

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 125 (First Edition) **REVISED**

SHORT TITLE: **Radar Detectors Prohibited**

SPONSOR(S): Senator Odom, et al

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
REVENUES					
General Fund					
Judicial-Court fees	\$372,645	\$745,290	\$745,290	\$745,290	\$745,290
Fines & Forfeiture Fund	\$143,325	\$286,650	\$286,650	\$286,650	\$286,650
Local Government	\$143,325	\$286,650	\$286,650	\$286,650	\$286,650
EXPENDITURES					
Highway Fund					
DOT	\$80,000				
State Highway Patrol	<u>\$432,000</u>				
	\$512,000				
POSITIONS:	NA	NA	NA	NA	NA
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Administrative Office of the Courts, Department of Crime Control and Public Safety/State Highway Patrol, Dept. of Transportation					
EFFECTIVE DATE: December 1, 2001					

BILL SUMMARY:

Adds a new section to G.S. 20-137.3, which prohibits the use of radar detectors in motor vehicles. Makes it unlawful to sell any device or mechanism that would detect or purposely interfere with devices or mechanisms used by law enforcement personnel to measure the speed of motor vehicles. The section does not apply to motor vehicles owned by the state or any subdivision of the state used by law enforcement officers in their official duties. No drivers license points or insurance surcharge shall be assessed for violation of this section.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

According to its 1997 national survey, the National Highway Traffic Safety Administration found that 8% of the surveyed drivers in the Gulf and South Atlantic states had a radar detector in the vehicle. North Carolina DMV statistics indicate that there are about 6,250,000 registered motor vehicles in the State (excluding commercial vehicles, motorcycles, wreckers, trailers, mobile homes and recreational vehicles). Using NHTSA data, AOC estimated that 8% or 500,000 of the owners of the 6,250,000 registered motor vehicles use a radar detector. AOC assumes that the rates of violation will be comparable to the rates of violation of seat belt requirement for the driver. Therefore, they estimate that 3% would be charged with the infraction of using a radar detector, resulting in 15,000 new infractions. This number can be viewed as conservative since they were unable to estimate the number of drivers from other states who pass through North Carolina while using a radar detector in their vehicles (*Source: Administrative Office of the Courts*).

According to AOC, processing each infraction would require a minimum of 5 minutes of a deputy clerk's time for file set-up and maintenance. For 15,000 infractions, this amounts to 1,250 hours of clerk time or about 0.7 positions. There would be additional costs associated with processing waivers and costs for district court trials. Applying the 1999 conviction rate of 84% to the estimated 15,000 infractions yields 12,600 convictions. AOC data indicates that 64% of convictions are waived while 36% are disposed by trial or plea in district court. Applying these rates yields 8,054 waivers, 4,536 district court dispositions and 2,400 dismissals. Processing each waiver would require a minimum of 5 minutes. For 8,064 waivers, this amounts to 672 hours of clerk time (magistrates can also take waivers) or 0.4 positions. Disposing of an infraction in district court requires an average of 10 minutes of court time. For 4,536 court dispositions, this amounts to 126 days of court time. This translates into approximately 0.5 positions each for district court judge, assistant district attorney, and deputy clerk. The summary of cost estimates is \$166,236 per year and 2.6 positions. Because this work would be distributed throughout the State, Fiscal Research believes this cost could be absorbed within AOC's existing budget. Even though there is no substantial impact on the court for this bill. The court system cannot absorb the cumulative impact from all such bills likely to be passed in a given session.

Processing of infractions would also generate revenues from fines and court costs. AOC assumes a \$25 fine for this infraction and a collection rate of 100% for waivers and 75% for trials. The 12,600 convictions would result in \$286,650 in revenues from fines. Revenues generated from the \$90 District Court fee would total \$1,031,940 annually, assuming 100% collection from 8,064 waivers and 75% from 4,536 trials. Of the \$90 fee collected per case, \$65 is the General Court of Justice fee, \$12 facility fee, \$8 LEOB fee, and \$5 citation fee. This works out to be \$745,290 for General Court of Justice fees, which go to the State's General Fund; \$137,592 for facility fees, \$91,728 for LEOB fee, and \$57,330 for citation fees, all of which go to local government. Since the effective date on the bill is December 1, 2001, roughly half the amount of revenues would be generated the first fiscal year. Looking at future fiscal years, we assume that individual court fees will remain constant. Although it is possible that the percentage of infractions will decrease as public becomes familiar with

the new law, for the purpose of this fiscal note, we assume that fees generated will remain fairly constant because the number of motorists will steadily increase.

State Highway Patrol

The only other state that has a ban on radar detectors is Virginia. According to the Virginia State Police, they enforce the law primarily by observing the active radar detector in the vehicle. The VSP also uses a “radar detector detector” called VG-2 to apprehend drivers using radar detectors. Statewide, VSP owns just 30 VG-2 devices, some of which are issued to individual troopers who patrol interstate corridors while others are assigned to an area for use by any trooper in the area. The devices are portable and can easily be moved from one VSP car to another as needed. According to the Federal Office of Highway Information Management, Virginia has 13% more interstate highway miles than North Carolina and had 18% more vehicle miles traveled on their interstates in 1999. Looking at these statistics, it is fair to say that the states have a comparable enforcement area. Assuming North Carolina State Highway Patrol purchased the same number of VG-2s as Virginia, NC SHP would need 30 VG-2s at an approximate cost of \$1,440 each, totaling \$43,000.

Department of Transportation

In order to inform motorists of this new law, there would be a need to post signs at state lines along primary routes. The Department of Transportation estimates the number of signs needed to be 115. At a cost of \$695.65 per sign, the total cost including installation would be \$80,000. This is a conservative estimate, assuming that signs would only be erected along state lines. In Virginia, signs are also posted every 50 miles or so along interstate highways.

	Expend.FY 01-02	Rev.FY 01-02	Rev. FY 02-03	Rev. FY03-04	Rev.FY 04-05	Rev. FY 05-06
DOT	\$ (80,000)					
SHP	\$ (432,000)					
Total Expenditures	\$ (512,000)					
AOC- General Fund		\$ 372,645	\$ 745,290	\$ 745,290	\$ 745,290	\$ 745,290
Fines & Fees Fund		\$ 143,325	\$ 286,650	\$ 286,650	\$ 286,650	\$ 286,650
Local Gov.		\$ 143,325	\$ 286,650	\$ 286,650	\$ 286,650	\$ 286,650
Total Revenues		\$ 659,295	\$ 1,318,590	\$ 1,318,590	\$ 1,318,590	\$ 1,318,590
Net Total		\$ 147,295	\$ 1,318,590	\$ 1,318,590	\$ 1,318,590	\$ 1,318,590

FISCAL RESEARCH DIVISION 733-4910

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