



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-3780 • RFA.SC.GOV/IMPACTS

This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3100 Amended by House Education and Public Works on January 19, 2022
Author: Bennett
Subject: School Bus Stops
Requestor: House Education and Public Works
RFA Analyst(s): Wren, Gardner, and Griffith
Impact Date: January 31, 2022

Fiscal Impact Summary

This bill revises the penalty schedule for unlawfully passing a stopped school bus by increasing the amounts and designating those funds for the purchase of extended stop arms and other school bus equipment. Additionally, this bill allows the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop if the Superintendent determines the placement to be dangerous.

This bill will have no expenditure impact on the State Department of Education (SCDE) as written since any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations. However, SCDE noted that while the bill provides estimated revenues of \$42,000 for installing extended stop arms and other school bus equipment, it does not mandate these items to be installed on all school buses. The estimated cost to install extended stop arms on the state's entire bus fleet is at least \$10,640,000. This amount does not include any other equipment that would need to be installed on buses.

This bill will have no expenditure impact on the Judicial Department since any increase in general sessions, magistrate, or municipal caseloads can be managed within existing appropriations.

This bill will have no expenditure impact on the Department of Motor Vehicles (DMV) because the agency expects to manage the programming expenses to add the requirements related to the suspension of a license for unlawfully passing a stopped school bus within its existing appropriations.

The bill requires the Department of Corrections to perform activities that will be conducted in the normal course of agency business. Therefore, this bill will have no expenditure impact on the department.

Judicial reports that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled \$21,000, and court fees totaled \$24,000. Based upon the data provided by Judicial, assuming a similar number of individuals are found guilty in FY 2022-23, and accounting for the increase in the fines, we

anticipate that revenue from these fines will increase to an estimated \$42,000 in FY 2022-23. This bill also changes the allocation of these fines to the SCDE. Therefore, we expect this bill will decrease revenue retained by local governments from fines collected by approximately \$21,000 in FY 2021-22 and increase Other Funds revenue of SDE by \$42,000 in FY 2021-22 for the purchase school bus extended stop arms and other school bus equipment. Additionally, we anticipate that court assessments on the increased fines will increase revenues to the General Fund, local governments and Other Funds based upon the current distributions by a total of approximately \$23,000.

Explanation of Fiscal Impact

Amended by House Education and Public Works on January 19, 2022

State Expenditure

The amended bill revises the penalty schedule for unlawfully passing a stopped school bus. Currently, a driver who commits this act as a first offense must be fined not less than \$500 or imprisoned for not more than thirty days. In lieu of imprisonment, the court could require community service of not less than ten days. Under the provisions of this bill, a first offense is punishable by a fine of not less than \$1,000 and not more than \$2,000 and the completion of an appropriate term of community service of not fewer than twenty 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 thirty days nor more than sixty days. Under the provisions of the bill, a second or subsequent offense is punishable by a fine of not less than \$2,500 and not more than \$5,000 and either imprisonment for thirty days or a thirty-day driver's license suspension.

This bill also increases the penalties associated with great bodily injury of a pedestrian while unlawfully passing a stopped school bus. Currently, the offense for great bodily injury of a pedestrian is punishable by a fine of not less than \$5,000 nor more than \$10,000 and imprisonment for not less than sixty days nor more than one year. This bill changes the fine for great bodily injury of a pedestrian to not less than \$7,500 nor more than \$10,000 and imprisonment to not less than ninety days nor more than one year.

A violation of the provisions of this bill requires successful completion of a classroom course in driver's safety before reinstatement of driving privileges.

Additionally, this bill allows the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop. This is limited to school bus stops that the Superintendent determines to be dangerous.

State Department of Education. SCDE indicates that the provision allowing the overruling of the placement of a school bus stop will have no expenditure impact on the agency as written since any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations.

