

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB94ER

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:** Stanley

**3. Committee:** Passed both houses.

**4. Title:** Tow truck drivers and towing and recovery operators; prohibited acts; certain solicitation and offering of services; penalty

**5. Summary:** Prohibits tow truck drivers and towing and recovery operators from causing any other person to solicit or offer towing services in any manner, directly or indirectly, at the scene of any wrecked or disabled motor vehicle upon a highway when such wrecked or disabled motor vehicle reasonably necessitates removal by a tow truck. The bill provides that a violation of such prohibition constitutes a Class 3 misdemeanor for a first offense and is elevated to a Class 2 misdemeanor for any subsequent offense.

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

**7. Fiscal Impact Estimates:** Final, see Item 8 below.

**8. Fiscal Implications:** The bill creates a new Class 3 misdemeanor penalty for a first time offense for any tow truck driver or towing and recovery operator who causes any other person to solicit or offer towing services at the scene of any wrecked or disabled motor vehicle upon a highway when such wrecked or disabled vehicle reasonably necessitates removal by a tow truck. Anyone convicted of a Class 3 misdemeanor is punishable by a fine of up to \$500. These offenses carry no jail time. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

A subsequent offense of the proposed provisions is punishable by a Class 2 misdemeanor penalty. Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail and a fine of not more than \$1,000, either or both. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion 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 most recent Jail Cost Report (November 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

**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.