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FISCAL IMPACT STATEMENT

LS 6562

BILL NUMBER: HB 1300

NOTE PREPARED: Feb 21, 2006

BILL AMENDED: Feb 20, 2006

SUBJECT: Commercial Driver's Licenses and Permits.

FIRST AUTHOR: Rep. Mahern

FIRST SPONSOR: Sen. Wyss

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

Expands Definition of Indiana Resident - This bill expands the definition of "Indiana resident", for purposes of the Commercial Driver's License (CDL) law, to include an individual who temporarily resides in Indiana in order to attend a truck driver training school.

Authorizes the BMV to Issue a CDL to a Resident of Another State - The bill authorizes the Bureau of Motor Vehicles (BMV) to issue a CDL learner's permit or a CDL to a resident of another state who is temporarily living in Indiana to attend a truck driver training school, and makes a permit or CDL issued to such a student valid for 90 days.

Penalty Provision - The bill makes it a Class C infraction for the owner of a truck driver training school to fail to notify the BMV of certain events.

Commission on Proprietary Education - This bill also specifies that a truck driver training school is subject to rules adopted by the Commission on Proprietary Education.

Conforming Amendments - The bill also makes conforming amendments.

Effective Date: Upon passage.

Explanation of State Expenditures: *Authorizes the BMV to Issue a CDL to a Resident of Another State* -

Authorizing the issuance of a 90-day CDL learner's permit may result in additional expenditures of an indeterminable amount. The fund affected is the Motor Vehicle Highway Account, which supports the BMV.

Explanation of State Revenues: *Expands Definition of Indiana Resident* - Expanding the definition of "Indiana resident" may increase the number of commercial driver's license learner permits issued. The fee for a commercial driver's license learner permit is \$16, with \$10 deposited into the Motor Vehicle Highway Account, \$5.50 deposited into the State License Branch Fund, and \$0.50 deposited into the Motor Vehicle Technology Fund. In CY 2004, 16,016 commercial driver's license learner permits were issued.

Penalty Provision - The bill makes it a Class C infraction for the owner of a truck driver training school to fail to notify the BMV of certain events. 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 which 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: Bureau of Motor Vehicles; State Department of Revenue.

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

Information Sources: Bureau of Motor Vehicles Cash Audit for CY 2004, page 2592.

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