

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB181

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

**2. Patron:** Collins

**3. Committee:** Courts of Justice

**4. Title:** Option to bring charges for improper driving.

**5. Summary:** Provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communicates device to the point of substantially diverting the driver's attention from driving, is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item #8.

**8. Fiscal Implications:** Currently, the court has discretion, when a person is charged with reckless driving where the degree of culpability is slight, to find the person guilty of improper driving. The proposed bill provides that when any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Improper driving is punishable by a fine of up to \$500.

This proposal allows individuals to be charged with improper driving initially, rather than only being convicted of this as a reduction from the greater charge of reckless driving. Reckless driving is a Class 1 misdemeanor, carrying a possible penalty of up to 12 months of imprisonment, a fine up to \$2,500, and a license suspension of up to six months. Improper driving is punishable only by a fine of up to \$500. All such fines are deposited in the state's Literary Fund. It is not feasible to determine the impact on revenue deposited to the Literary Fund.

**9. Specific Agency or Political Subdivisions Affected:** Law enforcement agencies.

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

**11. Other Comments:** This bill is identical to HB506.