The bill directs that fines collected pursuant to the bill must be used to purchase extended school bus stop arms and other school bus equipment. While the bill does not specifically require it, SCDE indicates a concern that the fines collected, which are expected to total at least \$42,000 will not be sufficient to cover the cost of the extended stop arms and other school bus equipment if the intent is to require the agency to install the extended stop arms on its total bus fleet. Further, SCDE estimated that it would cost approximately \$10,640,000 to install the extended stop arms on the state's total bus fleet. This estimate assumes a cost of \$1,900 per extended stop arm and does not account for any other equipment, which would further increase the total expenditures by an undetermined amount. SCDE further indicates that the agency would not be able to manage the difference between the revenue from the fines and the cost for the extended stop arms within current appropriations if the agency is required to install the equipment on all buses.

Judicial Department. This bill increases the penalties for unlawfully passing, unlawfully overtaking, or failing to stop for a school bus and provides that all fines collected for such violations will be received and administered by SCDE. Judicial previously reported that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled \$21,167, and court fees totaled \$24,395. Further, they indicate that the bill will have a minimal expenditure impact on general sessions, magistrate, and municipal caseloads and expected to manage any associated increase in costs with existing appropriations. Therefore, this bill is not expected to have an expenditure impact on the Judicial Department. As a note, the fines collected in FY 2020-21 pursuant to unlawfully passing a school bus were significantly lower than in FY 2019-20, likely due to the COVID-19 pandemic, and we expect a return to historical levels in the future.

Department of Motor Vehicles. DMV indicates that approximately twelve hours of programming are needed to add the requirements related to the suspension of a license for unlawfully passing a stopped school bus. At a rate of \$110 per hour, this amounts to \$1,320 of expenses. The agency will manage these expenses within its current appropriations.

Department of Corrections. The Department of Corrections previously indicated that the bill requires the department to perform activities that will be conducted in the normal course of agency business. As such, this bill will have no expenditure impact on the department. We will update this impact statement if the department revises this response.

State Revenue

This bill allocates all fines collected pursuant to the bill to SCDE for the purchase of extended school bus stop arms and other school bus equipment.

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's Office within thirty days of receipt. Judicial reports that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled \$21,167, and court fees totaled \$24,395. Based upon the data provided by Judicial, assuming a similar number of individuals are found guilty in FY 2022-23, and accounting for the

increase in the fines, we anticipate that revenue from these fines will increase to at least \$42,000 in FY 2022-23 and court fees and assessments will increase by approximately \$23,000. Therefore, we expect this bill will decrease revenue retained by county governments from fines by \$21,000 in FY 2022-23 and increase Other Funds revenue of SCDE by \$42,000 in FY 2022-23 for the purchase of extended school bus stop arms and other school bus equipment. Additionally, existing law distributes revenue generated from court assessments imposed for convictions among the General Fund, specified state agencies and programs, and local governments, which are expected to increase by a total of \$23,000 in FY 2022-23. As a note, the fines collected in FY 2020-21 pursuant to unlawfully passing a school bus were significantly lower than in FY 2019-20 due to the COVID-19 pandemic, but we anticipate a return to historical levels.

Local Expenditure

N/A

Local Revenue

This bill allocates all fines collected pursuant to the bill to SCDE for the purchase of extended school bus stop arms and other school bus equipment.

Based upon the data provided by Judicial, we anticipate that this bill will decrease revenue retained by county governments by \$21,000 in FY 2022-23. Additionally, existing law distributes revenue generated from court assessments imposed for convictions among the General Fund, specified state agencies and programs, and local governments, which are expected to increase by a total of \$23,000 in FY 2022-23.

Introduced on January 12, 2021

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 must be fined not less than \$500 or imprisoned for not more than thirty days. Under the provisions of this bill, a first offense is punishable by a fine of not less than \$1,000 nor more than \$2,000, a prison term of not more than thirty days, and a thirty-day driver's license suspension. If the individual is imprisoned, his driver's license suspension must run for the term of imprisonment plus thirty 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 thirty days nor more than sixty days. Under the provisions of the bill, a second or subsequent offense is 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. If the individual is imprisoned, his driver's license suspension must run for the term of imprisonment plus six months.

