



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	S. 0723	Introduced on March 28, 2019
<b>Author:</b>	Young	
<b>Subject:</b>	South Carolina Hands-Free Act	
<b>Requestor:</b>	Senate Transportation	
<b>RFA Analyst(s):</b>	Gardner and Griffith	
<b>Impact Date:</b>	January 29, 2020	

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### **Fiscal Impact Summary**

The expenditure impact of this bill is pending, contingent upon a response from the Commission on Prosecution Coordination, Department of Public Safety, Department of Motor Vehicles, and Department of Transportation.

All counties were surveyed as to what, if any, expenditure impact this would have on local governments. Only Charleston County responded, and reports that the bill will have no local expenditure impact.

Based upon the volume of offenses and convictions for FY 2018-19 and assuming similar offenses, the minimum revenue generated, presuming all the convictions are for first offenses would be \$260,700, of which \$65,175 would go to the Department of Public Safety and the \$195,525 of which would go to county or local governments. Should all the convictions be for second or subsequent offenses, the maximum revenue that would be generated is \$782,100, of which \$195,525 would go to the Department of Public Safety and \$586,575 of which would go to county or local governments.

### **Explanation of Fiscal Impact**

#### **Introduced on March 28, 2019**

#### **State Expenditure**

This bill creates the “South Carolina Hands-Free Act.” The bill revises the circumstances when it is unlawful to use a wireless device and revises definitions related to the unlawful use of a wireless communications device while operating a motor vehicle.

The bill also creates the non-criminal offense of distracted driving, wherein a first offense is punishable by a fine of \$100, no part of which may be suspended. Persons guilty of a second or subsequent violation must pay a fine \$300, no part of which may be suspended, and they must have two points assessed against their motor vehicle operating record. During the first sixty days after the effective date of the bill, law enforcement officers may only issue warnings for distracted driving violations. Of the distracted driving fines assessed, the Department of Public Safety will receive \$25 of the \$100 fine for a first offense and will receive \$75 of the \$300 fine for a second or subsequent offense. The Department of Public Safety must use these proceeds to conduct public awareness campaigns and educational activities that will inform the public on the hands-free requirements and the dangers of distracted driving. Additionally, the bill updates the

driving point system schedule to include a second or subsequent offense of distracted driving as a two-point violation against a driver's operating record.

**Judicial Department.** This bill converts the offense of unlawful texting while operating a motor vehicle into the offense of distracted driving. The bill also increases the fines for violations from a maximum of \$25 to \$100 for a first offense and, for a second or subsequent offense, \$300 plus a two-point assessment against the person's driving record. In FY 2018-19, general sessions courts adjudicated six cases of unlawful texting while operating a motor vehicle, and municipal and magistrate courts adjudicated 2,744 cases. While the bill may increase the number of cases heard in general sessions, municipal, and magistrate courts, the department expects to absorb any increase in costs using General Funds.

**Commission on Prosecution Coordination.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

**Commission on Indigent Defense.** The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Department of Public Safety.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

**Department of Motor Vehicles.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

**Department of Transportation.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

### **State Revenue**

In FY 2018-19, general sessions courts adjudicated six cases of unlawful texting while operating a motor vehicle, and all of those cases were dismissed. During that fiscal year, magistrate and municipal courts adjudicated 2,744 cases. Of the defendants, 1,373 paid the fines before their hearing dates; 1,234 were convicted; eighty had their cases dismissed; fifty-two were found not guilty; and five had their cases dismissed. The total revenue generated in FY 2018-19 from the assessment of \$25 fines for those who paid the fine prior to trial or were convicted in court was \$65,175.

The bill revises the penalty structure to provide that a first offense is punishable by a fine of \$100, and a second or subsequent offense is punishable by a fine of \$300 plus the assessment of two points against a person's driving record. There is no data available to determine whether the cases settled in FY 2018-19 were for first or subsequent offenses. Should the volume of offenses and convictions be identical in future fiscal years, the minimum revenue generated, presuming all the convictions are for first offenses would be \$260,700, of which \$65,175 would go to the Department of Public Safety and the \$195,525 of which would go to county or local governments. Should all the convictions be for second or subsequent offenses, the maximum

revenue that would be generated is \$782,100, of which \$195,525 would go to the Department of Public Safety and the \$586,575 of which would go to county or local governments.

**Local Expenditure**

All counties were surveyed as to what, if any, expenditure impact this would have on local governments. Only Charleston County responded, and reports that the bill will have no local expenditure impact.

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director