

**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 7035
BILL NUMBER: HB 1242

NOTE PREPARED: Dec 31, 2008
BILL AMENDED:

SUBJECT: Mobile Telephone Use.

FIRST AUTHOR: Rep. Summers
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits the use of a handheld mobile telephone by all operators of motor vehicles.

It also prohibits the use of a hands-free mobile telephone by a motor vehicle operator who holds a probationary license.

The bill exempts: (1) individuals who use a mobile telephone in an emergency situation; and (2) operators of certain emergency and medical services vehicles.

It imposes civil penalties for violations, and it provides for deposit of the penalties in the state General Fund.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: If additional court cases occur and civil penalties and court fees are collected, revenue to the state General Fund may increase. The graduated penalty schedule is \$25 for the first violation, \$50 for a second violation, and \$100 for each subsequent violation. The penalties assessed will be deposited in the state General Fund.

A civil costs fee of \$100 would be assessed when a civil case is filed, 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. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial

salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs 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. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

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

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.