



HOUSE COMMITTEE ON APPROPRIATIONS
2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 590

PRINTER'S NO: 2070

PRIME SPONSOR: Markosek

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
Expenditure Increase/(Decrease):		
Motor License Fund	\$0	\$0
Local Government Funds	\$0	\$0
Revenue Increase/(Decrease):		
The Motor License Fund, General Fund, Emergency Medical Services Operating Fund, the Medical Care Availability and Reduction of Error Fund, the Judicial Computer System Augmentation Account, the Access to Justice Account, local government funds (for liquid fuels and direct police action), county funds (court costs), and funds for towing and storage agents of Pittsburgh and Philadelphia.	\$0	(An indeterminate but likely insignificant decrease in revenue to these funds—See analysis)

OVERVIEW:

This bill amends §3112 of the Vehicle Code, which is Title 75 (Vehicles) of the Pa.C.S., to allow a pedalcycle or motorcycle, as defined by Title 75, to proceed with due care on red after coming to a complete stop at an intersection with a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the pedalcycle or motorcycle.

Under current law, if a person who rides a pedalcycle or motorcycle finds that the traffic light detection device fails to trigger due to insufficient weight and the person proceeds anyway, he risks the possibility of receiving a traffic citation if he is unfortunate enough to be seen by a police officer and that officer chooses to strictly enforce the provisions of the Vehicle Code. The officer may write the ticket as a violation of §3112(a)(3)(i), which specifies the rules for stopping at a red light, or as a violation of §3111, which is a general provision on obeying traffic-control devices.

In both cases, that is, §3112(a)(3)(i) and §3111, the fine is \$25. Sections 3571 and 3573 of Title 42 (Judiciary And Judicial Procedure), Pa.C.S., regulate the deposits of the fine revenue in the Vehicle Code. For the fines relating to this bill, there are two formulae on where the money is deposited based upon whether the enforcement action was taken by local police or the State Police. If the fine is the result of local action, then half the funds is deposited in the Motor License Fund and the remaining half is returned to the local government that initiated the action. If the fine is the result of State Police action, then half the money is still deposited in the Motor License Fund as before, but the remaining half is distributed to all municipalities based on the formula in section 4 of the act of June 1, 1956 (P.L.1944, No.655), relating to partial allocation

of liquid fuels and fuel use tax proceeds, also known as the Liquid Fuels Distribution Formula. This formula distributes half the funds based on each municipality's population in proportion to the total state population and the other half based on each municipality's local road miles in proportion to the total local road mileage in the state. In FY 2007/08, \$28.5 million was deposited in the Motor License Fund from Vehicle Code fines, \$14 million was returned to municipalities via the Liquid Fuels Distribution formula, and approximately \$14.5 million was returned back to municipalities for local police action.

In addition, there are various surcharges associated with a traffic violation:

- \$34.50 Court costs, if no hearing is requested, pursuant to §1725.1 of Title 42 (Judiciary and Judicial Procedure), Pa.C.S., and as annually adjusted for inflation by the Pennsylvania Supreme Court and published in the Pennsylvania Bulletin.
- \$41.50 Court costs, if a hearing is requested, pursuant to §1725.1 of Title 42 (Judiciary and Judicial Procedure), Pa.C.S., and as annually adjusted for inflation by the Pennsylvania Supreme Court and published in the Pennsylvania Bulletin.
- \$10 Emergency Medical Services (EMS) Operating Fund pursuant to §14 of the Emergency Medical Services Act (Act of Jul. 3, 1985, P.L. 164, No. 45).
- \$30 Catastrophic Loss Benefits Continuation Fund (CAT), pursuant §6506 of the Vehicle Code, and transferred to the Medical Care Availability and Reduction of Error Fund (MCARE) pursuant to the Medical Care Availability and Reduction of Error Act (Act of Mar. 20, 2002, P.L. 154, No. 13). In FY 2007/08, \$47.2 million was deposited in this Fund due to this surcharge.
- \$8 Judicial Computer System Augmentation Account pursuant to Chapter 37, Subchapter C, subsections 3733 (a.1)(iv) and 3733(2)(iii) of Title 42 (Judiciary and Judicial Procedure), Pa.C.S.
- \$2 Access to Justice Account pursuant to §§4904, 3733 (a.1)(iv), and 3733(2)(iii) of Title 42 (Judiciary and Judicial Procedure), Pa.C.S.
- \$10 For Philadelphia or Pittsburgh only, pursuant to §6506 of the Vehicle Code, and transferred to each city's towing and storage agent as set forth in §6309.2(e), which is the Philadelphia Parking Authority for Philadelphia and such entity as adopted by ordinance of the city of Pittsburgh.

