

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1716 – SB 1759

March 26, 2018

**SUMMARY OF ORIGINAL BILL:** Deletes the antiquated requirement that the Department of Human Services (DHS) promulgate rules no later than January 1, 2007, regarding child passenger restraint systems for children transported by child care agencies.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (013926, 015939):** Amendment 013926 deletes all language after the enacting clause. Prohibits the operator or a passenger of a motor vehicle from smoking cigarettes, pipes or cigars in a motor vehicle when a child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt pursuant to Tenn. Code Ann. § 55-9-602, is present in the vehicle, regardless of whether windows of the motor vehicle are down.

Establishes that violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed \$50 and court costs not to exceed \$10, including, but not limited to, any statutory fees of officers.

Requires the Department of Transportation (TDOT) to utilize the department's permanent electronic overhead informational displays located throughout the state to provide periodic messages to the motoring public as to the provisions of this section.

Amendment 015939 deletes and replaces language of the bill as amended by amendment 013926 to establish: (1) a first violation of this section is punishable only by the issuance of a warning citation; (2) a second violation is a Class C misdemeanor, punishable only by a fine not to exceed \$20 and court costs not to exceed \$10 including, but not limited to, any statutory fees of officers; and (3) a third or subsequent offense is a Class C misdemeanor punishable only by a fine of \$50 and court costs not to exceed \$10, including, but not limited to, any statutory fees of officers.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

Unchanged from the original fiscal note.

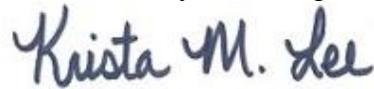
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Assumptions for the bill as amended:

- No fiscal impact on the operations of the Department of Transportation.
- Based on information provided by the Administrative Office of the Courts, any increase in the caseloads of the court system would be absorbed within the existing judicial resources.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

**CERTIFICATION:**

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/vlh