



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3182	Introduced on January 12, 2021
Author:	Thayer	
Subject:	Vehicle Meeting or Overtaking a School Bus	
Requestor:	House Education and Public Works	
RFA Analyst(s):	Gardner and Griffith	
Impact Date:	July 21, 2021 Updated for Additional Agency Response	

Fiscal Impact Summary

This bill authorizes the Department of Public Safety (DPS) to issue a civil penalty citation to the registered owner of a vehicle that has unlawfully met or overtaken a school bus as evidenced by photographic or electronic images and provides a method for challenging such a citation.

DPS reports that the bill will require the agency to hire a law enforcement officer to review electronic data captured by school bus camera systems and to establish a case management system to track citations and penalties related to the unlawful overtaking of a school bus. As such, the department will incur a recurring General Fund expenditure impact of \$83,567 beginning in FY 2022-23 and a one-time General Fund expenditure impact of \$52,400. While the department may collect civil penalties related to citations issued for this new offense, there is no way to determine the amount of associated penalties that may be collected. Therefore, any additional Other Funds revenue the department may generate is undetermined.

The Department of Motor Vehicles (DMV) indicates that the implementation of this bill will have no expenditure impact, because any additional responsibilities created by this bill can be managed with existing staff and within existing appropriations.

This impact statement has been updated to provide responses from DPS and DMV.

Explanation of Fiscal Impact

Updated for Additional Agency Response on July 21, 2021

Introduced on January 12, 2021

State Expenditure

This bill authorizes DPS to issue a civil penalty citation to the registered owner of a vehicle that has unlawfully met or overtaken a school bus based upon an inspection of photographs, microphotographs, videotape, or other digitally recorded images. First offense violations are punishable by a civil penalty not to exceed \$250, and second or subsequent offense violations are punishable by a civil penalty not to exceed \$500. These violations will not charge points against the driving record of the registered owner of the vehicle.

Within 30 days of receiving a citation, the registered vehicle owner may provide to the department an affidavit providing specific information to corroborate that the vehicle was not

under his care, custody, or control at the time of the violation or that the vehicle was stolen but was properly insured at the time of the violation. When an affidavit has been submitted, the registered vehicle owner will not be responsible for payment of the civil penalty. The department will be responsible for providing a form affidavit with each citation, which must clearly state the manner in which the citation may be challenged, and for sending the citation and form affidavit via first-class mail to the registered owner of the vehicle at the address provided by the DMV.

Department of Public Safety. This bill enables the department to issue a civil penalty citation to the registered owner of a vehicle that has unlawfully overtaken a school bus. The department reports that it will need to hire a law enforcement officer to review data captured by school bus camera systems, identify the registered vehicle owner, compile required documentation, and mail a violation notice to the vehicle owner. This FTE will incur a recurring General Fund expenditure impact of \$73,567 in salary and fringe. In addition, the department will be required to process payments and administer the process afforded to the registered owner to challenge the civil citation. As such, the agency will incur a one-time General Fund expenditure impact of \$2,400 for computer equipment and of \$50,000 to establish a case management system. The department will also need \$10,000 in recurring General Funds for maintaining the case management system. For FY 2022-23, the overall General Fund impact will be \$135,967.

Department of Motor Vehicles. This bill requires DMV to provide the address of a registered owner of a vehicle to DPS, so that DPS can mail a form affidavit and citation to the owner that has unlawfully overtaken a school bus. DMV indicates that the implementation of this bill will have no expenditure impact because any additional responsibilities created by this bill can be managed with existing staff and within existing appropriations.

State Revenue

This bill enables the DPS to collect civil penalties associated with violations for the unlawful overtaking of a school bus. As the bill creates a new offense, there is no data on the number of citations that may be issued nor on the amount of associated penalties that may be collected. Therefore, any additional Other Funds revenue the department may generate is undetermined.

Local Expenditure

N/A

Local Revenue

N/A

Introduced on January 12, 2021

State Expenditure

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Within 30 days of receiving a citation, the registered vehicle owner may provide to the department an affidavit providing specific information to corroborate that the vehicle was not under his care, custody, or control at the time of the violation or that the vehicle was stolen but was properly insured at the time of the violation. When an affidavit has been submitted, the registered vehicle owner will not be responsible for payment of the civil penalty. The department will be responsible for providing a form affidavit with each citation—which must clearly state the manner in which the citation may be challenged—and for sending the citation and form affidavit via first-class mail to the registered owner of the vehicle at the address provided by the Department of Motor Vehicles.

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

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

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director