



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 4696	Amended by House Education and Public Works on February 25, 2020
Author:	Bennett	
Subject:	School Bus Stops	
Requestor:	House Education and Public Works	
RFA Analyst(s):	Griffith, Gardner, and Wren	
Impact Date:	February 26, 2020	

Fiscal Impact Summary

This bill will increase non-recurring General Fund expenditures of the Department of Motor Vehicles (DMV) by \$1,320 in FY 2020-21 for programming changes to its systems. The bill will have no impact on the Department of Corrections or the State Department of Education as any expenses will be managed within current appropriations.

Assuming the same number of persons are found guilty of unlawfully passing a stopped school bus as in FY 2018-19, the amended bill will shift \$27,258 in Other Funds revenue from fines collected by local law enforcement to the State Department of Education in FY 2020-21 for the purchase of digital recording devices and extended stop arms for school buses. The remaining \$32,080 in revenue from court fees will continue to be collected by local law enforcement and allocated by the State Treasurer according to applicable formulas.

Explanation of Fiscal Impact

Amended by House Education and Public Works on February 25, 2020

State Expenditure

This bill revises the penalty schedule for unlawfully passing a stopped school bus. Currently, a driver who commits this act as a first offense is guilty of a misdemeanor and must be fined not less than \$500 or imprisoned for not more than 30 days. Under the provisions of the bill, a first offense would be punishable by a fine of not less than \$1,000 nor more than \$2,000, a prison term of not more than 30 days, and a 30-day driver's license suspension. The court may opt to sentence the offender to a term of community service for not fewer than ten days in lieu of imprisonment. Should the offender be imprisoned, his driver's license suspension will run for the term of imprisonment plus 30 days.

A second or subsequent offense is currently a misdemeanor punishable by a fine of not less than \$2,000 nor more than \$5,000 or imprisonment for not fewer than 30 days nor more than 60 days. Under the provisions of the bill, a second or subsequent offense would be punishable by a fine of not less than \$5,000 nor more than \$10,000, imprisonment for not fewer than six months nor more than one year, and a six-month driver's license suspension. Should the offender be imprisoned, his driver's license suspension will run for the term of imprisonment plus six months.

The bill also increases the penalties associated with the great bodily injury or death of a pedestrian by a driver who unlawfully passes a school bus. Currently, these offenses are felonies punishable by a fine of not less than \$5,000 nor more than \$10,000 and imprisonment for not less than 60 days nor more than one year (for great bodily injury of a pedestrian) and a fine of not less than \$10,000 nor more than \$25,000 and imprisonment for not less than one year nor more than five years (for death of a pedestrian). Under the provisions of the bill, these amounts change to not less than \$10,000 nor more than \$15,000 and imprisonment for not less than six months nor more than one year when great bodily injury results and a fine of not less than \$15,000 nor more than \$25,000 and imprisonment for not less than one year nor more than five years when death results. For either felony offense, the driver's license of the offender must be suspended for the term of his imprisonment plus one year. For both misdemeanor and felony offenses, the driver must successfully complete a classroom course in driver's safety before his driving privileges may be reinstated.

Additionally, the bill enables the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop should he determine the location to be dangerous. The act takes effect upon approval by the Governor.

Department of Corrections. The bill requires the department to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Federal Funds, or Other Funds. This section of the fiscal impact has been updated to include a response from the agency.

State Department of Education. The State Department of Education indicates that any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations. Additionally, we anticipate that the agency will be able to utilize the funds for recording devices and extended stop arms for school buses with existing staff. Therefore, the amended bill will have no expenditure impact on the State Department of Education.

Department of Motor Vehicles. DMV indicates that approximately 12 hours of programming are needed to add the violation, suspension of license, and requirements related to unlawfully passing a stopped school bus. At \$110 per hour, the total cost to the agency is \$1,320.

State Revenue

South Carolina law currently states that the revenue collected from any fines must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The Judicial Department reports that 73 persons were tried and found guilty of unlawfully passing a stopped school bus in FY 2018-19. Fines collected from those offenses totaled \$27,258, and court fees collected totaled \$32,080. Assuming the same number of persons found guilty next fiscal year, the amended bill will shift the \$27,258 in Other Funds revenue from fines collected by local law enforcement to the State Department of Education for the purchase of digital recording devices to be mounted on school buses and for school bus extended stop arms. The number of buses to be equipped with digital recording devices and extended stop arms is dependent upon the actual amount of revenue allocated to the State Department of

Education for this purpose in FY 2020-21 and the cost of the digital recording devices and stop arms. The remaining \$32,080 in court fees will continue to be collected by local law enforcement and allocated by the State Treasurer according to applicable formulas.

