

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6206**

**BILL NUMBER: HB 1232**

**NOTE PREPARED: Nov 18, 2002**

**BILL AMENDED:**

**SUBJECT:** Driver's Licenses and Suspensions.

**FIRST AUTHOR:** Rep. Duncan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill: (1) provides that a court may grant probationary driving privileges to a person who has been convicted of operating while intoxicated in certain circumstances; (2) provides that if a person has been convicted twice in a ten-year period of operating a vehicle or a motorboat while intoxicated, the court shall order each motor vehicle owned or leased by the person to be equipped with a functioning certified ignition interlock device (device), and if the court grants probationary driving privileges, the person must use the device; (3) makes it a Class B misdemeanor and requires a 30-day driver's license suspension if a person knowingly or intentionally authorizes or permits a motor vehicle to be driven by another person whose driving privileges have been suspended without probationary driving privileges; (4) makes it a Class B infraction if a person fails to equip each vehicle owned or leased by the person with a device

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Parts 1, 2, and 5, above, will have no fiscal impact.*

*Part 3: 30-day driver's license suspension.*

The Bureau of Motor Vehicles (BMV), will suspend the license under their current suspension procedures. Therefore, this part will also have no fiscal impact.

**Explanation of State Revenues:** *Parts 3 and 4 Penalty Provisions:* This proposal provides for both a Class B misdemeanor and a Class B infraction.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the

state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund.

If the case is filed in a circuit, superior, or county court, 70% of the court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. (The court fee is \$120 for misdemeanor cases and \$70 for infractions.) If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

**Explanation of Local Expenditures:** A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered for a misdemeanor, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the court fee that is assessed in a court of record. (The court fee is \$120 for misdemeanor cases and \$70 for infractions.) 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:** Bureau of Motor Vehicles.

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

**Information Sources:**

**Fiscal Analyst:** James Sperlik, 317-232-9866