

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0355H.01I  
Bill No.: HB 43  
Subject: Children and Minors; Roads and Highways; Health, Public; Consumer Protection;  
Motor Vehicles  
Type: Original  
Date: January 20, 2021

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Bill Summary: This proposal modifies provisions relating to the protection of children.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Various State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>	<b>Less than \$100,000</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** assume the following regarding this proposal:

The proposed legislation would prohibit the sale of baby bumper pads. Section 407.780.4, RSMo, would require DHSS to create and distribute information about the provisions of this section to commercial dealers, distributors, wholesalers, importers, manufacturers, and retailers. It is assumed that DHSS would meet this requirement by creating a press release, social media posts, and placing a notification on the DHSS website.

These activities are within the current scope of work of the Bureau of Genetics and Healthy Childhood; therefore, the assumption is this fiscal note will create zero fiscal impact.

The department anticipates being able to absorb these costs. However, until the FY 2022 budget is final, the department cannot identify specific funding sources.

The proposed legislation also requires children riding in a car to be in a rear facing safety car seat through age two. This provision has no fiscal impact to DHSS.

**Oversight** assumes DHSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DHSS could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DHSS could request funding through the appropriation process.

Officials from the **Attorney General's Office, Department of Social Services, Missouri Highway Patrol, Department of Revenue, Missouri Department of Transportation and Office of Administration** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** notes according to the Office of the State Courts Administrator, there were 591 persons found guilty of violating Sections 307.178 and 307.179, RSMo, in FY 2020 (495 for failure to secure a child 80 pounds or more or over 4'9" in booster seat/safety belt and 657 for failure to secure a child less than eight years old in a child restraint or booster seat). The fine amount for failure to secure a child 80 pounds or more or over 4'9" in booster seat/safety belt is \$10. The fine amount for failure to secure a child less than eight years old in a child restraint or booster seat is \$83.

Oversight notes, of the \$83 fine, \$20.50 goes to fine revenue and the remaining \$62.50 goes to various state and local funds for court costs. Of the \$10 fine, the entire amount goes to fine revenue. However, all fines may not have been paid (for example, the court could have dismissed the ticket or set the fine at a different amount).

Due to the number of violations in FY 2020, Oversight will reflect a potential amount of revenue to the state and local political subdivisions (for both fine revenue and additional court costs) of "Less than \$100,000" per year from this charge.

Additional fine revenue received by local school districts may count as a deduction in the following year in determining their state aid apportionment, if the district is not a 'hold harmless' district. For simplicity, Oversight will only reflect the increase in fine revenue as a positive impact to local political subdivisions. Below are some examples of court costs and the state and local funds that receive them.

<b>Fee/Fund Name</b>	<b>Fee Amount</b>
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff's Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>VARIOUS STATE FUNDS</b>			
<u>Revenue</u> - Court costs for violations of Section 307.179 - failure to properly secure a child under 2 years old in a motor vehicle	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
<b>ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS</b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue</u> - Fine revenue for violations of Section 307.179 - failure to properly secure a child in a motor vehicle	Less than \$100,000	Less than \$100,000	Less than \$100,000
<u>Revenue</u> - Court costs for violations of Section 307.179 - failure to properly secure a child in a motor vehicle	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
<b>ESTIMATED NET EFFECT TO THE LOCAL POLITICAL SUBDIVISIONS</b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>	<b>Less than <u>\$100,000</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

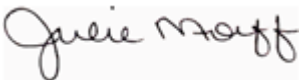
This bill makes two changes for the protection of children. First, it changes Section 307.179, RSMo, to require rear facing child restraint seats for children under two years of age.

Second, the bill adds Section 407.780, RSMo, with a delayed effective date of January 1, 2022. This Section prohibits commercial dealers, manufacturers, importers, distributors, wholesalers, or retailers from selling, leasing, offering for sale, or offering for lease in Missouri, in any physical location or through any online marketplace, any crib bumper pad as an accessory to a crib or as a separate item. Any violations of the provisions of this Section will result in a penalty of at least \$100 and no more than \$500 for each offense.

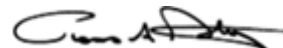
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services  
Department of Social Services  
Department of Revenue  
Missouri Department of Transportation  
Attorney General's Office  
Missouri Highway Patrol  
Office of Administration



Julie Morff  
Director  
January 20, 2021



Ross Strobe  
Assistant Director  
January 20, 2021