

**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 7346
BILL NUMBER: SB 338

NOTE PREPARED: Apr 11, 2011
BILL AMENDED:

SUBJECT: Work Zone Safety.

FIRST AUTHOR: Sen. Grooms
FIRST SPONSOR: Rep. Stemler

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Speed Limit:* The bill requires a worksite speed limit to be at least ten miles per hour below the maximum established speed limit for the location on the road or highway on which the worksite is located.

Work Zones: It provides that a driver who, in a highway work zone, engages in certain acts that in combination otherwise constitute the offense of aggressive driving commits a Class B infraction. It also provides that the Indiana Department of Transportation (INDOT) may use funds collected as judgments for these infractions to hire off-duty police officers to patrol highway work zones.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: *Speed Limit:* There are no data available to indicate the change in the number of people who are found guilty of speeding in a work zone if the reduction in speed limit is at least 10 miles an hour below the maximum established speed and the restriction on the maximum speed limit is removed.

The fine for this violation is graduated based on the number of previous offenses. For a first infraction, a person is fined at least \$300; for one prior infraction within three years, it is at least \$500; and for two or more infractions within three years, it is \$1,000. The fine revenue that is collected is transferred to INDOT to hire off-duty police officers for highway work zone patrol. [In 2009, there were 3,198 citations issued for work zone speeding, and 3,066 were found or pled guilty.]

Work Zones: In a work zone, a driver who follows a vehicle too closely, unsafely operates a vehicle, overtakes another vehicle on the right off the highway, unsafely stops or slows a vehicle, unnecessarily sounds a horn, or fails to yield would be subject to a Class B infraction. [These six actions are among the list of acts that make up the aggressive driving offense. However, the offender has to commit any combination of three listed acts during one episode of driving to commit aggressive driving. This violation would require committing just one act.]

There is no estimate on the number of offenders who may commit this offense. If additional court cases occur and infraction judgments and court fees are collected, revenue for INDOT may increase. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund, but in this case would be transferred to INDOT to hire off-duty police officers for highway patrol in work zones.

If court actions are filed and a judgment is entered, 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. 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.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Background: The penalty for aggressive driving is a Class A misdemeanor, or if the acts are committed in a work zone, the offense may be a Class D or Class C felony. In 2009, there were 13 citations for aggressive driving, and no offenders have been admitted to a state correctional facility for violations.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Work Zones:* If additional court actions are filed and a judgment is entered, 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. 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: INDOT.

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

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.