



January 16, 2008

SENATE BILL No. 163

DIGEST OF SB 163 (Updated January 15, 2008 12:11 pm - DI 71)

Citations Affected: IC 8-23; IC 33-37.

Synopsis: Civil penalties for littering. Establishes a \$200 highway beautification fee to be assessed against a person who has committed littering. Provides that the fee is divided between the Indiana department of transportation's highway beautification fund and the law enforcement agency that issued the littering citation. Makes an appropriation.

Effective: July 1, 2008.

Wyss, Rogers

January 8, 2008, read first time and referred to Committee on Homeland Security,
Transportation & Veterans Affairs.
January 15, 2008, reported favorably — Do Pass.

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SB 163—LS 6612/DI 106+



January 16, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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SENATE BILL No. 163



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-5-9 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 9. (a) The highway beautification fund is established
4 for the purpose of improving the appearance of Indiana's
5 highways. The fund shall be administered by the department.**

6 **(b) The expenses of administering the fund shall be paid from
7 money in the fund.**

8 **(c) The treasurer of state shall invest the money in the fund not
9 currently needed to meet the obligations of the fund in the same
10 manner as other public money may be invested.**

11 **(d) Money in the fund at the end of a state fiscal year does not
12 revert to the state general fund.**

13 **(e) Money in the fund is continually appropriated to carry out
14 the purposes of the fund.**

15 SECTION 2. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2008]: **Sec. 30. (a) The court shall assess a highway beautification**

SB 163—LS 6612/DI 106+



1 **fee of two hundred dollars (\$200) against a person on whom a**
2 **judgment is imposed for committing littering (IC 35-45-3-2).**

3 **(b) In assessing a fee under subsection (a), the court shall**
4 **indicate in writing which law enforcement agency issued the**
5 **citation for littering.**

6 SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.174-2006,
7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2008]: Sec. 2. (a) The clerk of a circuit court shall distribute
9 semiannually to the auditor of state as the state share for deposit in the
10 state general fund seventy percent (70%) of the amount of fees
11 collected under the following:

- 12 (1) IC 33-37-4-1(a) (criminal costs fees).
- 13 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 14 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 15 (4) IC 33-37-4-4(a) (civil costs fees).
- 16 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 17 (6) IC 33-37-4-7(a) (probate costs fees).
- 18 (7) IC 33-37-5-17 (deferred prosecution fees).

19 (b) The clerk of a circuit court shall distribute semiannually to the
20 auditor of state for deposit in the state user fee fund established in
21 IC 33-37-9-2 the following:

- 22 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
23 interdiction, and correction fees collected under
24 IC 33-37-4-1(b)(5).
- 25 (2) Twenty-five percent (25%) of the alcohol and drug
26 countermeasures fees collected under IC 33-37-4-1(b)(6),
27 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 28 (3) Fifty percent (50%) of the child abuse prevention fees
29 collected under IC 33-37-4-1(b)(7).
- 30 (4) One hundred percent (100%) of the domestic violence
31 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 32 (5) One hundred percent (100%) of the highway work zone fees
33 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 34 (6) One hundred percent (100%) of the safe schools fee collected
35 under IC 33-37-5-18.
- 36 (7) One hundred percent (100%) of the automated record keeping
37 fee (IC 33-37-5-21).

38 (c) The clerk of a circuit court shall distribute monthly to the county
39 auditor the following:

- 40 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
41 interdiction, and correction fees collected under
42 IC 33-37-4-1(b)(5).

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1 (2) Seventy-five percent (75%) of the alcohol and drug
2 countermeasures fees collected under IC 33-37-4-1(b)(6),
3 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

4 The county auditor shall deposit fees distributed by a clerk under this
5 subsection into the county drug free community fund established under
6 IC 5-2-11.

7 (d) The clerk of a circuit court shall distribute monthly to the county
8 auditor fifty percent (50%) of the child abuse prevention fees collected
9 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
10 distributed by a clerk under this subsection into the county child
11 advocacy fund established under IC 12-17-17.

12 (e) The clerk of a circuit court shall distribute monthly to the county
13 auditor one hundred percent (100%) of the late payment fees collected
14 under IC 33-37-5-22. The county auditor shall deposit fees distributed
15 by a clerk under this subsection as follows:

16 (1) If directed to do so by an ordinance adopted by the county
17 fiscal body, the county auditor shall deposit forty percent (40%)
18 of the fees in the clerk's record perpetuation fund established
19 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
20 county general fund.

