

**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 6929

BILL NUMBER: HB 1574

NOTE PREPARED: Jan 16, 2009

BILL AMENDED:

SUBJECT: Special purpose bus drivers.

FIRST AUTHOR: Rep. Lehman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill requires the Department of Education by July 1, 2010, to develop and implement a pre-service special purpose bus operator safety education training course. The bill makes it a Class C misdemeanor after July 1, 2010, for a person to knowingly, recklessly, or intentionally operate a special purpose bus for a public or nonpublic school that is accredited by the state board of education without having satisfactorily completed the pre-service special purpose bus operator safety education training course.

Effective Date: July 1, 2009.

Explanation of State Expenditures: Under current law, the State Superintendent of Education has to provide instructors, adequate meeting facilities, registration forms, a uniform course of instructors, and all other necessary materials for a pre-service school bus driver safety course. The course, which is at most 40 hours in length, must be satisfactorily completed by school bus drivers before they are allowed to transport students in a school bus within the state. Additionally, school bus drivers, at their own expense, have to pass a physical. Effective July 1, 2010 this bill extends these clauses in the current law to drivers of special purpose buses with a capacity of less than 16 passengers, except that the training course for these drivers is reduced from 40 hours to a maximum of 10 hours. Under this bill, holders of a commercial driver's license are also eligible to become drivers of special purpose buses (under the current statute only holders of an operator, chauffeur, or public passenger chauffeur license are eligible).

The bill makes it a Class C misdemeanor to knowingly, recklessly, or intentionally operate a special purpose bus for a public or nonpublic school that is accredited by the state Board of Education without having satisfactorily completed the pre-service special purpose bus operator safety education training course.

The fiscal impact of this bill is minimal. The Department of Education already has the classroom, facilities, and instructors available for the 40 hour driver safety course. According to a Department official, a modified version of this course would be made available to drivers of special purpose buses. The course would be a combination of on-line and hands-on training.

The bill, by extending eligibility to individuals who hold a commercial driver's licence, would widen the pool of potential drivers for special purpose buses. Additionally, it probably would improve the overall safety awareness and skill of these drivers. At a minimum, it would ensure that these individuals have had a formal safety course and are physically qualified to drive a special purpose bus.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund.

If the case is filed 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), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, 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: Department of Education

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

Information Sources: Pete Baxter, Director of Office of School Transportation and Emergency Planning, (317) 233-0858.

Fiscal Analyst: David Lusan, 317-232-9592.