

Department of Finance and Administration

Legislative Impact Statement

Bill: SB102

Bill Subtitle: TO CLARIFY THE LAW CONCERNING THE FINES, FEES, AND COSTS THAT MAY BE ASSESSED FOR A VIOLATION OF THE MANDATORY SEAT BELT USE LAW.

Basic Change :

Sponsor: Senator Rice

This bill amends Arkansas law concerning the fines, fees, and costs that can be assessed for the violation of the mandatory seat belt use law and limits the fine to \$25.00. However, a late fee may be imposed for failure to pay the fine.

Revenue Impact :

There may be a decrease in revenue received by the courts due to the inability to collect court costs for a violation of the mandatory seat belt law.

Taxpayer Impact :

A driver will only pay a fine \$25 for a violation of the mandatory seat belt law unless the driver fails to pay the fine as ordered by the court. The court may charge a late fee for failure to pay fine.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

SB102 clarifies that a conviction for violating the mandatory seatbelt use law in § 27-37-701, *et seq.* is not subject to additional court costs or fees beyond the \$25 fine. The bill amends current law to remove the reference to court costs and other fees, allowing only the \$25 fine in § 27-37-706(a) and a "late fee" imposed for failing to pay the fine. "Late fee" is not a defined term in the bill and it is unclear whether there are limitations as to the amount of a late fee that may be imposed by a court for non-payment.

In addition, upon receipt of an order from a court that a person has failed to pay fines or court costs, DFA imposes a suspension of the defendant's driving privileges. Once the court releases the suspension, DFA collects a \$100 reinstatement fee pursuant to § 27-16-808. It is unclear whether this bill would permit the continued collection of the \$100 reinstatement fee by DFA or whether the collection of the reinstatement fee would be prohibited. If the reinstatement fee can no longer be collected, DFA will incur programming costs to implement the change and the Arkansas State Police will lose the revenue formerly derived from collection of the reinstatement fee.