

Detailed Fiscal Analysis

This bill requires a law enforcement officer or firefighter, when practicable, to place road flares at the scene of any motor vehicle accident where a person is injured or killed. The bill requires that one (1) lighted road flare be placed 60 paces (150 feet) in advance of and past the accident scene. A limited telephone survey was conducted of law enforcement agencies and fire departments within the greater Columbus area as well as the State Highway Patrol regarding the provisioning and use of road flares. One finding was that public safety vehicles generally have road flares as part of the vehicle's equipment. However, there is no law in the Ohio Revised Code (ORC) **mandating** that public safety vehicles have road flares onboard. Enactment of this bill would require all public safety agencies to carry road flares in their public safety vehicles. A possibility exists that a small number of public safety agencies may not maintain a supply of road flares. Such an agency will incur new provisioning expenditures for road flares and the associated long-term cost to keep them in stock. Costs for road flares generally range from \$80 - \$200 per gross (144 flares) which is dependent upon such factors as the brand, burn duration, and vendor.

State and local government revenues could potentially increase from the collection of enforcement fines. The matrix below depicts an approximate distribution of fines collected from summons written for state traffic law violations by the four levels of law enforcement. Fine revenues are distributed across different fiscal accounts in varying proportions as provisioned by the ORC. First offense violations are defined as minor misdemeanors and carry up to a \$100 fine. Subsequent infractions are defined as misdemeanor of the fourth degree, and misdemeanor of the third degree. Fine amounts are up to \$250 for fourth degree misdemeanor and up to \$500 for a third degree misdemeanor. Violations of the bill's prohibitions are grouped with other traffic offenses in ORC section 4511.99(D)(1)(a), (b), and (c). Fines for infractions under this grouping are found in ORC section 2929.21(C)(3)(4) and (D). Various factors determine how the fine is distributed such as the jurisdiction the summons is written, the type of prosecuting agency, municipalities enactment of a city ordinance that parallels state law, and any amendments to the ORC that permit diverting of revenue into other programs.

	State General Revenue Fund	County General Revenue Fund	County Highway Fund	County Law Library	Municipal General Revenue Fund	Township General Revenue Fund
State Highway Patrol	X	X		X	X	
County Sheriff		X	X	X		
Municipal Police		X		X	X	
Township Police				X		X

Law enforcement and fire departments are in general agreement when questioned about procedures for responding to a scene of a motor vehicle accident. First and foremost is the

concern for any and all persons involved in the collision whether or not they sustained an injury. As a matter of specific training however, law enforcement typically handles traffic control while fire department and Emergency Medical Services (EMS) personnel provide medical assistance and tend to the crashed vehicle/s. There are many instances where road flares are utilized by law enforcement in the control of traffic at an accident scene in conjunction with other traffic aids such as traffic cones, portable road hazard traffic signs, and the flashing strobe lights on public safety vehicles. It is not uncommon for law enforcement personnel to use a case¹ or more of road flares at the scene of a motor vehicle accident. Officers assess the severity of the crash, the crash location, and numerous other factors and commonly use road flares to divert the flow of traffic and/or shut down a lane of traffic due to accident debris. The investigating officer's decision to use road flares in the manner described above is matter of professional training and experiences. However, individual departmental policy guidelines may facilitate in this decision making process.

Although road flares are often used to inform motor vehicle operators of impediments in the roadway, this bill's specific **requirement** to use them at the scene of a motor vehicle accident may inadvertently create other more lethal safety hazards. One safety concern is that road flares are flammable items and may pose additional fire/explosive hazard if used in compliance with this bill. The potential for explosive injury to accident victims and public safety personnel if flammable liquids/gases are present at the scene are substantially increased with the use of road flares. Mandating that road flares be placed 60 paces, (150 feet) behind and in front of an accident scene may inadvertently increase explosive hazards and potential injury that would likely precipitate legal and monetary recourse actions by any injured person or their families.

Enactment of this bill would require some form of general public notification prior to enforcement. One critical change would have to be to the Digest of Ohio Motor Vehicle Laws (Publication # HSY 7607 Revised 7/96), which all potential licensed motorists are to have read prior to taking a Ohio driver's license exam. Secondly, the bill is applicable to **ALL** motor vehicle operators regardless of what state driver's license they may possess. Enforcement may become a debatable issue for out-of-state motor vehicle operators who may be unaware of the requirements of this bill until an infraction has occurred precipitating their arrest for the violation. Construction zones are an example where signage is employed to notify **ALL** motorists of changes to the traffic law for that section of roadway and applicable fines for violating the posted changes. Any one of these factors could potentially increase the expenditures related to this bill by a substantial amount.

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¹ The number of road flares per case varies with type and burn duration. A road flare that burns for 15 minutes may be packaged 72 per case compared to a road flare that burns for 30 minutes which is larger in size and thus may be packaged 36 per case.