



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 93 of the 128th G.A.      **Date:** December 3, 2009

**Status:** As Reported by House Public Safety & Homeland Security      **Sponsor:** Rep. Skindell

**Local Impact Statement Procedure Required:** No — Minimal cost

**Contents:** Bicycle helmets

### State Fiscal Highlights

#### STATE FUND

#### FY 2011\* – FUTURE YEARS

##### Bicycle Safety Fund (New Fund)

Revenues	Potential gain in fines plus investment earnings, minimal at most
Expenditures	Potential increase, up to available revenues

##### Indigent Defense Support Fund (Fund 5DY0)

Revenues	Potential gain in locally collected state court costs, minimal at most
Expenditures	- 0 -

##### Victims of Crime/Reparations Fund (Fund 4020)

Revenues	Potential gain in locally collected state court costs, minimal at most
Expenditures	- 0 -

##### Department of Public Safety

Revenues	- 0 -
Expenditures	Potential increase for administration of Bicycle Safety Fund, minimal at most

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

\*For the purposes of this fiscal analysis, it is assumed that the bill's potential state fiscal effects would occur no sooner than FY 2011.

- **Bicycle Safety Fund.** The revenue credited to the Bicycle Safety Fund will consist of: (1) each \$25 fine for a violation and (2) any investment earnings earned on the moneys deposited in the fund. The amount of revenue that may be credited to the fund annually is uncertain, as is the amount of money that might be expended annually.
- **Court cost revenues.** If, as assumed herein, the number of violators annually statewide will be relatively small, then the amount of additional revenue that might be generated annually in the form of locally collected state court costs and deposited to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020) would be minimal at most. A minimal gain in state revenue means an estimated increase of less than \$100,000 for either state fund per year.

- **Department of Public Safety.** It seems reasonable to conclude that, whatever the potential increase in ongoing administrative expenses the Department may incur as a result of this bill, their cost is unlikely to exceed minimal. Herein, minimal state costs means expenses estimated at less than \$100,000 per year.

## Local Fiscal Highlights

### LOCAL GOVERNMENT

### FY 2010 – FUTURE YEARS

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#### Counties and Municipalities (law enforcement, courts, clerks of courts)

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Revenues	Potential gain in court costs and fines, likely minimal at most
Expenditures	Potential increase for law enforcement and courts to enforce and process violations, likely minimal at most

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#### Townships (law enforcement)

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Revenues	- 0 -
Expenditures	Potential law enforcement cost increase, likely minimal at most

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

- **Local criminal justice system expenditures.** If, as assumed herein, the number of citations issued in any given jurisdiction is relatively small, then the local enforcement and administrative costs are likely to be minimal at most. A minimal local expense is estimated at less than \$5,000 for any affected jurisdiction per year.
- **Local revenues.** If, as assumed herein, the number of violators that might be cited annually in any given jurisdiction will be relatively small, then the amount of additional revenue that might be generated annually for deposit in the appropriate local treasury will be minimal at most. A minimal gain in local revenue means an estimated increase of less than \$5,000 for any affected jurisdiction per year.

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## Detailed Fiscal Analysis

### Overview

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

- Requires a bicycle operator and any passenger under the age of 18 to wear a protective helmet.
- Imposes a \$25 fine for a violation of the requirement.
- Forwards all fines collected for a bicycle helmet violation for deposit in the state's Bicycle Safety Fund, which the bill creates.
- Directs the Department of Public Safety use the moneys in the fund to assist low-income families in the purchase of bicycle helmets.
- Specifies that, for the period of one year after its effective date, a law enforcement officer may only issue a warning explaining the bill's provisions.

### Local fiscal effects

To date, LSC fiscal staff has contacted a few of the roughly two dozen Ohio jurisdictions that have enacted local ordinances that are similar to the bill's mandatory bicycle helmet provision. Based on the ensuing discussions, it appears that local law enforcement does not expend much time and effort in enforcing these ordinances, few persons are cited for violations, and little, if any, revenue is collected in fines and related court costs.

#### Local court cost revenues

In addition to the \$25 fine, the court would generally impose on each violator local court costs, the amount of which would vary from jurisdiction to jurisdiction. If, as assumed herein, the number of violators that might be cited annually in any given jurisdiction will be relatively small, then the amount of additional revenue that might be generated annually for deposit in the appropriate local treasury will be minimal at most. A minimal gain in local revenue means an estimated increase of less than \$5,000 for any affected jurisdiction per year.

#### Local criminal justice system expenditures

Local entities potentially affected by the bill's bicycle helmet provision include the following:

- County, municipal, and township law enforcement agencies that would be charged with enforcing the requirement.
- County and municipal courts that might have to adjudicate contested citations.
- County and municipal clerks of courts who would have to collect the \$25 fine and forward it for deposit in the state treasury.

If, as assumed herein, the number of citations issued in any given jurisdiction is relatively small, then the local enforcement and administrative costs are likely to be minimal at most. A minimal local expense is estimated at less than \$5,000 for any affected jurisdiction per year.

## **State fiscal effects**

### **State revenues**

#### **Bicycle Safety Fund**

The revenue credited to the Bicycle Safety Fund will consist of: (1) each \$25 fine for a violation and (2) any investment earnings earned on the moneys deposited in the fund. The amount of revenue that may be credited to the fund annually is uncertain. There are, however, a few factors that may act as a constraint on revenue generation as follows:

- The court of jurisdiction is permitted to waive the \$25 fine if the violator can provide the court with satisfactory proof that the person has a helmet.
- Law enforcement officers are only permitted to issue written warnings rather than citations for one year after the bill's enactment.
- Ohio jurisdictions that currently have a similar ordinance already in place, cite few persons for violations and collect little, if any, related fine and court cost revenue.

#### **Court costs**

In addition to the \$25 fine, the court would generally impose on each violator state court costs totaling \$29. Of that amount, \$20 would be deposited in the Indigent Defense Support Fund (Fund 5DY0) and \$9 would be deposited in the Victims of Crime/Reparations Fund (Fund 4020). If, as assumed herein, the number of violators annually statewide will be relatively small, then the amount of additional revenue that might be generated annually for deposit in either state fund would be minimal at most. A minimal gain in state revenue means an estimated increase of less than \$100,000 for either state fund per year.

### **State expenditures**

#### **Bicycle Safety Fund**

As the amount of revenue that may be generated annually for deposit in the Bicycle Safety Fund is uncertain, the potential magnitude of any expenditure from the fund annually is uncertain as well.

#### **Department of Public Safety administrative expenses**

LSC fiscal staff contacted the Department of Public Safety to inquire about any potential administrative costs associated with managing the Bicycle Safety Fund; at this time, the Department is internally reviewing the bill and has not reached any firm conclusions. Having said that, from LSC fiscal staff's perspective, it seems reasonable to

conclude that, whatever the potential increase in ongoing administrative expenses the Department may incur as a result of this bill, their cost is unlikely to exceed minimal. Herein, minimal state costs means expenses estimated at less than \$100,000 per year.

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