

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6410

BILL NUMBER: HB 1209

NOTE PREPARED: Feb 21, 2006

BILL AMENDED:

SUBJECT: Public Transportation Smoking Prohibition.

FIRST AUTHOR: Rep. Turner

FIRST SPONSOR: Sen. Dillon

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits smoking in a public means of mass transportation, an enclosed area of a public mass transportation terminal or waiting area, or within 100 feet of an entrance to the public mass transportation terminal or waiting area.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, with certain exceptions, a person who smokes in a public building, in a grocery or drug store, in the dining area of a restaurant that is designated and posted as nonsmoking, or in a school bus commits a Class B infraction. The bill would add three additional restricted locations involving mass transportation and mass transportation terminals and waiting areas.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund. 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.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local

governments would receive revenue from the following sources: (1) 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. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

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

Information Sources:

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