

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7221**  
**BILL NUMBER: SB 323**

**DATE PREPARED:** May 3, 1999  
**BILL AMENDED:** Apr 28, 1999

**SUBJECT:** Various motor vehicle matters.

**FISCAL ANALYST:** James Sperlik  
**PHONE NUMBER:** 232-9866

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (CCR Amended) This bill:

- 1) defines "flood damaged vehicle" as a vehicle that has been acquired by an insurance company as part of a damage settlement due to water damage or has been submerged in water to a stated extent that has sustained certain damage that becomes visible within six months of the first date of the water damage. (Current law defines a "flood damaged vehicle" as a vehicle that has sustained water damage above the floorboard of the vehicle.);
- 2) requires a dealer to secure an affidavit regarding flood damage from a person selling or transferring a vehicle;
- 3) requires the dealer to keep a copy of the affidavit regarding flood damage and to file the affidavit with the Bureau of Motor Vehicles;
- 4) subjects a person filing a fraudulent affidavit regarding flood damage as part of the sales or transfer procedure to a dealer to civil liability for damages incurred as a result of the fraudulent affidavit by a dealer, subsequent purchaser, or transferee of the title;
- 5;) repeals the provision making it an unfair practice for a manufacturer or distributor to fail to supply to the State Police the bumper height specifications of motor vehicles sold or distributed in the state.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** (Revised) Parts 1, 2, 3, and 4) will have no fiscal impact on the Bureau of Motor Vehicles.

**Explanation of State Revenues:** (Revised) Part 4) Civil penalties are deposited into the Common School Fund. The specific impact will depend upon the number of such penalties.

Part 5) This part repeals the provision making it an unfair practice for a manufacturer or distributor to fail to supply to the State Police the bumper height specifications of motor vehicles sold or distributed in the state. Unfair practice is a Class B misdemeanor. This provision may reduce state revenue. The maximum fine

for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

**Explanation of Local Expenditures:** (Revised) Part 5) This will reduce local jail costs. A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** (Revised) Part 5) This part may reduce local revenue from this Class B misdemeanor.

**State Agencies Affected:** Bureau of Motor Vehicles; Bureau of Motor Vehicles Commission; State Police.

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

**Information Sources:** Mary DePrez, Chief Legal Counsel of the Bureau of Motor Vehicles, 232-0104.