



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [H.B. 179 of the 128th G.A.](#) **Date:** June 23, 2009
Status: As Introduced **Sponsor:** Rep. Letson

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Seizure of motorcycle

State Fiscal Highlights

STATE FUND	FY 2010 – FUTURE YEARS
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State Highway Safety Fund (Fund 7036)

Revenues	- 0 -
Expenditures	Potential increase, not likely to exceed minimal annually

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

- **Ohio State Highway Patrol.** The Patrol, which is primarily financed by moneys appropriated from the State Highway Safety Fund, may incur, at most, a minimal ongoing cost to comply with the bill's duties.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
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County, Municipal, and Township Law Enforcement Agencies

Revenues	- 0 -
Expenditures	Potential increase, not likely to exceed minimal annually

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

- **Local law enforcement agencies.** County, municipal, and township agencies may incur, at most, a minimal ongoing cost to comply with the bill's duties.

Detailed Fiscal Analysis

Operation of the bill

When, based on probable cause that a crime involving a vehicle identification number has occurred, a law enforcement officer or agency seizes a motorcycle or motorcycle part, the bill:

- Requires it to be transported, secured, and stored in a manner that protects it from damage.
- Requires the officer or agency to perform certain duties within 30 days of the seizure, including its return to the appropriate person.
- Provides that the state or a political subdivision that is associated with that officer or agency is liable in a civil action for negligent failure to protect from damage or comply with certain duties.

Seizure and return of motorcycle

In researching the bill's fiscal implications, LSC fiscal staff consulted with, among others, the Ohio Chiefs of Police Association, the Ohio State Highway Patrol, and the Columbus Police Department. One area of concern consistently noted was the provision requiring law enforcement to locate a vehicle identification number (VIN) and then return the motorcycle or motorcycle part within 30 days of seizure. By most accounts, it seems as though the process for locating a VIN is not always easy and can in fact be tedious and time consuming if the VIN is in any way damaged.

That said, the bill provides that a law enforcement officer or agency make a "good faith effort" to locate a VIN and return a vehicle, which, presumably, expands that 30-day time frame and thus potentially limits or absolves the liability of an officer or agency, in the event a VIN cannot be located within 30 days of seizure. LSC fiscal staff's research suggests that it is current practice for law enforcement agencies to make a good faith effort in locating a VIN and returning seized vehicles to their rightful owners.

Civil liability

The bill establishes a limited civil liability if the law enforcement officer or agency fails to comply with specified guidelines. Of concern to the law enforcement community was their financial exposure should damage occur that was incidental to transportation and storage. LSC fiscal staff's research suggests claims that a seized motorcycle or motorcycle part has been damaged by law enforcement are generally infrequent statewide. Thus, it appears highly unlikely that the bill will necessitate a major shift in current practice regarding vehicle storage, nor would it likely result in a need to erect, or contract with, a more secure storage facility.

For example, during the past ten years, the Columbus Police Department received only five claims on damaged vehicles and paid the rightful owner in two of those instances. It is important to note, also, that the Columbus Police Department's impound lot is uncovered and therefore exposed to the elements. The law enforcement officials staffing the impound lot were unaware of a single weather-related claim filed against the Department in the last six years.

State and local fiscal effects

To the degree that the bill's enactment will generate any fiscal effects, it will primarily be in terms of the additional costs that the Ohio State Highway Patrol, as well as county, municipal, and township law enforcement agencies, might incur to comply with the guidelines governing the seizure of a motorcycle. LSC fiscal staff has not collected any information suggesting that the bill's guidelines represent a significant departure from the manner in which the law enforcement community in Ohio generally handles the seizure and return of vehicles. Given that reality, it seems unlikely that the potential annual state or local compliance costs will exceed minimal.