Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 99 of the 129th G.A. **Date**: March 16, 2011

Status: As Introduced **Sponsor**: Reps. Damschroder and Garland

Local Impact Statement Procedure Required: No

Contents: Texting while driving ban

State Fiscal Highlights

STATE FUND	FY 2012 – FUTURE YEARS
State Highway Safety Fund Group	
Revenues	Potential minimal annual gain in texting fines
Expenditures	Potential minimal annual increase to enforce texting ban
Certain Court Cost Funds	
Revenues	Potential minimal annual gain in locally collected state court costs
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2012 is July 1, 2011 – June 30, 2012.

- **State Highway Safety Fund Group.** The Ohio State Highway Patrol may incur a minimal annual cost to enforce the texting while driving ban, and may generate a minimal annual amount of fine revenue collected by the local jurisdictions in which drivers were apprehended by the Patrol. The Patrol's annual operating expenses are largely financed by money appropriated from the State Highway Safety Fund (Fund 7036). Fine revenues would be deposited to the credit of the Security, Investigations, and Policing Fund (Fund 8400).
- **Certain court cost funds.** The state may collect, at most, a minimal amount of additional court cost revenue annually that would be apportioned between four state funds: the Indigent Defense Support Fund (Fund 5DY0), the Victims of Crime/Reparations Fund (Fund 4020), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2011 – FUTURE YEARS
Counties, Municipalities, and Townships	
Revenues	Potential, likely no more than minimal, gain in court costs, fees, and fines
Expenditures	Potential minimal annual increase to enforce and process violations, likely offset to some degree by additional revenues collected

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

- **Local expenditures.** The cost for a local jurisdiction to enforce and process violators will be minimal at most. Although texting while driving is not uncommon, it is not likely that local law enforcement will, in general, expend much additional time and effort enforcing a ban, which means that the number of tickets, citations, or summons issued is going to be relatively small. It is also possible that strict enforcement might lead drivers to alter their behavior so as not to be caught.
- **Local revenues.** A local jurisdiction may gain revenue in the form of a fine, court costs, and fees collected from a driver that violates the texting ban. The number of drivers likely to be cited will be relatively small, especially if strictly enforced, suggesting that the amount of related revenues that will be collected from drivers annually is going to be minimal at most annually.

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. A violation of the prohibition is a minor misdemeanor, which carries a fine of not more $150.

Enforcement costs

Currently, a relatively small number of Ohio jurisdictions have enacted some form of texting while driving ban, including Brooklyn, Cleveland, North Olmstead, and Walton Hills. To date, those jurisdictions have issued relatively few tickets, citations, or summons. As: (1) a local law enforcement agency is generally not going to exert substantial additional time and effort to enforce the ban and (2) a local law enforcement agency's strict enforcement might lead drivers to alter their behavior so as not to be caught, an enactment of a statewide ban will generate a no more than minimal annual increase in enforcement and case processing costs. The same reasoning would also hold for the Ohio State Highway Patrol where its troopers travel state roads and highways.

Local entities potentially affected by the bill's restriction on text messaging include the following: (1) county, municipal, and township law enforcement agencies that would be charged with enforcing the prohibition and (2) traffic violations bureaus that would process violations, and county and municipal courts that might have to adjudicate contested violations.

Revenues

A driver found to have violated the texting while driving ban would be required to pay a fine and a mix of state and local court costs and fees summarized in the table below.

Fine, Fees, and Costs for Violation of Texting While Driving Ban		
Financial Penalty Component	**Amount Paid by Violator**	**Recipient of Amount**
Fine	Up to $150, minor misdemeanor fine that varies by local jurisdiction	• Retained by county if violation of state law • Retained by municipality or township if violation of local ordinance • Forwarded for deposit in state Security, Investigations, and Policing Fund (Fund 8400) if violator cited by the Ohio State Highway Patrol
Local court costs and fees	Up to between $40 and $100 or more, varies by local jurisdiction	Generally retained by the county or municipality with subject matter jurisdiction over traffic violations
State court costs	$37.50	Deposited in state treasury as follows: • $25 to the Indigent Defense Support Fund (Fund 5DY0) • $9 to the Victims of Crime/Reparations Fund (Fund 4020) • $3.40 to the Drug Law Enforcement Fund (Fund 5ET0) • $0.10 to the Justice Program Services Fund (Fund 4P60)

The amount that any given local jurisdiction or the state will collect from these additional sources of revenue will be minimal at most annually, as the number of drivers to be issued a ticket, citation, or summons will likely be relatively small. This is because many law enforcement officers will likely have higher priority tasks while on duty, and drivers in jurisdictions that implement a strict enforcement policy will generally alter their conduct so as not to be caught.

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 tickets, citations, and summons generated from observed violations.

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