

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1521

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

2. Patron: Carrico

3. Committee: Transportation

4. Title: Handheld photo speed monitoring devices

5. Summary: Permits the Department of State Police to operate handheld photo speed monitoring devices in order to aid in the determination of vehicle speed. The Department also is permitted to use these devices in highway work zones, so long as the officer is physically present in or around the work zone, a conspicuous sign is placed within 1,000 feet of the work zone, informing drivers of the use of such devices, and that the device is used to record images of vehicles traveling at speeds of at least 12 miles per hour above the posted speed limit within the work zone.

The operators of vehicles travelling at speeds of at least 12 miles per hour above the posted work zone limit shall be subject to a civil penalty not to exceed \$125 if a handheld photo speed monitoring device provides evidence of such an offense. Any prosecution of such offences shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section are to be paid into the state treasury and allocated to the Department of State Police. However, for any fiscal year, if the total amount collected from the penalties pursuant to this section is greater than 10 percent of the budget of the Department of State Police for the fiscal year after the costs of implementing and administering handheld photo speed monitoring devices are recovered, the state treasury shall allocate such moneys that exceed 10 percent of the total budget of the Department of State Police to the Literary Fund. Additionally, the bill provides that information collected by a handheld photo speed monitoring device related to highway work zone speeding violations is to be used only for enforcement purposes against individuals who violate the provision. Any person who discloses personal information in violation of the provisions of this subdivision is subject to a civil penalty of \$1,000 per disclosure. Fines are deposited into the Literary Fund.

6. Budget Amendment Necessary: Yes. Item 450.

7. Fiscal Impact Estimates: Indeterminate. See Item 8.

8. Fiscal Implications: According to the Department of State Police (VSP), the proposed legislation is not expected to have a negative fiscal impact on their operations. The bill provides for a civil penalty for violations of this section.

When the total amount of penalties collected exceeds 10 percent of VSP's budget, any excess amount shall be paid into the state's Literary Fund. The revenue that may be generated for use by VSP as a result of this bill or deposited into the Literary Fund cannot be determined at this time.

According to the Department of Motor Vehicles (DMV), federal law requires that all state or local traffic convictions for violations committed by either commercial learner's permit (CLP) or commercial driver's license (CDL) holders be reported to DMV and placed on their driving record in the Commercial Driver Licensing Information System (CDLIS). As it stands, the provisions of this bill do not require VSP to report such violations of highway work zone speed limits to DMV. According to DMV, Virginia could be in violation of federal law if these reports are not made, and the federal government could revoke the state's right to issue CDLs. If Virginia is found to be out of compliance with these requirements, approximately \$28.9 million in federal transportation funding could be revoked.

9. Specific Agency or Political Subdivisions Affected: Department of State Police and Department of Motor Vehicles.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB2795.