

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: Sub. H.B. 86

DATE: June 1, 1999

STATUS: As Passed by the Senate

SPONSOR: Rep. Bateman

LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost

CONTENTS: Requires the driver of a motor vehicle to decelerate and maintain safe operation when approaching a public safety vehicle having emergency lights activated; requires ODOT to use a single prime contractor for certain classes of work; establishes that commercial carriers regulated by PUCO may not administer vehicle inspections; extends Bureau of Motor Vehicles' task force deadline to August 1, 1999

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	Potential gain	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -
Motor Carrier Safety Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase	Potential increase	Potential increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- Potential gain in the General Revenue Fund (GRF) through the distribution of fines from enforcement by the State Highway Patrol. Enforcement by other law enforcement agencies does not affect the GRF. The amount deposited would be forty-five percent of the collected fine. This percentage is accordance with the Ohio Revised Code, Section 3375.53.
- A violation of the provisions of this bill shall result in a fine of up to two times the amount usually imposed for a motor vehicle violation of the same degree of misdemeanor offense as the violation.
- The bill prohibits a person, firm, association, or corporation that owns and operates 15 or more motor vehicles and is regulated by the Public Utilities Commission from performing state safety inspections on those vehicles. The number of vehicles for which the Public Utilities Commission will be required to perform state safety inspections potentially increases, therefore, increasing expenditures from the Commission's Motor Carrier Safety Fund.

Local Fiscal Highlights



LOCAL GOVERNMENT		FY 1999	FY 2000	FUTURE YEARS
Counties and Municipalities				
Revenues	Potential gain		Potential gain	Potential gain
Expenditures	Potential increase		Potential increase	Potential increase
Townships				
Revenues	Potential gain		Potential gain	Potential gain
Expenditures	- 0 -		- 0 -	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Potential gain in county, municipal and township general funds through the distribution of fines from enforcement. A violation of the provisions of this bill shall result in a fine of up to two times the amount usually imposed for a motor vehicle violation of the same degree of misdemeanor offense as the violation. A percentage of each fine collected is apportioned in accordance with the Ohio Revised Code. Funds to county highway and county law library accounts could potentially increase as well.
- Potential increase in county and municipal expenditures for court hearings for additional cases brought before the court for drivers violating the provisions of this bill.
- Potential increase in county expenditures for prosecuting and incarcerating violators. A court may sentence a person to a period of incarceration upon a finding the person committed a second or subsequent violation within one year. The approximate maximum cost for incarceration is \$3600.

Detailed Fiscal Analysis

Motor Vehicle Operators

The bill requires the operator of a motor vehicle approaching a stationary public safety vehicle with flashing emergency lights to: (1) move to a lane that is not adjacent to that of the public safety vehicle and proceed with due caution; or (2) if such a situation does not present itself, reduce the speed of the vehicle and maintain a safe speed for road conditions.

Upon a finding that a person violated a provision of this bill, the court shall impose a fine of up to **two times the amount** usually imposed for a motor vehicle violation of the same degree of misdemeanor offense as the violation. First offense violations that result in a conviction or guilty plea are classified as a minor misdemeanor punishable by a maximum fine of \$200. If, within one year, a court finds that a person violated the provisions of this bill a second time, the offense escalates to a misdemeanor of the fourth degree. The maximum allowable fine would be \$500 and/or a term of imprisonment not more than thirty days. Similarly, a third or subsequent finding that a person violated the provisions of this bill within one year, is a misdemeanor in the third degree. The maximum penalty would be a \$1000 fine and/or not more than sixty days incarceration. County jails would house convicted violators sentenced to a term of incarceration. The approximate cost to incarcerate a person in a county jail is \$60 per day. The approximate maximum cost to incarcerate a violator under the operation of this bill is \$3600.

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 accounts in varying proportions as set by the ORC. Various factors determine how the fine is distributed, such as the jurisdiction in which the summons is written, the type of prosecuting agency, enactment of a municipal ordinance that parallels state law, and any amendments to the ORC that permit diverting 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

Other Bill Provisions

Three provisions of the bill appear to have no direct fiscal effect. Those provisions are:

- When the Department of Transportation funds contracts for road and highway construction or improvement, in whole or in part, neither the Director of Transportation nor any political subdivision or other public entity is required to solicit separate bids or award separate contracts for any specified branch of work.
- The Director of Transportation is to designate as prime contractor the specified branch of work that is receiving 51% of the dollar amount of the contract work.
- Changes from June 1, 1999 to August 1, 1999 the deadline for the task force studying the Bureau of Motor Vehicles' existing method of random selection to verify financial responsibility.

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