

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 1159

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Oder

3. Committee: Passed both houses

4. Title: “Move-over” law

5. Summary:

Current law requires a driver, who is traveling on a highway with at least four lanes, when approaching a stationary emergency vehicle with flashing lights, to move over to a lane not adjacent to the stationary emergency vehicle, if doing so can be accomplished safely. Violation of the provision is a Class 1 misdemeanor.

The proposed legislation would expand the applicability of the statute from “emergency” vehicles to include towing, construction, and certain utility vehicles. Furthermore, the legislation would downgrade the first offense to a traffic infraction, with any second or subsequent offenses constituting a Class 1 misdemeanor. Finally, the bill stipulates that the provisions of the statute are not applicable in a highway work zone.

6. Fiscal Impact Estimates: Final. See Item 8.

7. Budget Amendment Necessary: None.

8. Fiscal Implications:

The proposed legislation would downgrade the first offense from a Class 1 misdemeanor, which carries a possible sentence of up to 12 months in jail, to a traffic infraction, which is not a criminal offense. During FY 2007 and FY 2008, ten people were convicted of this statute as their most serious offense. All were sentenced to a jail term, with the median sentence being 30 days. The state reimburses localities \$8.00 for housing local responsible inmates in jails. Assuming five offenders a year will no longer be incarcerated in jail for 30 days for violation of this statute, the proposed legislation could result in an annual savings for the state of \$1,200. However, this savings could be offset by the expansion of the statute to include not just emergency vehicles, but towing, construction, and utility vehicles, thereby possibly leading to more violators with a subsequent offense, a misdemeanor.

9. Specific Agency or Political Subdivisions Affected:

Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 3/11/2010 dpb

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