



# SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

## STATEMENT OF ESTIMATED FISCAL IMPACT

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*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.*

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**Bill Number:** H. 3276 Introduced on January 14, 2025  
**Subject:** SC Hands-Free Act  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Griffith  
**Impact Date:** February 4, 2025

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### Fiscal Impact Summary

This bill enacts the South Carolina Hands-Free and Distracted Driving Act, which prohibits the use of a mobile electronic device while operating a motor vehicle on any public highway in the state, with the exception of an earpiece or device worn on a wrist to conduct voice-based communication. The bill also prohibits the reading, composition, or transmission of text and the viewing of motion. Additionally, the bill specifies that, among other exceptions, the prohibition does not apply to a first responder while performing official duties, reporting an accident or emergency, using navigation, or listening to audio-based content. Further, the bill requires the Department of Transportation (DOT) to erect a sign at every highway ingress to advise motorists of the provisions of the bill.

This bill creates a felony offense for a violation that results in death and other offenses for violation of the bill which does not result in death. As these are new offenses, there are no data to determine the number of new cases that may be heard in the court system.

This bill may result in an increase in the number of court cases and potentially the number of incarcerations, which may increase the workload of the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and the Department of Probation, Parole, and Pardon Services (PPP). The potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

The expenditure impact of the bill on the court system is pending, contingent upon clarifying information from Judicial.

The Department of Motor Vehicles (DMV), the Department of Public Safety (DPS), and DOT anticipate that the bill will increase expenditures by an undetermined amount. However, all three agencies expect to manage the increase within their existing appropriations. Therefore, there is no expenditure impact to DMV, DPS, or DOT.

This bill may result in an increase in the number of court cases and potentially the number of incarcerations, which may increase the workload of the court system and local jails, depending upon the imprisonment term. The potential increase in expenses will depend upon the increase in the number of cases and number of incarcerations. The potential increase in expenses for local jails will depend upon the increase in the number of cases and number of incarcerations.

This bill may result in an increase in the fines and fees collected in court. The bill specifies that twenty-five percent of the fines imposed for violations of the bill must go to DPS for educating the public on the dangers of distracted driving. The remaining seventy-five percent of court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an increase to General Fund and Other Funds revenue due to the change in fines and fees collections in court.

## **Explanation of Fiscal Impact**

### **Introduced on January 14, 2025**

#### **State Expenditure**

This bill enacts the South Carolina Hands-Free and Distracted Driving Act, which prohibits the use of a mobile electronic device while operating a motor vehicle on any public highway in the state, with the exception of an earpiece or device worn on a wrist to conduct voice-based communication. The bill also prohibits the reading, composition, or transmission of text and the viewing of motion. Additionally, the bill specifies that, among other exceptions, the prohibition does not apply to a first responder while performing official duties, reporting an accident or emergency, using navigation, or listening to audio-based content. Further, the bill requires DOT to erect a sign at every highway ingress to advise motorists of the provisions of the bill.

The penalties for a person who is convicted of the provisions of the bill are as follows:

- for a first offense, a \$100 fine
- for a second or subsequent offense, a \$200 fine and two points assessed against the driver's motor vehicle operating record

However, if the second or subsequent violation causes great bodily injury, the person must be fined \$1,000 and sentenced to not more than five years. If the second or subsequent violation causes death, the person is convicted of a felony and must be fined \$5,000 and imprisoned not more than five years. In both the cases of great bodily injury and death, DMV shall suspend the driver's license of the convicted person.

This bill creates a felony offense and other offenses. As these are new offenses, there are no data to determine the number of new cases that may be heard in the court system.

This bill may result in an increase in the number of court cases and potentially the number of incarcerations, which may increase the workload of the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and PPP. The potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For

information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

The expenditure impact of the bill on the court system is pending, contingent upon clarifying information from Judicial.

**Department of Motor Vehicles.** The bill charges DMV with additional responsibilities that the agency will accomplish with existing staff and resources. Therefore, there is no expenditure impact to DMV. However, DMV indicates that the complex coding changes to its IT system will require at least twelve months to implement and test.

**Department of Public Safety.** The SC State Transport Police, under DPS, anticipates that enforcing the provisions of the bill will increase agency expenditures by an undetermined amount. However, DPS expects to manage the increase with its existing appropriations. Therefore, there is no expenditure impact to DPS.

**Department of Transportation.** The bill requires DOT to erect a sign at every interstate highway ingress advising motorists of the provisions of the act. DOT reports that the total cost to erect 658 signs is approximately \$90,700. However, the agency expects to be able to manage the requirements of the bill with its existing appropriations.

### **State Revenue**


This bill may result in an increase in the fines and fees collected in court. The bill specifies that twenty-five percent of the fines imposed for violations of the bill must go to DPS for educating the public on the dangers of distracted driving. The remaining seventy-five percent of court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an increase to General Fund and Other Funds revenue due to the change in fines and fees collections in court.

### **Local Expenditure**

This bill may result in an increase in the number of court cases and potentially the number of incarcerations, which may increase the workload of the court system and local jails, depending upon the imprisonment term. The potential increase in expenses will depend upon the increase in the number of cases and number of incarcerations. The potential increase in expenses for local jails will depend upon the increase in the number of cases and number of incarcerations.

### **Local Revenue**

This bill may result in an increase in the fines and fees collected in court. The bill specifies that twenty-five percent of the fines imposed for violations of the bill must go to DPS for educating the public on the dangers of distracted driving. The remaining seventy-five percent of court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an increase to local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director