

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6836
BILL NUMBER: HB 1150

DATE PREPARED: Dec 30, 2001
BILL AMENDED:

SUBJECT: Child Restraints in Motor Vehicles.

FISCAL ANALYST: Karen Firestone
PHONE NUMBER: 317-234-2106

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a person who operates a motor vehicle with a child passenger under the age of 8 to restrain the child by a child restraint system or booster seat or, in certain circumstances, a safety belt and it requires a person who operates a passenger motor vehicle with a child passenger who is at least 8 but less than 12 years of age to restrain the child by a child restraint system, a child booster seat, or a safety belt. The bill deletes the exception that a person who operates a vehicle registered in a jurisdiction other than Indiana is not required to utilize a child restraint system unless the vehicle is operated in Indiana for more than 60 days in any calendar year. It requires children of certain ages to be restrained in a certain manner when a vehicle not registered in Indiana is operated in the state. The bill also repeals provision concerning child restraint systems and safety belt usage by children at least 4 but less than 12 years of age. The bill corrects a cross-reference to a statute repealed by this act and removes conflicting language in the safety belt statute that was declared invalid by the Indiana Supreme Court and makes conforming changes.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Under current law, children under four years of age must be restrained by a child restraint system or, if appropriate, a seat belt. The bill would add a child booster seat to the restraint methods available and would require children up to 12 years of age to be restrained in a child booster seat, child restraint system, or a seat belt with different requirements imposed based on the age of the child. Violation of any provision of this section would result in a Class D infraction, which carries a maximum fine of \$25. The fine for the Class D infraction could be avoided if the offender proves that a child booster seat or child restraint system has been purchased prior to enforcement.

To the extent that children from the age of 4 to 12 are included in the child restraint requirement, the number of offenses could increase, but to the extent that children under 4 could be restrained in a child booster seat rather than a child restraint system or seat belt, offenses could decrease. In CY 1998, there were 2,102 violations, 2,027 in CY 1999, and 4,448 in CY 2000. There are no data available to determine how many

finances were avoided by offenders providing child restraint systems prior to enforcement.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class D infraction is \$25 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Melanie Schwartz, Deputy Commissioner, Bureau of Motor Vehicles.