

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6502
BILL NUMBER: HB 1060

NOTE PREPARED: Dec 16, 2009
BILL AMENDED:

SUBJECT: Use of Telecommunications Devices while Driving.

FIRST AUTHOR: Rep. Summers
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: The bill prohibits the use of a handheld personal communications device by a motor vehicle operator who is at least 18 years of age and holds an operator's license, including 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, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: *Motor Vehicle Operators:* The state General Fund could receive more revenue if motor vehicle operators pay a civil penalty for using a handheld communication device for written, text, or oral communications under certain circumstances. The civil penalties are \$25 for the first violation, \$50 for the second violation, and \$100 for subsequent violations.

Probationary Drivers: Revenues to the state General Fund could be reduced under the bill for drivers with probationary licenses. The statewide revenue information for violations concerning telecommunications devices is unavailable. Currently, drivers under 18 with probationary licenses using a telecommunications device while driving are subject to a Class C infraction. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. Under the bill, a violator would be subject to civil

penalties of \$25 for the first violation, \$50 for the second violation, and \$100 for subsequent violations. If courts have been imposing judgements against offenders that are higher than the civil penalties in the bill, revenues to the state General Fund would be reduced.

Court Fees: Court fees for an infraction are \$70 and for a civil action are \$100. If court fees are assessed, 70% 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), 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:

Explanation of Local Revenues: *Court Fees:* If court fees are assessed, local governments would receive revenue from the following sources. The county general fund would receive 27% of the 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. 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:

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