

# Multiple Agency Fiscal Note Summary

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Bill Number:</b> 1371 E S HB | <b>Title:</b> Distracted driving |
|---------------------------------|----------------------------------|

## Estimated Cash Receipts

| Agency Name               | 2017-19  |       | 2019-21   |       | 2021-23   |       |
|---------------------------|--|-------|-----------|-------|-----------|-------|
|                           | GF- State  | Total | GF- State | Total | GF- State | Total |
| Office of State Treasurer | Non-zero but indeterminate cost and/or savings. Please see discussion. |       |           |       |           |       |
| <b>Total \$</b>           | 0  | 0     | 0         | 0     | 0         | 0     |

## Estimated Expenditures

| Agency Name                         | 2017-19                   |            |            | 2019-21    |            |            | 2021-23    |            |            |
|-------------------------------------|---------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
|                                     | FTEs                      | GF-State   | Total      | FTEs       | GF-State   | Total      | FTEs       | GF-State   | Total      |
| Administrative Office of the Courts | Fiscal note not available |            |            |            |            |            |            |            |            |
| Office of State Treasurer           | .0                        | 0          | 0          | .0         | 0          | 0          | .0         | 0          | 0          |
| Washington State Patrol             | .0                        | 0          | 0          | .0         | 0          | 0          | .0         | 0          | 0          |
| Department of Licensing             | Fiscal note not available |            |            |            |            |            |            |            |            |
| <b>Total</b>                        | <b>0.0</b>                | <b>\$0</b> | <b>\$0</b> | <b>0.0</b> | <b>\$0</b> | <b>\$0</b> | <b>0.0</b> | <b>\$0</b> | <b>\$0</b> |

|                     |                           |  |  |  |  |  |  |  |  |
|---------------------|---------------------------|--|--|--|--|--|--|--|--|
| Local Gov. Courts * | Fiscal note not available |  |  |  |  |  |  |  |  |
| Loc School dist-SPI |                           |  |  |  |  |  |  |  |  |
| Local Gov. Other ** |                           |  |  |  |  |  |  |  |  |
| Local Gov. Total    |                           |  |  |  |  |  |  |  |  |

## Estimated Capital Budget Impact

NONE

|                                     |                                 |   |
|-------------------------------------|---------------------------------|---|
| <b>Prepared by:</b> Kathy Cody, OFM | <b>Phone:</b><br>(360) 902-9822 | <b>Date Published:</b><br>Preliminary 3/16/2017 |
|-------------------------------------|---------------------------------|---|

\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID: 48352

FNS029 Multi Agency rollup

# Individual State Agency Fiscal Note

|                                 |                                  |  |
|---------------------------------|----------------------------------|--|
| <b>Bill Number:</b> 1371 E S HB | <b>Title:</b> Distracted driving | <b>Agency:</b> 090-Office of State Treasurer |
|---------------------------------|----------------------------------|--|

## Part I: Estimates

☐

No Fiscal Impact

### Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

### Estimated Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

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.

☐

Requires new rule making, complete Part V.

|  |                              |                         |
|--|------------------------------|-------------------------|
| <b>Legislative Contact:</b> Paul Ingiosi | <b>Phone:</b> 360-786-7114   | <b>Date:</b> 03/13/2017 |
| <b>Agency Preparation:</b> Dan Mason     | <b>Phone:</b> 360-902-9090   | <b>Date:</b> 03/13/2017 |
| <b>Agency Approval:</b> Dan Mason        | <b>Phone:</b> 360-902-9090   | <b>Date:</b> 03/13/2017 |
| <b>OFM Review:</b> Gwen Stamey           | <b>Phone:</b> (360) 902-9810 | <b>Date:</b> 03/13/2017 |

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

ESHB 1371 creates the distracted driving prevention account and allows the account to retain its earnings from investments.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable. Earnings for an account are a function of the average daily balance of the account and the earnings rate of the investment portfolio. Two accounts with the same overall level of receipts, disbursements, and transfers can have different average daily balances, and hence different earnings. Based on the March 2017 revenue forecast, assume approximately \$6,800 in FY 18, \$16,800 in FY 19, \$26,800 in FY 20 and \$29,300 in FY 21 in net earnings would be gained or lost annually for every \$1 million shift in average daily cash balances.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

NONE

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

# Individual State Agency Fiscal Note

|                                 |                                  |  |
|---------------------------------|----------------------------------|--|
| <b>Bill Number:</b> 1371 E S HB | <b>Title:</b> Distracted driving | <b>Agency:</b> 225-Washington State Patrol |
|---------------------------------|----------------------------------|--|

## Part I: Estimates

☒

No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

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.
- ☐ Requires new rule making, complete Part V.

|   |                              |                         |
|---|------------------------------|-------------------------|
| <b>Legislative Contact:</b> Paul Ingiosi  | <b>Phone:</b> 360-786-7114   | <b>Date:</b> 03/13/2017 |
| <b>Agency Preparation:</b> Kendra Sanford | <b>Phone:</b> 3605964067     | <b>Date:</b> 03/14/2017 |
| <b>Agency Approval:</b> Mary Thygesen     | <b>Phone:</b> 360 596-4046   | <b>Date:</b> 03/14/2017 |
| <b>OFM Review:</b> Kathy Cody             | <b>Phone:</b> (360) 902-9822 | <b>Date:</b> 03/14/2017 |

