

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6236

BILL NUMBER: SB 74

NOTE PREPARED: Feb 24, 2010

BILL AMENDED: Feb 22, 2010

SUBJECT: Federal Regulation of Commercial Driver's License.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. Austin

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill makes various changes to motor vehicle law pertaining to commercial driver's licenses to conform to the Code of Federal Regulations. It exempts certain intrastate private carriers of person or property, or both, from certain federal requirements pertaining to commercial motor vehicles. The bill repeals and relocates language concerning regulation of certain motor carriers and private carriers of property.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: Of the several changes made, the quantifiable change involves penalties for both the driver and the employer. The penalties as listed in the CFR 383.53 for driver violations are higher than the current penalties listed in the Indiana Code. The fund affected is the Motor Vehicle Highway Account, which supports the Bureau of Motor Vehicles (BMV).

For example, driver violations in CFR 383.53 require a penalty of not less than \$2,500 for the first conviction (Indiana Code is a civil penalty of \$1,000) and not less than \$2,500 for the second and subsequent conviction, in addition to disqualification. For employer violations, CFR 383.53 provides for a civil penalty of not less than \$2,750 nor more than \$25,000 (Indiana Code is a civil penalty of \$1,000).

Background Information: According to the BMV, the changes contained in this proposal are the result of biennial audits from the Federal Motor Carrier Administration pointing out certain deficiencies in the state administration regarding CDLs.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: BMV; Department of Revenue.

Local Agencies Affected:

Information Sources: CFR 383.53; Sarah Meyer, BMV, 317-232-1936; Claudia Mellott-Koerner, Motor Carrier Manager, State Department of Revenue, 317-615-7210.

Fiscal Analyst: James Sperlik, 317-232-9866.