

# ***Fiscal Note & Local Impact Statement***

*123<sup>rd</sup> General Assembly of Ohio*

**BILL: H.B. 290**

**DATE: May 11, 1999**

**STATUS: As Introduced**

**SPONSOR: Rep. Peterson**

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

**CONTENTS: Makes violation of state seat belt law a primary offense**

## ***State Fiscal Highlights***

<b>STATE FUND</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FUTURE YEARS</b>
<b>General Revenue Fund</b>			
Revenues	Potential gain	Potential gain of up to \$2.8 million	Potential gain of up to \$0.43 million
Expenditures	- 0 -	- 0 -	- 0 -
<b>Seat Belt Education and Emergency Services Fund (Fund 844)</b>			
Revenues	Potential gain	Potential gain of up to \$3.8 million	Potential gain of up to \$0.58 million
Expenditures	Potential gain	Up to \$3.8 million increase	Up to \$0.58 million increase
<b>Ambulance Licensing Trust Fund</b>			
Revenues	Potential gain	Potential gain of up to \$77,000	Potential gain of up to \$12,000
Expenditures	- 0 -	- 0 -	- 0 -
<b>Crime Victims Reparations Fund</b>			
Revenues	Potential gain	Potential gain of up to \$2.3 million	Potential gain of up to \$0.35 million
Expenditures	- 0 -	- 0 -	- 0 -

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

- By upgrading seat belt laws to “primary enforcement” laws, states with such laws have seen their seat belt user rates increase 10 to 15 percent.
- The bill would result in a considerable increase in the number of citations being issued, thus increasing fine revenues to various state funds.
- Based on deductions from National Highway Traffic Safety Administration reports on the effectiveness of seat belt use in saving lives and preventing serious injuries, substantial social and financial benefits could accrue to the state.
- The fiscal impact of this bill depends greatly on how aggressive enforcement of the law will be, given that law enforcement officers cannot possibly observe all violations.



- Funds accruing to the GRF are for the support of the Ohio Public Defender Commission.

### ***Local Fiscal Highlights***

<b>LOCAL GOVERNMENT</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FUTURE YEARS</b>
<b>Counties and Municipalities and Townships</b>			
Revenues	Potential gain	Potential gain of up to \$3.8 million	Potential gain of up to \$0.58 million
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

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

- By upgrading seat belt laws to “primary enforcement” laws, counties, townships and municipal corporations could experience substantial revenue gains resulting from the increased number of citations, which will result in increased court cost revenues.
- Although not included in the figures above, additional misdemeanor fine revenues could accrue to counties. Misdemeanor fine revenues are omitted, due to the difficulty of separating revenues earned from citations made by officers of the State Highway Patrol.
- The fiscal impact of this bill on counties, municipal corporations and townships, depends greatly on how aggressive enforcement of the law will be, given that law enforcement officers cannot possibly observe all violations.

---

## ***Detailed Fiscal Analysis***

The bill makes violation of the state seat belt law a primary offense by allowing a law enforcement officer to charge or arrest a person for such violation, regardless of whether any other violation is suspected. The bill also permits a law enforcement officer to view the interior of any automobile being operated, for the sole purpose of determining whether a violation of the seat belt law has been committed or is being committed.

### **Facts about Seat Belt Use**

According to a February 1994 survey by the National Highway Traffic Safety Administration (NHTSA), 62 percent of Ohioans surveyed regularly use seat belts. A series of surveys conducted in 1998 by the NHTSA indicated a rise in nationwide seat belt usage to 70.1 percent. NHTSA further credits seat belt use with saving 10,750 lives in 1997. Applying Ohio's share of the national population (approx. 5 percent), it is estimated that 538 lives were saved.

According to Advocates for Highway and Auto Safety (AHAS) states that have upgraded seat belt laws to "primary enforcement" laws have seen their state's seat belt use increase anywhere from 10-15 percent immediately following passage of the law. AHAS further states that states with "primary enforcement" and well-publicized enforcement laws can produce user rates at 80 percent and above. Canada, which has had primary enforcement for several years, has an overall use rate of 87 percent, with four provinces achieving use rates above 90 percent. The pilot "Click It or Ticket" program in North Carolina, modeled on Canadian efforts of combined public information and enforcement, achieved an 85 percent user rate.

