

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

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7291

BILL NUMBER: HB 1237

NOTE PREPARED: May 3, 2007

BILL AMENDED: Apr 29, 2007

SUBJECT: Motor Vehicle Restraint Systems.

FIRST AUTHOR: Rep. Welch

FIRST SPONSOR: Sen. Wyss

BILL STATUS: Enrolled

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires occupants of motor vehicles to wear safety belts, with certain exceptions.

It repeals conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with safety belt laws.

The bill reinserts at a different location the statute concerning primary enforcement of safety belt laws. It provides that a law enforcement agency may not use a safety belt checkpoint to detect and issue a citation for failure to wear a safety belt. It also makes conforming changes.

Effective Date: July 1, 2007.

Explanation of State Expenditures: .

Explanation of State Revenues: *Safety Belt Requirements:* The bill has three potential impacts: (1) increased infractions revenue from additional safety belt violations, (2) decreased infraction revenue from disallowed checkpoint stops, and (3) increased federal funds associated with implementation of statutes that could enable the state to demonstrate compliance with federal program requirements.

Safety Belt Violations: To the extent that pickup truck drivers and passengers would be subject to safety belt requirements, the number of violations could increase. Based on CY 2004 registrations, approximately 1.4 million additional vehicles (an approximate 37% increase) would be subject to the seat belt law, a violation of which is a Class D infraction. The maximum penalty for a Class D infraction is a \$25

fine which is deposited into the state General Fund. In CY 2005, there were 92,033 guilty violations for not wearing a seat belt. Although the number of additional citations and fines will depend on compliance and enforcement, potential new revenue is estimated to be approximately \$854,000.

Data and Analysis: For CY 2004, 1.403 million trucks with a gross weight of not more than 11,000 pounds and 3.78 million passenger cars were registered with the Bureau of Motor Vehicles. The estimated seat belt violations for CY 2004 are provided in the following table.

CY 2004	Registered Vehicles	Seat Belt Violations
Passenger Cars	3,781,028	92,033
Trucks	1,403,256	34,156*
* Estimated figure based on proportion of truck registrations to registered passenger cars in CY 2004		

Although the number of additional citations and fines will depend on compliance and enforcement, the number of vehicles subject to seat belt use, based on vehicle registrations, could increase by approximately 34,000. If additional court cases occur and infraction judgments are collected, revenue to the state General Fund may increase. If violators are fined the maximum judgment for a Class D infraction of \$25, new revenue would be approximately \$854,000.

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 also assessed.

Checkpoints for Seat Belt Violations: Prohibiting law enforcement agencies from using checkpoints to detect and issue a citation for failure to wear a safety belt would most likely decrease revenues from citations. However, it is not known if other means may be used to detect and issue citations for failure to comply that would reduce the impact of this provision.

Example: A 2002 evaluation of Indiana's Click It or Ticket Campaign (CIOT) indicates that during a two-week period there were 24,697 seatbelt citations issued from more than 4,000 enforcement zones. The enforcement zones took place in 90 different counties and were a cooperative effort of state, county, and local law enforcement agencies. Assuming that each citation resulted in a maximum fine of \$25, the total revenue from this intensive program was \$617,425. There are no data to indicate if the CIOT has resulted in as many tickets in subsequent years or if checkpoints not associated with CIOT have similar results.

Federal Funds: Section 406 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allows for one-time New Primary Law State grants with the maximum potential grant for Indiana of \$15.7 M. To receive this grant, a state must enact a law enforcing a conforming primary safety belt use law for all passenger motor vehicles. A conforming primary safety belt use law allows law enforcement officials to stop a passenger motor vehicle and issue a citation for not wearing a safety belt without probable cause that another violation has been committed.

The grants may be used for any safety purpose, including behavioral and infrastructure safety programs or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems. SAFETEA-LU stipulates that a state must expend at least \$1 M of the grants received for safety activities.

Background on Federal Funds: In a preliminary review of the final bill, the National Highway Traffic Safety Administration (NHTSA) indicated that if the bill were to be enacted as written, it would enable the state to comply with Section 406 criteria. However, the response from NHTSA is preliminary and is not binding, nor does it represent a final determination.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Department of Transportation.

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

Information Sources: U.S. Department of Transportation, National Highway Traffic Safety Administration email, April 25, 2007; Don McNamara, NHTSA, 708-503-8892; Sarah Meyers, 317-232-1259; Evaluation of Indiana's Click It or Ticket 2002 Campaign, April-June 2002, available at <http://www.in.gov/cji>.

Fiscal Analyst: Karen Firestone, 317-234-2106; James Sperlik, 317-232-9866.