

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 2246

**PRINTER'S NO.** 4078

**AMOUNT**

\$810,000 cost to the Commonwealth  
\$2.5 million cost to counties

**FUND**

General Fund  
Cost to Counties

**DATE INTRODUCED**

February 8, 2010

**PRIME SPONSOR**

Representative Tallman

**HISTORY OF BILL**

Referred to TRANSPORTATION, Feb. 8, 2010  
Reported as amended, April 26, 2010  
First consideration, April 26, 2010  
Laid on the table, April 26, 2010  
Removed from table, April 27, 2010  
Re-committed to APPROPRIATIONS, April 27, 2010  
Re-reported as committed, April 28, 2010  
Second consideration, with amendments, April 28, 2010  
(Remarks see House Journal Page ), April 28, 2010  
Third consideration and final passage, May 3, 2010 (117-72)  
(Remarks see House Journal Page ), May 3, 2010  
In the Senate  
Referred to TRANSPORTATION, May 4, 2010  
Reported as committed, June 15, 2010  
First consideration, June 15, 2010  
Re-referred to APPROPRIATIONS, June 28, 2010  
Re-reported as amended, July 1, 2010

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 2246 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for enhanced penalties against drivers convicted of recklessly or with gross negligence causing a motor vehicle accident involving serious bodily injury or death to an emergency service responder acting in his or her official capacity. This legislation also adds a new section related to civil litigation and allowing for attorneys to argue for specific lump sum amounts for past and future economic and non-economic damages awards.

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Specifically, this legislation enhances penalties for the following:

- Homicide by Vehicle – An **additional** five years of imprisonment may be imposed, at the court’s discretion, for a conviction of homicide by vehicle if the victim was an emergency service responder acting in his or her official capacity at the time of the vehicle accident. It should be noted that this enhanced penalty is currently in statute under §3732 for fatal motor vehicle accidents involving a highway worker in an active highway work zone.
- Aggravated Assault by Vehicle – This legislation creates a new §3732.1 in Title 75, entitled “aggravated assault by vehicle” to provide for penalties for drivers causing serious bodily injury to another. This offense is graded as a third degree felony, and the court, in its discretion, may impose an **additional** two years of imprisonment if the convicted driver injures a worker in an active construction zone or an emergency service responder acting in his or her official capacity.

Additionally, this legislation would allow for attorneys, involved civil litigation related to motor vehicle accidents, to argue for specific lump sum amounts for past and future economic and non-economic damages awards.

Amendment A08354 to House Bill 2246 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes with regard to hauling permits for bulk refined oil and nonhazardous liquid glue. Specifically, this amendment extends the current allowable hauling distance for refined oil from 50 miles to 125 miles. The current annual fee for this permit will remain unchanged, at \$800, for hauling permits up to 50 miles, but it will be \$1,600 for permits allowing for hauling refined oil in excess of 50 miles and up to 125 miles. Hauling refined oil in excess of 125 miles would not be permissible.

Further, this amendment creates a new annual hauling permit for transporting nonhazardous liquid glue for distances not to exceed 75 miles. The annual fee for this type of permit would be \$800.

Finally, this amendment would allow for the issuance of hauling permits for the movement of waste tires.

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### **FISCAL IMPACT:**

It is assumed that the passage of this legislation would have an impact on correctional costs and probation and parole costs, not only at the state level but the local level as well. According to data received from the Pennsylvania Commission on Sentencing (Commission), it is determined that approximately 27 convictions related to the sections listed in this legislation, would result in imprisonment in a State Correctional Institution. At an average annual cost of \$30,000 per inmate, it is therefore determined that the Commonwealth would incur an annual cost of approximately \$810,000. Other data provided by the Commission indicates that approximately 138 convictions would result in imprisonment in a county jail and/or probation/parole. At an annual cost of approximately \$18,250 per inmate, it is estimated that counties within the Commonwealth may incur estimated annual costs of approximately \$2.5 million. It is also estimated that these costs will increase in future years due to rising costs within the Departments of Corrections and Probation and Parole.

Expanding the distance for the hauling of bulk refined oil and the addition of the annual hauling permit for nonhazardous liquid glue is not expected to have a significant impact on the Pennsylvania Department of Transportation's (Department) permit approval process. Therefore, the administrative costs to implement the specifics of this amendment would be negligible.

There is the potential for the Department to generate additional revenue by way of collecting \$1,600 per annual hauling permit issued for transporting bulk refined oil in excess of 50 miles and \$800 for the newly created annual hauling permit for nonhazardous liquid glue. Estimating the additional revenue generated by passage of this amendment is difficult due to the lack of historical data available from the Department on the issuance of annual hauling permits. According to the data that is available, it is estimated that the additional revenue generated would be minimal and would be offset by the costs of repairs to damages caused to the roadways along the routes traveled during such transports.