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**FISCAL IMPACT STATEMENT**

**LS 7418**  
**BILL NUMBER: SB 511**

**NOTE PREPARED: Feb 5, 2009**  
**BILL AMENDED: Feb 5, 2009**

**SUBJECT:** Various Vehicle and Motorboat Matters.

**FIRST AUTHOR:** Sen. Charbonneau  
**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

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

**IMPACT:** State & Local

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

- (1) allows the Criminal Justice Institute (CJI) to set license fees for commercial driver training schools and instructors by rule;
- (2) provides that a probationary operator's license expires at midnight of the date the holder becomes 21 years and 30 days of age. (Current law provides that the probationary license expires at midnight of the day of the holder's twenty-first birthday.);
- (3) removes the requirement that the Bureau of Motor Vehicles (BMV) place an identifying symbol on the face of the certain permits, licenses, or identification cards to indicate that the applicant has a medical condition;
- (4) provides that certain offenses committed under the law of the United States or in another state that are substantially similar to certain offenses committed in Indiana be counted toward an accumulation of offenses for purposes of an individual being adjudged a habitual violator of traffic laws;
- (5) includes motorboats in the category of vehicles for which an individual is prohibited from operating while intoxicated;
- (6) provides that after June 30, 2009, the penalties for operating a motorboat while intoxicated are the same as for operating a wheeled vehicle while intoxicated, and repeals current law pertaining to operating a motorboat while intoxicated;
- (7) makes corresponding changes; and
- (8) makes technical corrections.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** (Revised) (3) Removing the requirement that BMV place an

identifying symbol on the face of certain permits, licenses, or identification cards to indicate that the applicant has a medical condition was never implemented. The fund affected is the Motor Vehicle Highway Account.

(4) *Penalty Provision:* Providing that certain offenses committed in other jurisdictions may be counted toward an accumulation of offenses for purposes of an individual being adjudged a habitual violator (HTV) of traffic laws in Indiana will have no direct and immediate fiscal impact on the state, but likely will lead to longer suspensions. However, those who are apprehended after a suspension will be guilty of a Class C felony which will increase expenditures for the state. The fund affected is the state General Fund.

A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

(6) Providing that the penalties for operating a motorboat while intoxicated are the same as for operating a wheeled vehicle while intoxicated will mean additional incarceration time for offenders. The following table shows examples of the current law and the proposed.

<b>Offense of Operating a Motorboat While Intoxicated</b>	<b>Current</b>	<b>Proposed</b>
Operating while intoxicated (OWI) with previous OWI	Class A or C misdemeanor	Class D felony
OWI with serious bodily injury or death as a prior conviction	Class D felony	Class C felony

**Explanation of State Revenues:** (Revised) (1) Allowing the Criminal Justice Institute (CJI) to set license fees for commercial driver training schools and instructors by rule will impact the Motor Vehicle Highway Account (MVHA) into which the revenues are deposited. The specific impact will depend upon the fee level set by the CJI.

(2) Changing the expiration date for probationary operator's license will reduce the amount of late fees associated with this license. The fund affected is the state License Branch Fund into which late fees are deposited.

(4) *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Background Information:

In CY 2007, the BMV suspended 3,935 licenses for HTV.

The MVHA may be used for road construction, reconstruction, and maintenance for cities, towns, and counties. The MVHA also supports entirely the operation of the BMV, a significant part of the operation of the Department of Transportation, about 61% of the operation of the State Police, and part of the operation of the state Department of Revenue.

**Explanation of Local Expenditures:** (D) *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** (D) *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs 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 the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** BMV; DOC.

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

**Information Sources:** Indiana Sheriffs' Association; DOC; Steve Johnson, Director Indiana Prosecuting Attorneys' Council, 317-232-1836.

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