

Statement of Estimated State Revenue Impact

Date: January 30, 2013

Bill Number: H.B. 3121

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Committee Requesting Impact: House Education and Public Works Committee

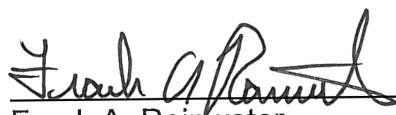
Bill Summary: A bill to amend the Code of Laws of South Carolina, 1976, by adding Sections 56-5-3890, 56-5-3895, and 56-5-3897 so as to provide that it is unlawful for a person to use an electronic communication device while driving a motor vehicle under certain circumstances, to provide a penalty, and to provide for the distribution of monies collected from fines associated with violations of these provisions; and to amend Section 56-1-720, relating to the assessment of points against a person's driving record for certain motor vehicle violations, so as to provide that points must be assessed against the driving record of a person convicted of improper use of an electronic communication device while driving a motor vehicle... **(as amended in subcommittee)**

REVENUE IMPACT ^{1/}

This bill, as amended, is expected to raise state General Fund revenue by \$27,445, allocate \$5,625 in new court surcharges to the S.C. Trauma Care Fund (TCF), and distribute \$85,852 to various state agencies and programs in FY 2013-14. It also is expected to raise \$108,240 for local jurisdictions from fines and assessments by summary and general sessions' courts.

Explanation: This bill, as amended, provides for the manner and circumstance for unlawful use of an electronic communication device while driving a motor vehicle. A minimum fine of \$100 applies to convictions for a misdemeanor "distracted driving" traffic violation. Citations associated with collisions proximately causing either great bodily injury or death to another person are felony offenses. Conviction under the lesser felony requires a minimum fine of \$2,500 and mandatory imprisonment of thirty days; whereas a minimum fine of \$5,000 and a one-year prison term apply when a death occurs. New surcharges of \$25 (misdemeanor) and \$100 (felony) apply to such convictions, and are in addition to certain assessments and surcharges applied to convictions in summary and general sessions' courts in this State. All proceeds from the new surcharges are earmarked to the South Carolina Trauma Care Fund (TCF), administered by DHEC, for use as financial aid to participating trauma care providers and grants related to trauma care in this State.

Based on historical and estimated data provided by the DPS, DMV, and local police departments, we expect 165 total traffic cases with convictions under new Sections 56-5-3890 and 56-5-3895 in FY 2013-14, apportioned at 145, misdemeanor, and 20, felony. Accordingly, adoption of the bill would raise respective court fines and accompanying court assessments/surcharges by a total of \$227,162 in FY2013-14, prorated at \$118,922 state allocation, and \$108,240, local allocation. Of the total amount of \$118,922 in state proceeds, \$27,445 in court assessments would go to the state's General Fund; \$5,625 from new surcharges would be credited to the TCF within DHEC; and the balance of \$85,852 would be apportioned to various state agencies and programs by temporary or permanent law. As it can take six months or more for felony cases to be prosecuted in general sessions' courts, and allowing for minimum duration of one year for driver license suspensions (§56-5-3895), we expect minimal revenue from reinstatement fees in the initial year.



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^{1/} This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.