

# Fiscal Note & Local Impact Statement

122<sup>nd</sup> General Assembly of Ohio

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BILL: Sub. S.B. 35 DATE: June 11, 1997  
STATUS: As Reported by House Transportation and Public Safety SPONSOR: Sen. B. Johnson  
LOCAL IMPACT STATEMENT REQUIRED: No — Offsetting revenues  
CONTENTS: Graduated driver's license

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## State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
<b>Crime Victims Reparations Fund</b>			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -
<b>GRF (for Public Defender)</b>			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -

- Any court cases that result from the new minor misdemeanor created in the bill will generate additional money for the above funds.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
<b>Counties and Municipalities</b>			
Revenues	Potential gain	Potential gain	Potential gain
Expenditures	Potential increase	Potential increase	Potential increase

- Counties and municipalities will incur expenditures for the enforcement and adjudication of the bill's provisions.
- Counties and municipalities will receive revenues for new fines and court costs imposed. **These revenues are anticipated to exceed any new expenditures incurred.**



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## ***Detailed Fiscal Analysis***

The bill would introduce a graduated license program into Ohio. Specifically, the bill allows a person who is 16 to obtain a temporary instruction permit, requires a person under 18 to have held a temporary instruction permit for at least six months prior to obtaining a probationary driver's license, and establishes the terms of both temporary instruction permits and probationary driver's licenses (including the creation of a new minor misdemeanor for violations of the new restrictions). The bill requires the Bureau of Motor Vehicles and the Department of Public Safety to review current driver's license testing procedures and to report the findings and recommendations to the General Assembly within one year. In addition, the bill requires the Registrar of Motor Vehicles to set standards for a juvenile traffic improvement program to be completed by persons who have had their temporary instruction permit suspended. Further, the bill requires the Ohio Department of Public Safety to collect statistics on juvenile drivers and to report to the legislature biennially.

### **Current Law**

Under current Ohio law, a person who is under the age of 18 is issued a probationary driver's license. This currently means that:

1. A parent or guardian must sign the application for a minor.
2. The registrar must suspend the probationary driver's license when a person, before their 18<sup>th</sup> birthday has been convicted of, plead guilty to, or been adjudicated in juvenile court of having committed any of a number of offenses listed in section 4507.162 of the Revised Code. The same section specifies that some offenses must be committed only once to warrant a suspension while others must be committed multiple times before a suspension may be issued.

### **Under the Bill**

The bill would keep the same list of offenses for which a probationary driver's license would be suspended but would, in many instances, reduce the number of times offenses could be committed before a suspension would take effect.

The bill would also add the temporary instruction permit into law, allowing those age 16 or older to apply for a permit. The bill requires holders of temporary instruction permits to be accompanied by a licensed driver over 21 years of age.

### **New Penalties**

The bill creates a minor misdemeanor for violations of provisions regarding the use of temporary instruction permits and probationary driver's licenses. The major provisions for which violations are created include:

#### **I. For Temporary Instruction Permits**

1. The permit must be in the permit holder's immediate possession.

2. The holder must be accompanied by a licensed driver over the age of 21 who is legally able to operate a motor vehicle and who occupies the seat next to the permit holder.
3. All occupants must be wearing their seatbelts.

## II. For Probationary Driver’s Licenses

1. During the first six months that an individual holds a probationary driver’s license they must drive solo unless accompanied by a licensed driver over the age of 21 who occupies the seat next to the permit holder.
2. All occupants must be wearing their seatbelts.

Additionally, the bill makes falsification of the affidavit (Revised Code section 4507.21 B(2)) required to be signed by a parent or guardian for a person under 18 who is applying for a license punishable by a \$100 fine. The affidavit asserts that the person applying for the license has acquired a minimum of 50 hours of driving experience with at least 10 of those hours at night.

### **Crime Victims Reparations Fund & State Public Defenders**

The Crime Victims Reparations Fund and the State Public Defender both receive funds from the court costs which are assessed in both county and municipal courts and in courts of common pleas. The following chart delineates the amount of money received by both the Crime Victims Reparations Fund and the Public Defender.

<b>Fund</b>	<b>Misdemeanors</b>	<b>Felonies</b>
Crime Victims Reparations Fund	\$9	\$30
Public Defender	\$11	\$11

Because both of the above funds receive money assessed on a case-by-case basis, any increase in the total number of felony or misdemeanor cases will increase the amount of money deposited into each of the above funds.

### **Local Revenue and Expenditures**

*Revenue.* Additional court costs and fine revenues will be realized by counties and municipalities for any new violations adjudicated under the bill’s provisions. Court costs in most municipal courts generally must be paid into the treasury of the municipal corporation in which the municipal court is located. However, in the case of county-operated municipal courts, court costs generally must be paid into the county treasury. Court costs collected in a county court must be paid into the county treasury.

One of the general rules for the distribution of fines in Ohio directs fines for violations of state law for deposit into the treasury of the county in which the municipal or county court is located. The fine amounts associated with different misdemeanors are displayed in the table below. The bill creates a minor misdemeanor for violations of its provisions.

The vast majority of citations issued for violations of Ohio’s traffic laws are revenue winners for political subdivisions. More money is received in the form of fines and court costs than is expended in the issuance of traffic related citations.

<b>Misdemeanors: Sentencing &amp; Penalties</b>			
Offense Level	Maximum Sentence	Personal Fine	Organizational Fine
Misdemeanor - 1st Degree	6 months	up to \$1,000	up to \$5,000
Misdemeanor - 2nd Degree	90 days	up to \$750	up to \$4,000
Misdemeanor - 3rd Degree	60 days	up to \$500	up to \$3,000
Misdemeanor - 4th Degree	30 days	up to \$250	up to \$2,000
Minor Misdemeanor	No incarceration	up to \$100	up to \$1,000

*Expenditures.* There would be some court and enforcement costs, however these would be more than offset by any revenues received.

**Drivers Education**

The bill makes the following changes to commercial and high school driver’s education program requirements with no fiscal effect on political subdivisions:

Program Type	Current – Classroom Time	Current – Driving Time	Under the bill – Classroom Time	Under the bill – Driving Time
<b>Commercial</b>	16	8	16	10
<b>High School</b>	36	6	36	10

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