153rd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 442**
SPONSOR:	**Representative Osienski**
DESCRIPTION:	**AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC MONITORING SYSTEMS.**

Assumptions:

1. This Act becomes effective upon the signature of the Governor and expires 10 years after enactment.

2. This Act expands the existing electronic speed monitoring system established under House Substitute No. 1 for House Bill No. 94 by authorizing electronic traffic violation monitoring systems for additional traffic offenses and permitting deployment in high-intensity roadways, live-operator toll facilities, business districts, residence districts, and work zones.

3. This Act authorizes the Department of Transportation (DelDOT), Department of Safety and Homeland Security (DSHS), Delaware River and Bay Authority (DRBA), counties, and municipalities to establish electronic traffic violation monitoring programs and to impose civil penalties for violations captured through such systems.

4. The DelDOT will administer and oversee electronic traffic violation monitoring systems used in work zones and live-operator toll facilities and will participate (jointly with DSHS) in the preparation of the annual statewide report required under the Act.
    a. The DelDOT anticipates that expenses related to the installation and operation of electronic traffic violation monitoring systems in work zones and live-operator toll facilities would be budgeted as part of future capital projects, operating programs, or funded through revenues generated by the program as authorized by the Act.
    b. Expenses associated with systems deployed by DSHS, DRBA, counties, or municipalities would be the responsibility of the implementing entity.
    c. Revenue generated may be used for vendor costs associated with the program, costs of the courts to address appeals, and transportation safety related purposes including education, enforcement, engineering, administration, staffing, and construction associated with the program.

5. The number and location of electronic traffic violation monitoring systems that may be deployed in future years is unknown and indeterminable. Therefore, future operating and maintenance costs cannot be estimated at this time. The number of citations that may be generated under this Act cannot be reliably estimated.

6. Individuals issued civil penalties under this Act retain the right to request hearings and appeal determinations through the Justice of the Peace Court (JP Court). Accordingly, the expansion of electronic traffic violation monitoring systems authorized under this Act is anticipated to increase the number of matters filed with and adjudicated by the Judiciary. As a result, the number of requests for hearings, and subsequent appeals that may be generated under this Act cannot be reliably estimated.

7. The Administrative Office of the Courts (AOC) anticipates that the expansion of electronic traffic violation monitoring systems authorized under this Act will result in a substantial increase in

appeals before the JP Court. It is assumed that the implementation and start-up of this program will occur over the next three fiscal years. The AOC estimates that implementing and enforcing this Act would require an expansion of JP Court facilities to open an additional location, and an additional 5.0 FTE Magistrates and 13.0 FTE personnel positions over Fiscal Year 2027, Fiscal Year 2028, and Fiscal Year 2029 to support Statewide Court operations.

a. Year One (Fiscal Year 2027)
    i. Recurring Costs – $1,062,649
        1. $719,849 in Fiscal Year 2027 personnel costs (nine months of funding), including OECs (at a rate of 33.41% for State Employee personnel and at a rate of 27.19% for Judicial Officers), for 2.0 FTE, Magistrate; 4.0 FTE, Judicial Case Processors III; 1.0 FTE, Judicial Operations Manager; 2.0 FTE, Constable I; and 1.0 FTE, Management Analyst III.
        2. $10,800 estimated annual costs associated with technology-related operating costs.
        3. $55,000 estimated annual costs for supplies and materials for Court operations.
        4. $100,000 estimated annual costs for security needs.
        5. $177,000 estimated for nine months of funding for annual lease costs for the new JP Court location.
    ii. One-Time Costs – $388,000
        1. $73,000 for supplies for equipment, computers, and other supply startup costs for 10.0 FTE positions.
        2. $315,000 for furniture, technology, security and other supply startup costs to outfit the new JP Court location.

b. Year Two (Fiscal Year 2028)
    i. Recurring Costs – $1,792,831
        1. $1,383,131 in Fiscal Year 2028 personnel costs, including OECs (at a rate of 33.41% for State Employee personnel and at a rate of 27.19% for Judicial Officers), for twelve months of funding for positions provide in year one plus nine months of funding for 2.0 FTE, Magistrate; and 3.0 FTE, Judicial Case Processor III positions added in Fiscal Year 2028.
        2. $16,200 estimated annual costs associated with technology-related operating costs.
        3. $57,500 estimated annual costs for supplies and materials for Court operations.
        4. $100,000 estimated annual costs for security needs.
        5. $236,000 estimated for twelve months of funding for annual lease costs.
    ii. One-Time Costs – $36,500
        1. $36,500 in for standard capital outlay for the new positions added in Fiscal Year 2028.

c. Year Three (Fiscal Year 2029)
    i. Recurring Costs – $2,201,636
        1. $1,787,196 in Fiscal Year 2029 personnel costs, including OECs (at a rate of 33.41% for State Employee personnel and at a rate of 27.19% for Judicial Officers), for twelve months of funding for positions provide in years one and two plus nine months of funding for 1.0 FTE, Magistrate; and 2.0 FTE, Judicial Case Processor III positions added in Fiscal Year 2029.
        2. $19,440 estimated annual costs associated with technology-related operating costs.
        3. $59,000 estimated annual costs for supplies and materials for Court operations.
        4. $100,000 estimated annual costs for security needs.

5. $236,000 estimated for twelve months of funding for annual lease costs.

ii. One-Time Costs – $21,900

1. $21,900 in for standard capital outlay for the new positions added in Fiscal Year 2029.

8. It is assumed that costs incurred by the JP Court in addressing appeals of citations issued under this Act will be supported through Appropriated Special Fund (ASF) revenue generated by electronic traffic violation monitoring systems, subject to appropriation of applicable spending authority and ASF FTEs in the annual Appropriations Act.

9. The JP Court may require additional Magistrates and support staff in future years should the number of requests for civil hearings due to summons issued from electronic speed monitoring systems become burdensome for the Court.

Cost:

	One-Time (Appropriated Special Fund)	**Operating/Recurring (Appropriated Special Fund)**
Fiscal Year 2027:	$388,000	$1,062,649
Fiscal Year 2028:	$36,500	$1,792,831
Fiscal Year 2029:	$21,900	$2,201,636

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