting the use of personal electronic devices while driving;
- Double the penalty amount due for personal electronic device infractions for second and subsequent offenses within five years;
- Prohibit first and second offenses for using a personal electronic device while driving from becoming part of a driver record and being made available to insurance companies;
- Establish “dangerously distracted driving” as a secondary traffic infraction; and
- Provides for the use of revenue obtained from “dangerously distracted driving” to support programs dedicated to reducing distracted driving and improving driver education in regards to distracted driving.
- Creates the “Distracted Driving Prevention Account” and directs the use of funds from the account to be used to support programs dedicated to reducing distracted driving and improving driver education on distracted driving.

The bill has an effective date of January 1, 2018.

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

Section 1 – The bill would create a new traffic infraction for using a personal electronic device while driving, and second or subsequent violation would be doubled penalty amount. The bill would direct that first and second offenses would not be reported to the Department of Licensing (DOL) for subsequent reporting to insurance companies.

Section 2 – Would create a new “dangerously distracted driving” infraction. This infraction would be a secondary action.

### II.B - Cash Receipt Impact

The proposed legislation would double the base penalty amount for a second or subsequent offense. Doubling the base penalty would increase the fine by \$99. The average number of two or more infractions for RCW 46.61.667 and RCW 46.61.668 for the past three years was 510 with a 29 percent reduction from 2015 to 2016 and a projected reduction in 2017 by another 20 percent. If the average of 510 was used, the potential increase in revenue would be \$50,490 (510 x \$99). However, the assumption is that the number of second offenses will continue to decline because of the legislation. Therefore, under the proposed bill, it is assumed there would be a minimal increase in infraction revenue.

## **II.C – Expenditures**

Section 1(6) provides that the first and second offenses within five years must not become part of the driver's record, and a finding that a person has committed a first and second offense within five years must not be made available to insurance companies. The Administrative Office of the Courts (AOC) assumes that the courts would be required to review previous infractions, make a determination of third infraction and inform the DOL. There is no data to estimate the number of potential third offenses there might be, thus the fiscal impact for this sub-section is indeterminate.

New account coding will be required for distribution of revenue. This can be managed within existing resources.