

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6377

BILL NUMBER: HB 1269

NOTE PREPARED: Feb 19, 2007

BILL AMENDED: Feb 15, 2007

SUBJECT: Headlights on Motor Vehicles When Wipers in Use.

FIRST AUTHOR: Rep. Friend

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill:

- (1) provides that the operator of a motor vehicle who fails to display lighted head lamps and illuminating devices when weather conditions require the continuous operation of windshield wipers commits a Class D infraction;
- (2) provides that the Bureau of Motor Vehicles (BMV) may not assess points under the point system for such a violation, and that such a violation may not be included in a determination of habitual violator status; and
- (3) provides that: (A) such a violation does not constitute fault and does not limit the liability of an insurer; (B) evidence of such a violation may not be admitted in a civil action to mitigate damages; and (C) evidence of such a violation may be admitted in certain civil actions concerning product liability.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) (1) *Penalty Provision:* If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class D infraction is \$25, 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. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), 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.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* 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: Bureau of Motor Vehicles.

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

Information Sources:

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