Pursuant to §3571(c)(2) and (4) of Title 42, Pa.C.S., the Commonwealth currently receives \$15.30 of the amount charged for court costs, which is deposited in the General Fund, and the remainder—\$19.20 for when no hearing is requested or \$26.20 when a hearing *is* requested—is returned to the respective county. These amounts are annually adjusted for inflation as measured by the Consumer Price Index.

In sum, a person convicted of violating either §3111 or §3112(a)(3)(i) will receive a total penalty cost of \$109.50 (no hearing requested) or \$116.50 (hearing requested), or \$119.50 (no hearing requested) or \$126.50 (hearing requested) for Philadelphia or Pittsburgh.

According to the Administrative Office of the Courts, the following data was collected on convictions of persons on pedalcycles and motorcycles, including the subcategory of mopeds and motorized bicycles:

	Section 3112(a)(3)(i)	Section 3111
2003	58	1,236
2004	68	1,599
2005	78	1,776
2006	79	1,803
2007	101	2,018
2008	81	2,297

The Pennsylvania State Police and local police departments enforce the Vehicle Code. According to the Pennsylvania Local Fact Sheet (January 7, 2008) published by the Governor's Center for Local Government Services, Department of Community and Economic Development, 1,344 municipalities in Pennsylvania have traditional police forces, 112 municipalities participate with consolidated thirty-three different police services, and 144 municipalities contract for police services. The remaining 1,266 municipalities are exclusively patrolled by the Pennsylvania State Police. The General Appropriation Act of 2008 (Act No. 38A) provides a \$453,283,000 appropriation out of the Motor License Fund to the State Police for traffic control and safety for FY 2008/09, and the Governor has proposed \$480,027,000 for this line item for FY 2009/10. Local government reported police expenses of \$1,071,404,894 for 2006 (the most recent year available) according to financial reports filed with the Department of Community and Economic Development. 2,432 out of 2,563 municipalities filed reports for 2006.

The Philadelphia Traffic Court and Magisterial District Judge Courts are the proper courts for cases dealing with enforcement of the Vehicle Code. The General Appropriation Act of 2008 (Act No. 38A) provides a \$65,366,000 appropriation out of the General Fund for Magisterial District Judges and \$1,011,000 for the Philadelphia Traffic Court. The costs for operating these courts exceed the state appropriations, and the counties and the city of Philadelphia, respectively, cover the difference in the costs.

The effective date is sixty days.

ANALYSIS:

This bill will not cause any increase in expenditures for the Commonwealth or local government. The State Police and local police departments already enforce traffic law, and removing an offense does not require additional resources.

This bill will cause, however, a decrease in revenue by removing an offense that can now be ticketed by a police officer. For each conviction, assuming 100% collection rates, the following amounts are now collected: the Motor License Fund would receive \$12.50; the General Fund would receive \$15.30; the county where the court resides would receive \$19.20 if no hearing is requested or \$26.20 if a hearing is requested and the offender is found guilty; the Emergency Medical Services (EMS) Operating Fund would receive \$10; the Medical Care Availability and Reduction of Error Fund would receive \$30; the Judicial Computer System Augmentation Account would receive \$8; the Access to Justice Account would receive \$2; and if the enforcement was due to local police action, then the municipality of the police department would receive \$12.50. Otherwise, if the enforcement was due to State Police action, then the \$12.50 would be added to other State Police Vehicle Code fines that are distributed to all municipalities based on the Liquid Fuels Distribution Formula. In addition, if the offense occurred in Philadelphia or Pittsburgh, their respective towing and storage agents would receive \$10. The court costs grow by the Consumer Price Index annually pursuant to 1725.1 of Title 42, Pa.C.S. The other amounts are statutory and will only change by law.

The precise number of citations issued per the exact circumstances as outlined in this bill is not known because they are a subset of the offenses received under §3112(a)(3)(i) and §3111. On average for the past five years, convictions involving pedalcycles and motorcycles, including the subcategory of mopeds and motorized bicycles, were as follows:

	Section 3112(a)(3)(i)	Section 3111
Average number of convictions per year	81	1,899

It is unknown what percentage of the above violations are the subset in question, but the percentage would be much higher for §3112(a)(3)(i) because §3111 is a very broad category used by police for innumerable offences. However, it is evident that the total number of such offenses in any one year listed above is likely to be less than 100, and probably much less than 100. Suppose for a moment that the annual average is 100 convictions: if this were the case, the loss to the Motor License Fund would be \$1,250, which is not significant. The losses to the other various funds also would not be significant.

The following sources were consulted in the preparation of this fiscal note: the Administrative Office of the Courts, the Department of Transportation, the Department of Community and Economic Development, and the Pennsylvania State Police.

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House Appropriations Committee, (D)

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General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*