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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/01/11

SPONSOR HJC LAST UPDATED \_\_\_\_\_ HB 197/HJCS

SHORT TITLE Prohibiting Texting While Driving SB \_\_\_\_\_

ANALYST Kleats

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	Indeterminate	Indeterminate	Recurring	General Fund
	Indeterminate	Indeterminate	Recurring	Various Funds <sup>(1)</sup>

(Parenthesis ( ) Indicate Revenue Decreases)

(1) Additional revenue impact on various recipient funds from penalty assessment “additional fees” imposed by Section 66-8-116.3 NMSA 1978.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Minimal*			Non- recurring	TRD Operating Budget

(Parenthesis ( ) Indicate Expenditure Decreases)

\*See Fiscal Implications

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)

Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

The House Judiciary Committee Substitute for House Bill 197 would create a new section of the Motor Vehicle Code to prohibit texting while driving. This section contains exceptions for summoning medical or emergency help, reporting suspected intoxicated drivers and in the operation of a law enforcement or emergency vehicle as required by the driver’s official duties. This section also includes definitions of terms used in the section.

Through its definition of mobile communication device, HB 197 allows for the use of GPS navigation systems and devices integrated into the motor vehicle.

HB 197 amends Section 66-8-116 NMSA 1978 to include texting while driving as a penalty assessment misdemeanor with an associated penalty of \$25.00.

### **FISCAL IMPLICATIONS**

The House Judiciary Committee Substitute for HB 197 would result in some positive revenue impact from the imposition of fines. TRD is unable to forecast the revenue associated with the \$25 assessed penalty. Any fiscal impact would be proportional to the enforcement of this law and commenced prosecutions.

### **ADMINISTRATIVE IMPLICATIONS**

TRD notes if the effective date was changed to January 1, 2012, the implementation would be easier and less costly, because the new MVD Milagro IT System is scheduled to be in production by Fall 2011. As it is currently, this bill would have a small impact on the revenue distribution process. Implementation would have a low impact for IT, including MVD Mainframe Batch (80 hrs) and User Acceptance Testing (20 hrs), for a total of 100 hours @\$50/hour = \$5,000.

The Department of Public Safety would be required to ensure all commissioned officers were made aware of this statutory change so enforcement could be conducted. This can be done through departmental efforts and with current resources.

### **TECHNICAL ISSUES**

HB 197 does not clarify whether texting while driving is a "primary" offense - meaning a police officer could pull over a driver for a texting violation alone. Some states that prohibit texting while driving do so as a "secondary" offense, in which an officer could only take action if the motorist were also committing another violation such as speeding.

### **OTHER SUBSTANTIVE ISSUES**

A large body of research clearly indicates that driver distraction and texting as a cause of that distraction present a serious and potentially deadly danger to society. The University of North Texas Health Science Center concluded that texting while driving caused 16,141 deaths from 2001 to 2007, while the National Highway Transportation Safety Administration Center for Statistical Analysis indicates over 400,000 were injured in crashes caused by distracted driving in 2009 alone.

The analysis provided by DOH examines an Australian-based study on the effects of texting while driving among young drivers which found that the amount of time spent not looking at the road was 400% greater for texting drivers, missed lane changes increased 140% for texting drivers and unsafe following distance to other vehicles was 150% higher for texting drivers. A different study cited by DOH comparing distracted drivers to impaired drivers found that the use of a mobile communication device while operating a motor vehicle, whether hand-held or hands-free, is the equivalent to driving while impaired with a blood alcohol of .08 (Strayer, Drews, & Crouch, 2006).

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Thirty states, the District of Columbia and Guam have banned texting while driving for all drivers. Another ten states prohibit texting while driving either for novice drivers or school bus operators. These states form a large consensus seeking to restrict texting while driving and reduce the negative impact of distracted driving.

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