21 (2) If the county fiscal body has not adopted an ordinance
22 described in subdivision (1), the county auditor shall deposit all
23 the fees in the county general fund.

24 (f) The clerk of the circuit court shall distribute semiannually to the
25 auditor of state for deposit in the sexual assault victims assistance
26 account established by IC 4-23-25-11(i) one hundred percent (100%)
27 of the sexual assault victims assistance fees collected under
28 IC 33-37-5-23.

29 (g) The clerk of a circuit court shall distribute monthly to the county
30 auditor the following:

31 (1) One hundred percent (100%) of the support and maintenance
32 fees for cases designated as non-Title IV-D child support cases in
33 the Indiana support enforcement tracking system (ISETS)
34 collected under IC 33-37-5-6.

35 (2) The percentage share of the support and maintenance fees for
36 cases designated as IV-D child support cases in ISETS collected
37 under IC 33-37-5-6 that is reimbursable to the county at the
38 federal financial participation rate.

39 The county clerk shall distribute monthly to the office of the secretary
40 of family and social services the percentage share of the support and
41 maintenance fees for cases designated as Title IV-D child support cases
42 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the

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- 1 county at the applicable federal financial participation rate.
- 2 (h) The clerk of a circuit court shall distribute monthly to the county
- 3 auditor the following:
 - 4 (1) One hundred percent (100%) of the small claims service fee
 - 5 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
 - 6 the county general fund.
 - 7 (2) One hundred percent (100%) of the small claims garnishee
 - 8 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 - 9 deposit in the county general fund.
- 10 (i) The clerk of a circuit court shall semiannually distribute to the
- 11 auditor of state for deposit in the state general fund one hundred
- 12 percent (100%) of the following:
 - 13 (1) The public defense administration fee collected under
 - 14 IC 33-37-5-21.2.
 - 15 (2) The judicial salaries fees collected under IC 33-37-5-26.
 - 16 (3) The DNA sample processing fees collected under
 - 17 IC 33-37-5-26.2.
 - 18 (4) The court administration fees collected under IC 33-37-5-27.
- 19 (j) The clerk of a circuit court shall semiannually distribute to the
- 20 auditor of state for deposit in the judicial branch insurance adjustment
- 21 account established by IC 33-38-5-8.2 one hundred percent (100%) of
- 22 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 23 (k) The proceeds of the service fee collected under
- 24 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 25 follows:
 - 26 (1) The clerk shall distribute one hundred percent (100%) of the
 - 27 service fees collected in a circuit, superior, county, or probate
 - 28 court to the county auditor for deposit in the county general fund.
 - 29 (2) The clerk shall distribute one hundred percent (100%) of the
 - 30 service fees collected in a city or town court to the city or town
 - 31 fiscal officer for deposit in the city or town general fund.
- 32 (l) The proceeds of the garnishee service fee collected under
- 33 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 34 follows:
 - 35 (1) The clerk shall distribute one hundred percent (100%) of the
 - 36 garnishee service fees collected in a circuit, superior, county, or
 - 37 probate court to the county auditor for deposit in the county
 - 38 general fund.
 - 39 (2) The clerk shall distribute one hundred percent (100%) of the
 - 40 garnishee service fees collected in a city or town court to the city
 - 41 or town fiscal officer for deposit in the city or town general fund.
- 42 **(m) The proceeds of the highway beautification fee collected**

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1 **under IC 33-37-5-30 shall be distributed as follows:**
2 **(1) The clerk shall semiannually distribute fifty percent (50%)**
3 **of each highway beautification fee to the auditor of state for**
4 **deposit in the highway beautification fund established by**
5 **IC 8-23-5-9.**
6 **(2) The clerk shall semiannually distribute fifty percent (50%)**
7 **of each highway beautification fee to the appropriate county**
8 **auditor for distribution to the law enforcement agency,**
9 **including the state police department, that issued the citation**
10 **for littering (IC 35-45-3-2) that resulted in the assessment of**
11 **the fee.**
12 **The funds distributed under subdivision (2) may be used for any**
13 **law enforcement purpose or as a contribution to the pension fund**
14 **of the law enforcement agency.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 163, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 163 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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