

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5289 SSB AMH TR H2609.2	Title: Distracted Driving	Agency: 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
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
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:	Phone:	Date:
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OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would redefine distracted driving, adding new sections to RCW 46.61, repealing RCW 46.61.667 and RCW 46.61.668.

The bill would create a new traffic infraction, effective January 1, 2019, that would prohibit using a personal electronic device while driving a motor vehicle on a public highway. The bill would define use as holding a device in either hand, use of a hand or fingers to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data.

NOTE: This bill differs from 5289 SSB:

- Would modify the definition of “serious traffic infraction” as the term applies to grounds for temporary disqualification from driving a commercial vehicle, replacing references to current laws against using a handheld mobile telephone and texting while driving with a reference to the prohibition against using a “personal electronic device” while driving.
- Effective date of the bill would be moved from January 1, 2018 to January 1, 2019.

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

Section 1(1) – A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction and must pay a fine as provided in RCW 46.63.110(3).

Section 1(4) – A second or subsequent offense would be subject to two times the penalty amount under RCW 46.63.110.

Section 3(1)(a) – Would create a secondary traffic infraction to drive dangerously distracted. Any driver who commits this infraction must be assessed a base penalty of thirty dollars.

Section 3(1)(b) – Driving dangerously distracted would be a secondary action when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction or equivalent local ordinance.

Section 3(2) – Would provide that the \$30 penalty for driving dangerously distracted must be deposited into the Distracted Driving Prevention Account.

Section 3(3) – Would create the Distracted Driving Prevention Account. All receipts from the base penalty assessed for the infraction of driving dangerously distracted must be deposited into the newly created account.

Section 4(18)(c) – Would add “personal electronic device, including the activities defined in Section 1, driving while holding a personal electronic device in either or both hands and using a hand or finger for texting” to the definition of “serious traffic violation”.

Section 5 – This bill would be effective January 1, 2019.

II.B - Cash Receipt Impact

The proposed legislation would double the base penalty amount for a second offense. Doubling the base penalty would increase the fine by \$96. 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% reduction from 2015 to 2016 and a projected reduction in 2017 by another 20%. 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. The two repealed RCWs stated that the infraction would not become part of the driving record, but the new proposed language does not state the same thing so it is implied that it would be treated like other traffic infractions and would become part of the driving record. Therefore, under the proposed bill, it is assumed there would be a minimal increase in infraction revenue.

There is no data to estimate the number of secondary actions, and therefore penalties, that would result from the creation of the driving dangerously distracted infraction. Thus, revenue for this section of the bill is indeterminate.