

person may pay the amount of fines and costs to the office of the clerk of the court in person or by mail. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree that the number of violations creates tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

- **Court cost and fine revenues.** For each guilty plea or conviction for a violation of the bill's requirement, the county court or municipal court processing the matter would likely collect related court cost revenues. And in the matter of any fines imposed for any such violation, the county in which the violation occurred receives any fine revenues collected for a state-created misdemeanor, while fine revenues collected from locally created misdemeanors (local ordinances) are forwarded to the municipality or township where the offense was committed. As of this writing, however, the magnitude of the potential gain in court cost or fine revenues for any affected county, municipality, or township is uncertain.

Detailed Fiscal Analysis

Road service vehicles on a highway

The bill adds a road service vehicle to the types of vehicles and circumstances for which a driver must either change lanes, proceed with due caution, pull over, or slow down. Under current law, unchanged by the bill, (1) a violation of this provision is generally a minor misdemeanor, rising to a misdemeanor of the fourth or third degree under certain circumstances, and (2) the fine amount imposed is two times the usual amount for a violation of a misdemeanor of that degree. In each such instance, an opportunity is created for the state and local governments to gain additional revenues in the form of court costs and fines that would be assessed against, and collected from, each driver convicted of or pleading guilty to a violation of the requirement.

Misdemeanor sentences and fines

Table 1 below outlines the potential sentences and fines associated with the bill's misdemeanor offenses. These sentences and fines reflect current law for certain misdemeanors generally and are unchanged by the bill.

**Table 1
Sentences and Fines for Failure to Comply with the Caution Requirement**

Offense	Offense Level	Maximum Fine⁺	Term of Incarceration
1st offense	Minor misdemeanor	\$300	Citation issued; no arrest or jail term
2nd offense* within one year of the first offense	4th degree misdemeanor	\$500	Possible jail term of not more than 30 days
3rd or more offense* within one year of two or more prior offenses	3rd degree misdemeanor	\$1,000	Possible jail term of not more than 60 days

+ Current law stipulates that these violations are subject to double fines. This column reflects the doubled amounts.

* Subsequent offenses may include violations of certain similar offenses.

Local fiscal effects

For the purposes of this fiscal analysis, LSC fiscal staff assumes that the bulk of the violations that occur subsequent to the bill's enactment will result in a law enforcement officer issuing a citation for the commission of a minor misdemeanor rather than arresting a person for the commission of a misdemeanor of the fourth or third degrees. In lieu of making a court appearance on the citation, a person may pay the amount of fines and costs to the office of the clerk of the court in person or by mail. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree that the number of violations creates tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

For each guilty plea or conviction for a violation of any of the bill's misdemeanor prohibitions, the county court or municipal court processing the matter would likely collect related court cost revenues. As for any fines imposed for such violations, the county in which the violation occurred receives any fine revenues collected for a state-created misdemeanor, while fine revenues collected from locally created misdemeanors (local ordinances) are forwarded to the municipality or township where the offense was committed. As of this writing, however, the magnitude of the potential gain in court cost or fine revenues for any affected county, municipality, or township is uncertain.

State fiscal effects

As a result of violations of the bill's requirement, the state may gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). State court costs for a misdemeanor conviction total \$24, with \$9 of that amount being credited to the Victims of Crime/Reparations Fund (Fund 402) and the remainder, or \$15, being credited to the GRF. As of this writing, however, the magnitude of that potential revenue gain for either state fund annually is uncertain.

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