

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: **Am. H.B. 101** DATE: **March 12, 1997**

STATUS: **As Reported by House Agriculture and Natural Resources** SPONSOR: **Rep. Kasputis**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Authorizes the owner of a private dock to tow unauthorized vessels docked there**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties, Municipalities, and Townships			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal decrease	Potential minimal decrease	Potential minimal decrease

- By authorizing the owner of a private dock to order the towing of any violating vessel, the bill could potentially decrease expenditures to counties, municipalities, and townships.
- Under current law, local law enforcement agencies may order such towing, not private individuals.



Detailed Fiscal Analysis

Provisions of the Bill

Currently, if a vessel or outboard motor is left on a private dock or mooring facility for over seventy-two hours, any person adversely affected, such as the owner of a private dock, should file a complaint with a local law enforcement agency. Law enforcement officers then order to have the violating object removed.

The bill removes a private dock or mooring facility from the jurisdiction of a local law enforcement agency and transfers it to the domain of a private dock owner.

The bill requires the towing company to provide notice to the county sheriff or police chief within 72 hours after the vessel or outboard motor is removed and stored at the request of a private dock owner. Both in current law and the bill, the sheriff or chief must then cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lienholder, and if known, send a notice to the owner and lienholder by certified mail. If the owner or lienholder makes no claim to the vessel or outboard motor within 30 days, the sheriff or chief shall file an affidavit with the clerk of courts.

Under current law and the bill, the law enforcement agency must maintain a detailed record of each removed vessel or outboard motor, including information such as the vessel's or motor's model, the date and time of its removal, and the location from which it was removed. The agency has an obligation to provide such information to any person who identifies himself or herself as the owner of the vessel or motor.

Under current law, violation is a minor misdemeanor. A violation under the bill would also be a minor misdemeanor.

Effects of the Bill

The person whose vessel is towed into storage must either pay the costs of the towing or reimburse the owner of the dock. As a result, the county sheriff or police chief could save the expense of towing and storing certain vessels.

Overall, the bill could potentially decrease expenditures to counties, municipalities, and townships. However, the fiscal impact is expected to be minimal. For example, the Fairfield County Sheriff's Office receives very few private docking complaints. Buckeye Lake is partially located in this county.

□ *LBO staff: Alexander C. Heckman, Graduate Researcher*

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