
Detailed Fiscal Analysis

The bill would introduce a graduated license program into Ohio. Specifically, it would allow a person who is 15 ½ to obtain a temporary instruction permit, require 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 temporary driver's licenses (including the creation of a new third degree misdemeanor for violations of the new restrictions).

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 18th 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 15 ½ or older to apply for a permit. By placing drivers 15 ½ and older in a position to obtain temporary instruction permits, the bill would have the effect of allowing more drivers onto Ohio's roads. The bill requires holders of temporary instruction permits to be accompanied by an "eligible adult", which means a parent/guardian or driving instructor. There are approximately 165,000 fifteen year olds in Ohio, about half of which would be eligible to receive temporary instruction permits. How many of those will actually obtain permits is unknown. If one half of those eligible for permits obtain, then then approximately 40,000 fifteen year olds will be on the road. Some number of these new drivers will receive traffic violations either under existing statutes or for violations of the new misdemeanor created in the bill. The result will be increased expenditures and revenues for local jurisdictions. However, due to the nature of traffic violations and the new misdemeanor created in the bill, revenues generated are anticipated to far exceed any new expenditures.

New Misdemeanor

The bill creates a third degree misdemeanor for violations of provisions regarding the legal 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 holders immediate possession.
2. The holder must be accompanied by an “eligible adult”** who occupies the seat next to the permit holder.**
3. All occupants must be wearing their seatbelts.
4. It is illegal to drive between midnight and 5 AM.

II. For Probationary Driver’s Licenses

1. It is illegal to drive between midnight and 5 AM.
2. All occupants must be wearing their seatbelts.

* An eligible adult is either a qualified driving instructor or a parent/guardian.

** If the permit holder is 16 then they must be accompanied by a licensed driver over 21 years of age but are not required to have a parent/guardian, or driving instructor present.

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.

Fund	Misdemeanors	Felonies
Crime Victims Reparations Fund	\$6	\$20
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 a are displayed in the table below. The bill creates a 3rd degree misdemeanor for violations of its provisions. However, as previously discussed, more drivers on the road will result in more traffic citations issued and more fine revenue received at the local level.

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

Misdemeanors: Sentencing & Penalties			
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. It is unlikely that a local court would impose jail time for the violations of any of the bill’s provisions. There would be some court and enforcement costs, however these would be more than offset by any revenues received.

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