

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** HB403

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:**        Oder

**3. Committee:** Transportation

**4. Title:**         **Drivers to yield right-of-way; “Move Over” law.**

**5. Summary:** Requires drivers to move left on a four lane highway when approaching stationary tow trucks and highway maintenance/construction vehicles if these vehicles are displaying amber lights. (Current law does not include vehicles showing amber lights, only red or blue flashing lights.) The initial offense for all vehicles displaying lights would be punished as a traffic infraction, formerly a Class 1 misdemeanor. The bill makes second or subsequent violations Class 1 misdemeanors.

**6. Fiscal Impact Estimates:** Preliminary; see Item 8 below.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation may result in a reduction of costs since any initial offense would be reduced from a Class 1 misdemeanor to a traffic violation. However, the proposal also adds amber flashing lights which may result in more offenses and therefore offset those possible savings.

If additional Class 1 misdemeanor offenses result, an increase in the jail population would be expected since a Class 1 misdemeanor can result in a sentence of up to 12 months in jail (and \$2,500 fine). Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails’ operating costs, e.g. correctional officers. The state’s share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board’s FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged \$32.66 per state inmate, per day in FY 2008.

**9. Specific Agency or Political Subdivisions Affected:** State and local law enforcement agencies, local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/20/2010 dpb/John Crooks

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