According to the Ohio State Highway Patrol activity summary, the number of drivers with seat belt convictions on record totaled 165,800 and 192,281 in fiscal years 1997 and 1998 respectively.

### **Effects of the bill**

The bill by making failure to use a seat belt a primary offense would increase the number of cited violations, and thus result in additional state revenues from mandatory fines. These increased citations will also increase revenues from state court costs (due to misdemeanor provisions of current law), and an increase in revenues from local court costs (for municipal corporations and counties operating courts). There are 118 municipal courts, 49 county courts, 11 county operated municipal courts and approximately 441 mayors courts in the state that handle seat belt violations as part of their subject matter jurisdiction. The state and counties could also receive a fine revenue boost from the misdemeanor provisions stated above. Currently, the following fines are imposed: \$25 on any driver and \$15 on any front seat passenger, convicted for a violation of the seat belt law. State court costs' for misdemeanors is \$20 while local court costs average \$15 per offender. Violation of the seat belt law is a minor misdemeanor on the first offense and a third degree misdemeanor (M3) on a second and subsequent offense. A minor misdemeanor attracts a maximum fine of \$100, while an M3 attracts a sanction of up to 60 days in jail and/or a maximum fine of \$250.

However, the potential increase in revenues generated depends on how aggressive enforcement of the new law would be, given that law enforcement officers cannot possibly observe every violation. To this end, LBO assumes that only 15 percent of total violations will be cited. Based on current user rates and the number of convictions for violations of seat belt laws, it is estimated that approximately 5 percent of those not using seat belts are currently convicted of the violation. In addition, from an historical perspective, the vast majority of seat belt violations have been cases involving one or more other violations. More recently, anecdotal information shows that the State Highway Patrol has increasingly issued citations for seat belt violations on their own. In estimating the effects of the bill, LBO further assumes that increases in revenues generated would decrease as people become more educated and thus change their seat belt habits, and that the incidence of multiple violations for the same offender would be zero in any given year.

Fine revenues are collected by municipal and county courts, forwarded to the State Treasurer and deposited in Fund 844, Seat Belt Education and Emergency Services Fund. The money is used primarily to educate the public, and distributed as follows:

- 10 percent to the Department of Public Safety to establish and administer elementary school programs that encourage seat belt education programs;
- 10 percent for a seat belt education program for the general public;
- 2 percent to the Ambulance Licensing Trust Fund;
- 28 percent to the Department of Public Safety for its Division of Emergency Medical Services and the State Board of Emergency Medical Services;
- 50 percent to the State Board of Emergency Medical Services to be distributed as grants.

### **Collateral effect of “primary Enforcement” of seat belt violations**

In addition to the potential effects stated above, additional revenues could also be realized from fines, and state and local court costs, resulting from the collateral effect of having primary enforcement of seat belt violations. Given 165,800 and 192,281 convictions in FY 1997 and FY 1998 respectively for seat belt violations as a secondary offense (under current law), we can infer that by making such violations a primary offense, secondary offenses (other traffic violations or any other illegal activity) could result, thus potentially creating additional convictions, revenues or even more serious criminal penalties.

### **Administrative costs to Municipal Corps and Counties**

LBO anticipates that municipal corporations and counties will experience additional costs due to the potential number of citations that could be issued. However, these costs are difficult to estimate, and will probably be limited given all administrative mechanisms currently in place. In addition any increased administrative costs should be more than offset by the revenues gained.

### **Revenues from State Court Costs**

However, a 1995 report of the Ohio Sentencing Commission states that a survey of courts between 1994 and 1995, yielded an average local court cost of \$15 and misdemeanor fine of \$25, is applied to seat belt violations.

### **Local Court Costs and Fines**

A fiscal analysis reflecting the court costs to be collected statewide as a result of seat belt violations is difficult, due primarily to the fact that courts that handle seat belt violations as part of their subject matter jurisdiction each treat the collection of local court costs differently. Local court costs are set at the discretion of each court, and as such the court costs that an individual pays will vary from court to court. Local court costs for an offender could range anywhere from \$0 to \$35.

In addition to the appropriate court costs, a person pleading to, or convicted of a misdemeanor, faces an additional fine of up to \$100. Fine revenues are distributed based on the jurisdiction of the arresting law enforcement officer, further complicating revenue estimates. For example, a citation by a State Highway Patrol officer would result in 45 percent of the fine revenue accruing to the state GRF, 45 percent to the municipal corporation or county operating the court, and 10 percent to the county general fund. For citations made by local law enforcement officers, the state receives no fine revenue. LBO has however not included fine revenue estimates in the summary of fiscal effects.

### **The estimate**

To estimate the potential revenues from imposed mandatory fines, misdemeanor fines and court costs, LBO assumes the user rates and the number of licensed drivers in Ohio stated above in facts about seat belt use.

LBO has assumed that Ohio's user rates will match the success of North Carolina (i.e. 85 percent) and that the maximum attainable user rate will be 90 percent (matching Canada's four high user provinces) in future years. Hence, future year revenues to the stated funds would drop from the first year (post enactment) highs. These potentially high user rates in Ohio are predicated on the potential success of Ohio's Seat Belt Education Program, which will receive an increase in substantial revenues.

The estimates are shown in the Attachment.

□ *LBO staff: Clifford R. Marsh, Budget/Policy Analyst  
Ogbe Aideyman, Senior Economist*

*H:\FN123\HB0290IN.DOC*

**Attachment to the Fiscal Note for H.B. 290**

*Potential Revenues  
from  
“Primary Enforcement” of Seat Belt Law*

Current Ohio User Rate - 62 percent (assumed)  
Ohio drivers in FY 1998 = 7.8 million

	<u>Fiscal Year 2000-2001<sup>1</sup></u> (Assumes user rate increases 10%-15%)		<u>Future Years<sup>1</sup></u>	
	<u>User rate 68.2%</u>	<u>User rate 71.3%</u>	<u>User rate 85%</u>	<u>User rate 90%</u>
Drivers using Seat Belt (in millions)	5.32	5.56	6.63	7.02
Drivers not using Seat Belts (in millions)	2.48	2.24	1.17	0.78
Drivers Cited for Seat Belt Violation (assumes only 15% of non-users are cited, less current citations) (in millions)	0.23	0.20	0.04	0.00
Front Seat Pax <sup>2</sup> . not using Seat Belts <sup>3</sup> (@ 10% of non-user drivers) (in millions)	0.02	0.02	0.00	0.00
Fines (@\$25/driver)	\$3,480,900	\$2,936,850	\$532,500	\$6,000
(@\$15/FSP)	\$348,090	\$293,685	\$53,250	\$600
<b>Total Fine Revenue (Fund 844)</b> <b>(Seat Belt Education and Emergency Services Fund)</b>	<b>\$3,828,990</b>	<b>\$3,230,535</b>	<b>\$585,750</b>	<b>\$6,600</b>
<b>Ambulance Licensing Trust Fund</b>	\$76,580	\$64,611	\$11,715	\$132
<b>Revenues from State Court Costs</b> (GRF for Public Defender @\$11)	\$2,807,926	\$2,369,059	\$429,550	\$4,840
(Crime Victims Reparation Fund @\$9)	\$2,297,394	\$1,938,321	\$351,450	\$3,960
<b>Revenues from Local Court Costs</b> - Municipal Corps. and Counties, Operating Courts @\$15	\$3,828,990	\$3,230,535	\$585,750	\$6,600

Misdemeanor sanctions could result in additional fine revenues to counties.

<b>Revenues from Misdemeanor Fines</b> (State & Local Fines @\$25 per violation)	\$6,381,650	\$5,384,225	\$976,250	\$11,000
---	-------------	-------------	-----------	----------

The distribution of this revenue between the state & counties is however difficult to estimate.

1. Assumes an effective date of January 1, 2000
2. Pax is short for Passenger.
3. Based on a limited survey of courts in 1993.

Hb0290  
5/11/99