This bill also increases the penalties associated with great bodily injury or death of a pedestrian. Currently, the offense for great bodily injury of a pedestrian is punishable by a fine of not less than \$5,000 nor more than \$10,000 and imprisonment for not less than sixty days nor more than one year. This bill changes the fine for great bodily injury of a pedestrian to not less than

\$10,000 nor more than \$15,000 and imprisonment to not less than six months nor more than one year. Further, the offense for death of a pedestrian is currently punishable by 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. This bill changes the fine for death of a pedestrian to not less than \$15,000 nor more than \$25,000. The bill does not change the imprisonment term for death of pedestrian.

A violation of the provisions of this bill requires successful completion of a classroom course in driver's safety before reinstatement of driving privileges.

Additionally, this bill allows the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop. This is limited to school bus stops that the Superintendent determines to be dangerous.

State Department of Education. The provision allowing the overruling of the placement of a school bus stop will have no expenditure impact on SDE as written since any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations.

However, SDE indicates a concern that the fines collected pursuant to this bill, which are expected to total at least, \$42,334 will not be sufficient to cover the cost of the digital recording devices and extended stop arms if the intent is to require the agency to install the equipment on its total bus fleet. Further, SDE indicates that while some districts may have purchased digital recording devices, the state has not purchased digital recording devices for its fleet of buses. SDE estimates that it would cost approximately \$10,640,000 to install the extended stop arms on the state's total bus fleet. This estimate assumes a cost of \$1,900 per extended stop arm and does not account for the cost of the digital recording devices, which would further increase the total expenditures by an undetermined amount. SDE further indicates that the agency would not be able to manage the difference between the revenue from the fines and the cost for the digital recording devices and extended stop arms within current appropriations if the agency is required to install the equipment on all buses.

Judicial Department. This bill increases the penalties for unlawfully passing, unlawfully overtaking, or failing to stop for a school bus and provides that all fines collected for such violations will be received and administered by SDE. The department reports that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled \$21,167, and court fees totaled \$24,395. The department indicates that the bill will have a minimal expenditure impact on general sessions, magistrate, and municipal caseloads and expects to manage any associated increase in costs with existing appropriations. Therefore, this bill will have no expenditure impact on the department.

Department of Motor Vehicles. DMV indicates that approximately twelve 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, this bill will increase expenses of DMV by \$1,320 in FY 2021-22.

Department of Corrections. The bill requires the department to perform activities that will be conducted in the normal course of agency business. As such, this bill will have no expenditure impact on the department.

State Revenue

This bill allocates all fines collected pursuant to the bill to SDE for the purchase of digital recording devices and extended school bus stop arms.

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's Office within thirty days of receipt. The Judicial Department reports that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled \$21,167, and court fees totaled \$24,395. Based upon the data provided by the Judicial Department, assuming a similar number of individuals are found guilty in the next fiscal year, and accounting for the increase in the fines, we anticipate that revenue from these fines will increase to at least \$42,000 in FY 2021-22 and court fees and assessments will increase by approximately \$23,000. Therefore, we expect this bill will decrease revenue retained by county governments from fines by \$21,000 in FY 2021-22 and increase Other Funds revenue of SDE by \$42,000 in FY 2021-22 for the purchase of digital recording devices to be mounted on school buses and for school bus extended stop arms. Additionally, existing law distributes revenue generated from court assessments imposed for convictions among the General Fund, specified state agencies and programs, and local governments, which are expected to increase by a total of \$23,000 in FY 2021-22.

Local Expenditure

N/A

Local Revenue

This bill allocates all fines collected pursuant to the bill to SDE for the purchase of digital recording devices and extended school bus stop arms.

Based upon the data provided by the Judicial Department, we anticipate that this bill will decrease revenue retained by county governments by \$21,000 in FY 2021-22. Additionally, existing law distributes revenue generated from court assessments imposed for convictions among the General Fund, specified state agencies and programs, and local governments, which are expected to increase by a total of \$23,000 in FY 2021-22.



Frank A. Rainwater, Executive Director