

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7045

BILL NUMBER: SB 435

DATE PREPARED: Jan 5, 2002

BILL AMENDED:

SUBJECT: Rulemaking Authority for Toll Collection.

FISCAL ANALYST: James Sperlik

PHONE NUMBER: 232-9866

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that the Transportation Finance Authority and the Department of Transportation may regulate the terms, conditions, and rates of tolls for the use of a toll road or tollway, and that a violation of such a rule is a Class C infraction.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues: *Fiscal impact:* The Toll Road is implementing Electronic Toll Collection (ETC), and it is anticipated that it could be implemented by the spring of 2003. This bill would allow the Transportation Finance Authority to promulgate rules, the violation of which would result in a Class C infraction. Rules that would allow for a process for surveillance and enforcing compliance could serve to increase toll revenues over what otherwise might be collected under the new system. The Toll Road operates from dedicated revenue from tolls.

Penalty Provision: 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 C infraction is \$500 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: *Penalty Provision:* 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: Transportation Finance Authority (Toll Road); Department of Transportation.

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

Information Sources: Kathy Noland, Director of Legislative and Public Affairs, Department of Transportation, 232-0694; Ed Kersten, Attorney for the Toll Road, 219-674-8836.