Local Expenditure and Local Revenue

N/A

Updated for Additional Agency Response on February 24, 2020

Introduced on January 14, 2020

State Expenditure

This bill revises the penalty schedule for unlawfully passing a stopped school bus. Currently, a driver who commits this act as a first offense is guilty of a misdemeanor and must be fined not less than \$500 or imprisoned for not more than 30 days. Under the provisions of the bill, a first offense would be punishable by a fine of not less than \$1,000 nor more than \$2,000, a prison term of not more than 30 days, and a 30-day driver's license suspension. The court may opt to sentence the offender to a term of community service for not fewer than ten days in lieu of imprisonment. Should the offender be imprisoned, his driver's license suspension will run for the term of imprisonment plus 30 days.

A second or subsequent offense is currently a misdemeanor punishable by a fine of not less than \$2,000 nor more than \$5,000 or imprisonment for not fewer than 30 days nor more than 60 days. Under the provisions of the bill, a second or subsequent offense would be punishable by a fine of not less than \$5,000 nor more than \$10,000, imprisonment for not fewer than six months nor more than one year, and a six-month driver's license suspension. Should the offender be imprisoned, his driver's license suspension will run for the term of imprisonment plus six months.

The bill also increases the penalties associated with the great bodily injury or death of a pedestrian by a driver who unlawfully passes a school bus. Currently, these offenses are felonies punishable by a fine of not less than \$5,000 nor more than \$10,000 and imprisonment for not less than 60 days nor more than one year (for great bodily injury of a pedestrian) and a fine of not less than \$10,000 nor more than \$25,000 and imprisonment for not less than one year nor more than five years (for death of a pedestrian). Under the provisions of the bill, these amounts change to not less than \$10,000 nor more than \$15,000 and imprisonment for not less than six months nor more than one year when great bodily injury results and a fine of not less than \$15,000 nor more than \$25,000 and imprisonment for not less than one year nor more than five years when death results. For either felony offense, the driver's license of the offender must be suspended for the term of his imprisonment plus one year. For both misdemeanor and felony offenses, the driver must successfully complete a classroom course in driver's safety before his driving privileges may be reinstated.

Additionally, the bill enables the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop should he determine the location to be dangerous. The act takes effect upon approval by the Governor.

Department of Corrections. The bill requires the department to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Federal Funds, or Other Funds. This section of the fiscal impact has been updated to include a response from the agency.

State Department of Education. The State Department of Education indicates that any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations. Therefore, this bill will have no expenditure impact on the agency.

Department of Motor Vehicles. DMV indicates that approximately 12 hours of programming are needed to add the violation, suspension of license, and requirements related to unlawfully passing a stopped school bus. At \$110 per hour, the total cost to the agency is \$1,320.

State Revenue

South Carolina law states that the revenue collected from any fines must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The Judicial Department reports that 73 persons were tried and found guilty of unlawfully passing a stopped school bus in FY 2018-19. Fines collected from those offenses totaled \$27,258, and court fees collected totaled \$32,080. Assuming the same number of persons found guilty next fiscal year, Other Funds revenue will increase by \$59,338 in FY 2020-21.

Local Expenditure

N/A

Local Revenue

N/A

Introduced on January 14, 2020

State Expenditure

This bill revises the penalty schedule for unlawfully passing a stopped school bus. Currently, a driver who commits this act as a first offense is guilty of a misdemeanor and must be fined not less than \$500 or imprisoned for not more than 30 days. Under the provisions of the bill, a first offense would be punishable by a fine of not less than \$1,000 nor more than \$2,000, a prison term of not more than 30 days, and a 30-day driver's license suspension. The court may opt to sentence the offender to a term of community service for not fewer than ten days in lieu of imprisonment. Should the offender be imprisoned, his driver's license suspension will run for the term of imprisonment plus 30 days.

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Additionally, the bill enables the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop should he determine the location to be dangerous. The act takes effect upon approval by the Governor.

Department of Corrections. This section of the fiscal impact statement is pending, contingent upon a response from DOC.

State Department of Education. The State Department of Education indicates that any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations. Therefore, this bill will have no expenditure impact on the agency.

Department of Motor Vehicles. DMV indicates that approximately 12 hours of programming are needed to add the violation, suspension of license, and requirements related to unlawfully passing a stopped school bus. At \$110 per hour, the total cost to the agency is \$1,320.

State Revenue

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Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director