



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 99 of the 129th G.A.](#)

**Date:** May 15, 2012

**Status:** As Enacted

**Sponsor:** Reps. Damschroder and Garland

**Local Impact Statement Procedure Required:** No

**Contents:** Texting while driving ban

### State Fiscal Highlights

- The Ohio State Highway Patrol may incur a minimal annual cost to enforce the texting while driving ban contained in the bill, and may generate a minimal annual amount of revenue from a portion of the fines collected by local jurisdictions in which drivers were apprehended by the Patrol.
- In addition, the state may collect a minimal amount of additional court cost revenue annually that will be apportioned between four state funds.
- The bill requires the Director of Public Safety to establish rules requiring driver education courses to include instruction in the dangers of driving a motor vehicle while texting. This provision will not result in more than a negligible increase in expenditures for the Department.

### Local Fiscal Highlights

- The cost for a local jurisdiction to enforce and process violators of the texting ban will be minimal at most and, in addition, the local jurisdiction will gain an offsetting amount of revenue from the fines collected as a result of violations.

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## Detailed Fiscal Analysis

The bill prohibits, subject to certain exceptions, a person from driving a vehicle while text messaging or typing on a mobile communication device and establishes the violation as a secondary traffic offense. The bill also prohibits a person who is less than 18 years old from using, also subject to certain exceptions, any electronic wireless communications device while driving. A violation of these prohibitions is a minor misdemeanor, which carries a fine of not more than \$150, and, for a minor, a license suspension of 60 days. The bill also requires driver education courses to include instruction in the dangers of texting while driving.

### Texting while driving ban

Currently several Ohio jurisdictions have enacted texting while driving bans, including Brooklyn, Cincinnati, Cleveland, Columbus, Delaware, North Olmstead, Toledo, and Walton Hills. To date, those jurisdictions have issued relatively few tickets, citations, or summons (e.g., Cleveland has issued just over 100 citations since the enactment of its ban in late 2009). As the bill establishes a violation of the ban on texting while driving as a secondary offense for most drivers, the enactment of a statewide ban is likely to generate a no more than minimal annual increase in enforcement and case processing costs, with any fines and license reinstatement fees collected as a result of any citations likely offsetting those increased costs.

For the first six months following the prohibition's effective date, a law enforcement officer is permitted to issue a warning, but may not issue a ticket, citation, or summons. This provision will delay the collection of any revenues that might otherwise have been collected. It is also possible that, as this delay will serve to publicize the prohibition, the rate of compliance may improve, thereby decreasing the potential number of citations generated from observed violations.

### Driver education

The bill mandates the Director of Public Safety to require, as part of the existing driver education rules, that the classroom instruction portion of driver education for new drivers under the age of 18 include instruction in the dangers of driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. This provision will have no more than a negligible increase in expenditures for the Department to add to the rules related to driver education.