

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7301

BILL NUMBER: HB 1275

NOTE PREPARED: Jan 2, 2009

BILL AMENDED:

SUBJECT: Motor Vehicle Operation Penalties.

FIRST AUTHOR: Rep. Pelath

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill increases penalties for a person who violates certain laws concerning motor vehicle operation if the violation results in: (1) an injury to another person; (2) a serious bodily injury to another person; or (3) the death of another person.

Effective Date: July 1, 2009.

Explanation of State Expenditures: In addition to enhancing the criminal penalties for certain driving offenses (see *Explanation of State Revenues* below), the court could recommend the suspension of the offender's driving privileges. A suspension of driving privileges could result in additional costs for the Bureau of Motor Vehicles (BMV) to send notice of the suspension and for processing.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Background -

BMV: For FY 2008, the BMV reverted approximately \$1.0 M from its main operating accounts. As of October 27, 2008, BMV had 53 vacant, budgeted positions with annual salaries amounting to approximately

\$1.4 M.

Suspension: There are no data available to indicate the circumstances of violations cited. The table below summarizes the driving privilege suspensions included in the bill.

Code Site - Description	Suspension Current Law	Suspension Proposed	Ave. Annual Citations (2003-2007)
9-21-8 - Penalty for Various Operation of Motor Vehicle Offenses	<ul style="list-style-type: none"> • No Suspension 	<ul style="list-style-type: none"> • 30 days for injury • 90 days for serious bodily injury • 180 days for death 	1,186
9-21-8-50 - Tractor-trailer combination reckless driving	<ul style="list-style-type: none"> • No Suspension 	<ul style="list-style-type: none"> • 1 year for injury • 3 years for death 	7
9-21-8-51 - Failing to dim bright or blinding lights	<ul style="list-style-type: none"> • No Suspension 	<ul style="list-style-type: none"> • 30 days for injury • 90 days for serious bodily injury • 180 days for death 	276
9-21-8-52 - Reckless driving and reckless driving causing damage	<ul style="list-style-type: none"> • Fixed period of not less than 30 days and not more than one year for causing damage to property 	Additional: <ul style="list-style-type: none"> • 1 year for injury • 3 years for death 	3,509
9-21-8-54 - Penalties for failure to yield to a emergency vehicle	<ul style="list-style-type: none"> • Fixed period of not less than 180 days and not more than 2 years for injury. • 2 years for death 	<ul style="list-style-type: none"> • Fixed period of not less than 1 year and not more than 2 years for injury • 3 years for death 	91
9-21-8-55 - Aggressive driving	<ul style="list-style-type: none"> • No Suspension 	<ul style="list-style-type: none"> • 1 year for injury • 3 years for death 	No Information
9-21-8-56 - Highway Work Zone	<ul style="list-style-type: none"> • No Suspension 	<ul style="list-style-type: none"> • 1 year for injury • 3 years for death 	No Information
9-21-10-6 - riding two abreast on a motorcycle	<ul style="list-style-type: none"> • No Suspension 	<ul style="list-style-type: none"> • 30 days for injury • 90 days for serious bodily injury • 180 days for death 	2

Explanation of State Revenues: Summary for Infractions and Misdemeanors: Revenues to the state General Fund and the Common School Fund may increase if offenders receive enhanced penalties for offenses that result in the death of another person. The amount of the increase will depend on the circumstance of the offense and the decisions of the court.

The table below summarizes the proposed changes in penalty.

Code Site	Current Law Penalty	Proposed penalty for act resulting in death of another person)
Various 9-21-8	Class C infraction	Class B infraction
9-21-8-50; 9-21-8-52	Class B misdemeanor	Class A misdemeanor
9-21-8-51	Class B infraction	No proposed change
9-21-8-54	Class A infraction	No proposed change
9-21-8-55; 9-21-8-56	Class A misdemeanor	No proposed change
9-21-10-6	Class C infraction	Class B infraction

The following table summarizes the judgements and fines associated with the penalties for these offenses. Judgements collected from infractions are placed in the state General Fund, while fine revenue from misdemeanors is deposited in the Common School Fund.

Penalty	Judgement or Fine
Class A infraction	\$10,000
Class B infraction	\$1,000
Class C infraction	\$500
Class A misdemeanor	\$5,000
Class B misdemeanor	\$1,000

For an infraction, 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.

For a misdemeanor in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail, and a Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: For infractions, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court

of record. For misdemeanors, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 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. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: BMV.

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

Information Sources:

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