

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 606 - SB 776

March 25, 2011

SUMMARY OF BILL: Creates a Class C misdemeanor, punishable by a fine of up to \$25 for the first offense, and \$50 for the second or subsequent offense, for drivers or passengers to smoke in a vehicle when a child restrained or required to be restrained in a child safety or booster seat is present in the vehicle. Requires fine revenue to be designated for the Child Safety Fund. Prohibits clerk's fees or court costs from being imposed for a violation. Requires warnings be issued for a 90-day period after the October 1, 2012, effective date.

ESTIMATED FISCAL IMPACT:

**Increase State Revenue – \$47,500/FY12-13/Child Safety Fund
\$95,000/FY13-14 and Subsequent Years/
Child Safety Fund**

**Increase Local Revenue – \$2,500/FY12-13
\$5,000/FY13-14 and Subsequent Years**

Assumptions:

- The Department of Safety estimates 5,000 violations per year with an average fine of \$25.
- Fines will be issued beginning January 1, 2013.
- Twenty percent will not pay fines due to indigence.
- Local county clerks receive five percent of fine revenue as commission, regardless of prohibitions against other clerk's fees and court costs.
- A recurring increase in state revenue of \$95,000 (5,000 violations x \$25 fine x 80% x 95%) to the Child Safety Fund. The first-year impact (FY12-13) is estimated to be 50 percent of first full-year impact (FY13-14), or \$47,500 (\$95,000 x 50%), due to fine implementation date.
- A recurring increase in local revenue of \$5,000 (5,000 violations x \$25 fine x 80% x 5%). The first-year impact (FY12-13) is estimated to be 50 percent of first full-year impact (FY13-14), or \$2,500 (\$5,000 x 50%), due to fine implementation date.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/jaw