

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

**BILL NUMBER:** HB 419

**SHORT TITLE:** No Passing Stopped School Bus

**SPONSOR(S):** Representative Decker

**FISCAL IMPACT:**

<b>Expenditures:</b>	<b>Increase ( )</b>	<b>Decrease ( )</b>
<b>Revenues:</b>	<b>Increase ( )</b>	<b>Decrease ( )</b>
<b>No Impact (X)</b>		
<b>No Estimate Available ( )</b>		

**FUND AFFECTED:**

<b>General Fund ( )</b>	<b>Highway Fund ( )</b>	<b>Local Fund ( )</b>
<b>Other Fund ( )</b>		

**BILL SUMMARY:** Re-enacts G.S. 20-217(f) to provide that evidence that a motor vehicle passed a stopped school bus is prima facie evidence that the owner of the vehicle was operating it at the time of the violation. (Cited statute expired October 1, 1987.)

**EFFECTIVE DATE:** October 1, 1993; applies to offenses committed on or after that date.

**PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:** Judicial Department, Department of Correction

**FISCAL IMPACT**

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
<b>EXPENDITURES</b>	0	0	0	0	0
<b>RECURRING</b>					
<b>NON-RECURRING</b>					
<b>REVENUES/RECEIPTS</b>	0	0	0	0	0
<b>RECURRING</b>					
<b>NON-RECURRING</b>					

**POSITIONS:** No new positions

**ASSUMPTIONS AND METHODOLOGY:** It is agreed upon by the Administrative Office of the Courts and the Fiscal Research Division that HB 419 would not have a significant fiscal impact on the Judicial Department or the Department of Correction. The bill could produce a few more misdemeanor filings resulting from vehicle owners who are more likely to identify actual drivers given the presumption under this bill that the owner was driving. In addition, a few more trials are expected because the prosecutor would more often have sufficient evidence (prima facie) to go forward with the case. However, since there were only approximately 779 charges filed in 1992 the small increase in cases and trials (spread across the state) would not lead to substantial fiscal impact for the Judicial Department.

Also, this bill is expected to result in a slight increase in convictions. Only a slight increase is predicted since vehicle owners may produce rebuttal evidence prior to or during a trial, thus reducing the number of potential trials and convictions despite enactment of the prima facie clause. Based on 1992 data that indicated approximately 305 convictions of the above referenced 779 charges, a slight increase in the conviction rate would not significantly impact the Department of Correction or local jails where offenders are most likely to be housed. This assumption is supported by the fact that the Court may choose to impose a fine and not imprisonment. (Note that penalty options include a fine not to exceed \$200 or imprisonment not to exceed 90 days, or both.)

**SOURCES OF DATA:** Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

**733-4910**

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**DATE:** 7-APR-93

**[FRD#003]**



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