

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6544
BILL NUMBER: SB 129

DATE PREPARED: Nov 29, 2001
BILL AMENDED:

SUBJECT: Driving While Using a Hand Held Mobile Telephone.

FISCAL ANALYST: Karen Firestone
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FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person who operates a motor vehicle and simultaneously uses a hand-held mobile telephone commits a Class D infraction. It creates exceptions for: (1) a person who uses a mobile telephone in an emergency situation; (2) an authorized emergency vehicle; (3) a medical services vehicle; and (4) a privately owned vehicle if the operator of or a passenger in the vehicle is a volunteer firefighter or a certified emergency medical technician en route to the scene of an emergency and a warning light is displayed on the vehicle. The bill defines various terms concerning the use of a mobile telephone.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues: If additional court cases occur as the result of creating a penalty for using a hand-held mobile phone while operating a motor vehicle, 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: