

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Am. Sub. H.B. 320** DATE: **December 17, 2008**

STATUS: **As Enacted – Effective April 7, 2009** SPONSOR: **Rep. Jones**
(Sections 1, 2, and 3 effective October 7, 2009)

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

CONTENTS: **Child restraint systems and limited driving privileges for minors**

State Fiscal Highlights

STATE FUND	FY 2010 – FUTURE YEARS
Child Highway Safety Fund (Fund 4T40)	
Revenues	Potential gain, annual magnitude dependent on number of violations
Expenditures	Potential annual increase, commensurate with potential annual revenue gain
State Bureau of Motor Vehicles Fund (Fund 4W40)	
Revenues	- 0 -
Expenditures	One-time negligible programming costs in FY 2009

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- **Child Highway Safety Fund (Fund 4T40).** Any fines collected pursuant to a violation of the bill's child restraint system requirements would be directed for deposit in the state treasury to the credit of the Department of Health's existing Child Highway Safety Fund (Fund 4T40). The potential gain in revenues that might accrue to Fund 4T40 annually is uncertain.
- **State Bureau of Motor Vehicles Fund (Fund 4W40).** It appears that the Department of Public Safety's Bureau of Motor Vehicles (BMV) is likely to incur a relatively inexpensive one-time programming cost in order to ensure that the granting of limited driving privileges is properly recorded and electronically available to law enforcement. From LSC fiscal staff's perspective, this one-time cost might best be termed negligible and would most likely be paid from BMV's main financing source – the State Bureau of Motor Vehicles Fund (Fund 4W40).



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
Counties and Municipalities*	
Revenues	Potential minimal annual gain in court costs
Expenditures	Potential increase in criminal justice system operating expenses, not likely to exceed minimal annually
Townships*	
Revenues	- 0 -
Expenditures	Potential increase in law enforcement operating expenses, not likely to exceed minimal annually
Courts and Clerks of Courts (divisions of courts of common pleas handling juvenile traffic offenses)	
Revenues	- 0 -
Expenditures	Potential minimal annual cost to process driver's license information

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

*The associated annual fiscal effects for these noted governmental entities will likely not occur until sometime around FY 2010.

- **Criminal justice system expenditures.** If most of the violations are citation-based minor misdemeanors, then, to the degree that the bill's child restraint system requirements create tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

- **Courts of common pleas and affiliated clerks of courts.** LSC fiscal staff's research suggests that it should not require significant time and effort for the court of common pleas to consider granting limited driving privileges and, if granted, the affiliated clerk of court to issue the appropriate documentation and notify the BMV. Assuming this was true, and one was able to quantify that time and effort in terms of dollars and cents, that cost would generally be minimal at most annually.

- **Revenues.** For each guilty plea or conviction for a violation of the bill's child restraint system requirements, the county court or municipal court processing the matter would theoretically order the offender to pay court costs. The magnitude of that potential revenue gain per year for any affected county or municipality is uncertain.

Detailed Fiscal Analysis

This fiscal analysis is divided into two sections, as follows:

- I. Child Restraint Systems
- II. Limited Driving Privileges for Minors

I. Child Restraint Systems

Overview of bill's child restraint systems provisions

For the purposes of this section of the fiscal analysis, the bill most notably:

- Requires certain children who are between four and eight years of age to be secured in a booster seat, a violation of which is a "secondary traffic offense."
- Classifies a violation of the requirement described in the above dot point as a minor misdemeanor on a first offense and a fourth-degree misdemeanor on each subsequent offense.
- Directs, as under current law for the handling of fines for child restraint system violations, that fines collected for violation of the requirement described in the above dot points be deposited in the state treasury to the credit of the Department of Health's existing Child Highway Safety Fund (Fund 4T40).
- Specifies that the child restraint requirements do not apply when an emergency exists under certain specified circumstances.
- Delays the effective date of the booster seat provisions by six months and provides that for six months following that time, any person who violates the booster seat requirements must be given a warning and not a ticket, citation, or summons.

