



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3355	Amended by House Education and Public Works on January 31, 2019
Author:	Taylor	
Subject:	Driving Under the Influence of an Electric Device or DUI-E	
Requestor:	House Education and Public Works	
RFA Analyst(s):	Gardner and Wren	
Impact Date:	February 11, 2019	

Fiscal Impact Summary

This bill will increase Other Funds expenses of the Department of Transportation (DOT) by \$2,640 in FY 2019-20 for placing signs at the eight points where interstates cross state lines.

The Judicial Department indicates the bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds of their department, as magistrate and municipal courts will be responsible for hearing these cases.

The Commission on Prosecution Coordination, Commission on Indigent Defense, and the Department of Public Safety report that any expenditures that result from the implementation of this bill can be absorbed within the agencies existing budgets.

There will be no local expenditure impact of this bill on magistrate and municipal courts as Revenue and Fiscal Affairs (RFA) estimates there will be no increase to court dockets.

The bill may result in the generation of additional local revenue due to the increase in fines for violations related to unlawful use of a wireless communication device while driving. The revenue impact to local government is undetermined because the bill creates a new offense and there is no data available to determine the number of violations.

Explanation of Fiscal Impact

Amended by House Education and Public Works on January 31, 2019

State Expenditure

This amended bill creates the “Driving Under the Influence of an Electronic Device or DUI-E Law.” The bill revises the circumstances when it is unlawful to use a wireless device and revises definitions related to the unlawful use of a wireless communications device while operating a motor vehicle. Definitions for both a stand-alone electronic device and utility services have been added, and the previous definition for a wireless electronic communication device has been changed to a wireless telecommunications device. The definition for a wireless telecommunication device, which has been expanded to include other types of electronic devices, now excludes certain types of radios, emergency communication devices, prescribed medical devices, and vehicular security, navigation, and remote diagnostic systems.

The bill makes it unlawful for a person to physically hold, compose text-based communication, or watch video footage on a wireless telecommunications device or stand-alone electronic device while operating a motor vehicle. The bill also prohibits a commercial vehicle operator from using more than a single button on a wireless telecommunications device to initiate or terminate a voice communication and from reaching for a wireless telecommunications device or stand-alone electronic device in a manner such that he would no longer be in a seated driving position or properly restrained by a safety belt.

A vehicle operator may use a wireless telecommunications device or a stand-alone electronic device when he is using an earpiece, headphone device, or device worn on the wrist to conduct voice-based communication; making a voice-based communication that is automatically converted by the device to be sent as a message in written form; watching data related to the navigation of the vehicle; stopped on the side of the road or lawfully parked; reporting information related to an accident or hazard or is otherwise summoning emergency assistance; or is using equipment or services installed or provided by the vehicle's original manufacturer, provided the device is not hand-held. Other persons exempt from these provisions are those who are employed and are on duty as emergency responders, utility services providers, or digital system dispatchers.

The bill also creates the non-criminal offense of driving while using an electronic device, which carries a penalty of no more than \$200 dollars, an amount which may not be suspended. The fine is capped at \$200 for any one incident of one or more violations of the bill's provisions. The DOT is responsible for erecting signs along South Carolina interstates to inform motorists of the existence of the act.

Judicial Department. This bill would amend § 56-5-3890, "Driving Under the Influence of an Electronic Device" (DUI-E) by redefining and replacing the term hands-free device with stand-alone device; redefining the term wireless communication device; and adding a definition of utility services. The bill would expand the prohibited uses of wireless communication devices, including a ban on physically holding one while driving; add a section related solely to commercial vehicle drivers; and more fully describe the exceptions to the prohibited uses. Further, it increases the circumstances under which an officer can stop a vehicle for a suspected violation. As magistrate and municipal courts will be responsible for hearing these cases, the bill will have no expenditure impact on the General Fund for the Judicial Department.

The civil fines imposed by this proposed legislation would be handled in magistrate and municipal courts. In FY 2017-18, there were 2,025 civil fine cases filed under the current version of § 56-5-3890 in magistrate and municipal courts. However, as this legislation alters the circumstances under which a driver can be stopped, there is no data available upon which to estimate the number of hearings or trials that may be initiated as a result of this legislation.

Commission on Prosecution Coordination. The bill alters the circumstances under which a driver may be stopped for violations related to the unlawful use of a wireless communication device while driving. Although the number of tickets that may be written for the revised offense is unknown, the agency expects to absorb any additional costs within current resources.

Commission on Indigent Defense. The commission reports that should the bill have an expenditure impact on the General Fund, it will absorb any additional costs within current resources.

Department of Public Safety. The agency currently is mandated to maintain statistical information regarding any citation distributed. The department anticipates minimal additional expenditures to the General Fund, which can be absorbed within existing appropriations.

Department of Transportation. The department indicates there are eight points where interstates cross state lines. The cost for each sign, including installation, is \$330. Therefore, this bill will increase Other Funds expenses of the department by \$2,640 in FY 2019-20.

State Revenue

N/A

Local Expenditure

This bill amends existing provisions related to a person's operation of a motor vehicle while using an electronic communication device. The civil fines imposed by this proposed legislation would be handled in magistrate and municipal courts. In FY 2017-18, there were 2,025 civil fine cases filed under the current version of § 56-5-3890 in magistrate and municipal courts. There will be no local expenditure impact of this bill on magistrate and municipal courts as RFA estimates there will be no increase to court dockets.

Local Revenue

The bill may result in the generation of additional revenue due to the increase in fines for violations related to unlawful use of a wireless communication device while driving. Revenue from the citations is received by the county in which the offenses occur. Magistrate and municipal courts will be responsible for hearing these cases. However, the revenue impact to local government is undetermined because the bill creates a new offense and there is no data available to determine the number of violations.



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