

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

**LS 6705**  
**BILL NUMBER: HB 1098**

**NOTE PREPARED: Jan 27, 2004**  
**BILL AMENDED: Jan 26, 2004**

**SUBJECT:** Child Restraints in Motor Vehicles.

**FIRST AUTHOR:** Rep. Welch  
**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (1) It requires a person who operates a motor vehicle with a child who is less than 12 years of age to restrain the child by a child restraint system or a safety belt.
- (2) It removes the exception that a person who operates a vehicle registered outside Indiana is not required to use a child restraint system unless the vehicle is operated in Indiana for more than 60 days in a year.
- (3) It establishes the Child Restraint System Account within the General Fund.
- (4) It provides that violation of the child restraint laws does not:
  - (A) add points to the driver's traffic report; and
  - (B) count toward habitual violator status.
- (5) It repeals the current law governing passenger restraint systems and safety belt use for children at least four and less than 12 years of age.

**Effective Date:** (Amended) Jan 1, 2005.

**Explanation of State Expenditures:** A Child Restraint System Account would be established within the state General Fund to make grants to private and public organizations to purchase and distribute child restraint systems at minimal or no charge. The Criminal Justice Institute would administer the account and make grants based on the recommendation of the Governor's Council on Impaired and Dangerous Driving. Administration costs are paid from the account.

*Background:* The Indiana Criminal Justice Institute serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The Institute develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state

funds to carry out these strategies.

**Explanation of State Revenues:** Under current law, children under 4 years of age must be restrained by a child restraint system, or if appropriate, a seat belt. Violations result in a Class D infraction. The bill would require children up to 12 years of age be restrained in a child restraint system or a seat belt with different requirements imposed based on the age, height, and weight of the child. All violations established in the bill would result in a Class D infraction.

Also, under current law, a vehicle operator is excluded from the child restraint requirements if the vehicle is operated in Indiana for less than 60 days and it is registered in a jurisdiction outside of Indiana, or if a rental vehicle is leased for not more than 30 days. Under the bill, a person who does not hold an Indiana driver's license and operates a vehicle in which there is a child less than 12 years of age not in a child restraint system or safety belt commits a violation. All rental vehicles would require proper systems.

To the extent that children between the ages of 4 and 12 would now be subject to the child restraint requirement or that a vehicle operator not licensed in Indiana would be subject to a violation, the number of offenders found guilty would increase. In CY 2002, there were 3,760 guilty verdicts for child restraint violations. There are no data available to determine how many fines 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 would be deposited in the Child Restraint System Account within 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. If a criminal action, infraction, or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

*Infractions:* Revenue from each class of infraction is not separately identified in the state accounting system. Revenues to the state from all infractions totaled \$10.6 M in FY 2003.

### **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:**

**Fiscal Analyst:** Sarah Brooks, 317-232-9559.