Certain misdemeanor sentences and fines

Table 1 below outlines the potential sentences and fines associated with the bill's two misdemeanor offenses. These sentences and fines reflect current law generally for an offense classified as a minor misdemeanor or a fourth-degree misdemeanor. Under the bill, if an offender pleads guilty to, or is convicted of, a first offense (minor misdemeanor) involving a violation of a child restraint system requirements, the court is required to impose a fine of not less than \$25 nor more than \$75. Under current law, the fine cannot be less than \$25.

Table 1
Sentences and Fines for Certain Misdemeanors Generally

Offense Level	Maximum Fine	Term of Incarceration
Fourth-Degree Misdemeanor	\$250	Possible jail term of not more than 30 days
Minor Misdemeanor	\$150	Citation issued; No arrest

Local fiscal effects

Criminal justice system expenditures

For the purposes of this analysis, LSC fiscal staff assumes that the bulk of the violations that occur subsequent to the bill's enactment will result in a law enforcement officer issuing a citation for the commission of a minor misdemeanor rather than arresting a person for the commission of a fourth-degree misdemeanor. In lieu of making a court appearance on the citation, a person is permitted to pay the amount of fines and court costs to the office of the clerk of the court in person or by mail. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree that the bill's child restraint system requirements create tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.

Court cost revenues

For each guilty plea or conviction for a violation of the bill's child restraint system requirements, the county court or municipal court processing the matter would theoretically order the offender to pay court costs. The magnitude of that potential revenue gain per year for any affected county or municipality is uncertain. An additional unknown is the frequency with which courts might waive court costs, or, if imposed, never collect any money, as some offenders will be unwilling and/or financially unable to pay.

State fiscal effects

Child Highway Safety Fund

Current law directs fines collected for violations of the state's existing child restraint system requirements for deposit in the state treasury to the credit of the Department of Health's Child Highway Safety Fund (Fund 4T40) and requires the money in the fund to be used by the Department only to defray the cost of designating hospitals as pediatric trauma centers and to establish and administer a child highway safety program. Any fines collected pursuant to a violation of the bill's requirements would also be directed for deposit in Fund 4T40. The potential gain in revenues that might accrue to Fund 4T40 annually is uncertain.

II. Limited Driving Privileges for Minors

Overview of bill's limited driving provisions

For the purposes of this section of the fiscal analysis, the bill most notably permits a court, under certain circumstances, to grant limited driving privileges to a probationary driver's license holder who is subject to operating restrictions as a result of a first moving violation.

State and local revenue effects

These provisions of the bill will have no direct effect on revenues of the state or any of its political subdivisions.

State and local expenditure effects

State expenditures

Under current law, the Department of Public Safety's Bureau of Motor Vehicles (BMV) receives driver's license information from courts and maintains it in an electronic form that is intended to be readily available to law enforcement and other appropriate authorities. Presumably, subsequent to the bill's enactment, in addition to the current practice of informing the BMV that the holder of a probationary driver's license has committed a moving violation and is subject to operating restrictions, a court would also inform the BMV that it has granted that person certain limited driving privileges.

In discussions with LSC fiscal staff relative to the bill's state fiscal effects, BMV staff noted that it would likely incur a relatively inexpensive one-time programming cost in order to ensure that the granting of limited driving privileges is properly recorded and electronically available to law enforcement. From LSC fiscal staff's perspective, this one-time cost might best be termed negligible and would most likely be paid from BMV's main financing source – the State Bureau of Motor Vehicles Fund (Fund 4W40).

Local expenditures

LSC fiscal staff's research suggests that it should not require significant time and effort for the court of common pleas to consider granting limited driving privileges and, if granted, the affiliated clerk of court to issue the appropriate documentation and notify the BMV. Assuming this was true, and one was able to quantify that time and effort in terms of dollars and cents, that cost would generally be minimal at most annually.

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