

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

**LS 7035**

**BILL NUMBER:** HB 1242

**NOTE PREPARED:** Feb 23, 2009

**BILL AMENDED:** Feb 12, 2009

**SUBJECT:** Mobile Telephone Use.

**FIRST AUTHOR:** Rep. Summers

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill prohibits the use of a personal communication device by a motor vehicle operator who holds a probationary license.

It also prohibits the use of a handheld personal communication device by a motor vehicle operator who holds an operator's license other than a probationary license.

It exempts individuals in emergency situations.

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

It make conforming amendments.

**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.