## Part II: Narrative Explanation

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

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Engrossed Substitute House Bill 1371 adds to chapter 46.61 RCW stating the traffic infraction given to a person using a personal electronic device while driving will not apply during an emergency situation or extraordinary circumstance that caused a significant traffic delay, or drivers of autonomous vehicles in certain situations starting January 2021. The penalty amount due is doubled for personal electronic device use infractions for second and subsequent offenses within five years. First and second offenses for using a personal electronic device while driving is prohibited from becoming a part of a driver's record and being made available to insurance companies. A new traffic infraction is created for driving dangerously distracted, which can only be enforced as a secondary action.

This version does not change the fiscal impact.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

No cash receipts will be received by the Washington State Patrol (WSP) upon passage of this bill.

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

The WSP does not anticipate any additional expenditures as a result of this legislation. If we should find otherwise, we will request funding through the legislative budget process.

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

Engrossed Substitute House Bill 1371 has no effect on WSP's capital budget.

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Engrossed Substitute House Bill 1371 does not require rule changes.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1371 E S HB

**Title:** Distracted driving

**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

## Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

## Part III: Preparation and Approval

|                                      |                       |                  |
|--------------------------------------|-----------------------|------------------|
| Fiscal Note Analyst: Larry Leveen    | Phone: 360-725-5030   | Date: 03/15/2017 |
| Leg. Committee Contact: Paul Ingiosi | Phone: 360-786-7114   | Date: 03/13/2017 |
| Agency Approval: Steve Salmi         | Phone: (360) 725 5034 | Date: 03/15/2017 |
| OFM Review: Kathy Cody               | Phone: (360) 902-9822 | Date: 03/16/2017 |

## Part IV: Analysis

### A. SUMMARY OF BILL

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

#### DIFFERENCES FROM PREVIOUS BILL VERSION:

1. Exceptions from the prohibition on use of personal electronic devices while driving were added for:
  - A person operating a tow truck, to the extent that person is using the telephone call functionality of a wireless communications device;
  - A person operating a motor vehicle other than a commercial motor vehicle during an emergency situation or extraordinary circumstances that have temporarily caused a significant traffic delay; and
  - Beginning January 1, 2021, a person operating an autonomous vehicle while it is being operated in a mode that does not require the person to be in active physical control of or continuously monitoring the vehicle
2. Section 1(6) States that the first and second offenses within 5 years cannot become part of a driver's record, and that within five years not be made available to insurance companies
3. Section 1(7)a defines an autonomous vehicle
4. Section 2 establishes dangerously distracted driving as a secondary traffic infraction, limiting enforcement to when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction. Restricts the use of revenues obtained from the secondary infraction of dangerously distracted driving to the support of programs dedicated to reducing distracted driving and improving driver education on distracted driving

#### SUMMARY OF CURRENT BILL VERSION:

1. Replaces current laws that prohibit use of a hand-held cellular phone and texting while driving with a prohibition on a driver using a personal electronic device with his or her hands while driving to conduct a range of activities. Permits the minimal use of a finger to activate, deactivate, or initiate a function of the device and the use of a hand or finger to control the built-in features of a motor vehicle through the use of a touch screen control panel
2. Provides for exceptions to prohibited personal electronic device usage for contacting emergency services; specified uses by transit system employees; activities that are federally authorized for commercial motor vehicle drivers; the operation of an amateur radio station and two-way or citizens band radio services; the operation of an authorized emergency vehicle; telephone call functionality by a tow truck operator; and drivers of highly autonomous vehicles in certain specified circumstances as of 2021
3. Preempts local laws that restrict the use of electronic devices while driving
4. Doubles the penalty amount due for personal electronic device use infractions for second and subsequent offenses within five years
5. Prohibits first and second offenses for using a personal electronic device while driving from becoming part of a driver's record and being made available to insurance companies
6. Establishes dangerously distracted driving as a secondary traffic infraction, limiting enforcement to when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction
7. Restricts the use of revenues obtained from the secondary infraction of dangerously distracted driving to the support of programs dedicated to reducing distracted driving and improving driver education on distracted driving

### B. SUMMARY OF EXPENDITURE IMPACTS

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

The bill would have no impact on local government costs. The bill does not require law enforcement agencies to change their emphasis on distracted driving. There could be additional court costs, but those are beyond the scope of this fiscal note and may be addressed by the fiscal note from the Administrative Office of the Courts (AOC).

Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by AOC. Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, county prosecutors and jail costs. Please see the AOC fiscal note for a discussion of impacts to city and county courts.

## C. SUMMARY OF REVENUE IMPACTS

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

The bill would have no impacts on local government revenues. Court fees are not direct local government revenues. Please see the AOC fiscal note for a discussion of revenue impacts related to changes in infraction fees.

### SOURCES:

Administrative Office of the Courts

Washington State Patrol

Washington Traffic Safety Commission