



Ohio Legislative Service Commission

Sara D. Anderson

Fiscal Note & Local Impact Statement

Bill: S.B. 114 of the 129th G.A.

Date: March 29, 2011

Status: As Introduced

Sponsor: Sen. Seitz

Local Impact Statement Procedure Required: No

Contents: Establishes conditions for the operation of certain specialized motor vehicles and adds prohibitions related to window tinting

State Fiscal Highlights

STATE FUND	FY 2012	FY 2013 – FUTURE YEARS
State Bureau of Motor Vehicles Fund (Fund 4W40) – Department of Public Safety		
Revenues	Potential increase, depending on the number of specialized vehicles that will be registered	Potential increase, depending on the number of specialized vehicles that will be registered
Expenditures	Negligible cost to process additional registrations	Negligible cost to process additional registrations
Motor Vehicle Dealers Board Fund (Fund 5390) – Department of Public Safety		
Revenues	- 0 -	- 0 -
Expenditures	One-time increase to create database to track violations of window tinting provisions, magnitude uncertain	Potential increase to monitor database, not likely to exceed minimal
Occupational Licensing and Regulatory Fund (Fund 4K90) – Board of Motor Vehicle Collision Repair Registration		
Revenues	- 0 -	- 0 -
Expenditures	Increase for additional investigator, office assistant, and equipment	Increase for additional investigator, office assistant, and equipment

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

- **State Bureau of Motor Vehicles Fund (Fund 4W40).** The bill would require that certain specialized motor vehicles be registered if they operate on public roads. This could result in a gain in revenue to Fund 4W40, depending on the number of specialized vehicles that would be newly registered. The magnitude of any gain in revenue to the fund is uncertain.
- **Motor Vehicle Dealers Board Fund (Fund 5390).** The bill would require the Motor Vehicle Dealers Board, located within the Department of Public Safety, to track violations of the window tinting provisions. The Board indicated that it would have to create a database to track the violations. There could be a one-time increase in expenditures to create the database and then ongoing increases in expenditures to

monitor and maintain the database, but the magnitude of any increase in expenditures is uncertain.

- **Occupational Licensing and Regulatory Fund (Fund 4K90).** The Board of Motor Vehicle Collision Repair Registration would also be required under the bill to track violations of the window tinting provisions. The Board has indicated that it would have to hire an additional investigator and purchase equipment in order to comply with the increased responsibilities required under the bill. In addition, if window tinting companies are required to register, the Board would also need to hire an additional office assistant. This would mean an increase in expenditures for the Board, the magnitude of which is uncertain.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2011 – FUTURE YEARS

Counties and Municipalities

Revenues	Potential gain in additional fine revenues, not likely to exceed minimal
Expenditures	Potential minimal increase to process and handle any new civil actions

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

- **Revenues.** Counties could see limited gains in additional fine revenues collected as a result of the misdemeanor enhancement (from a minor misdemeanor to a misdemeanor of the fourth degree). Counties and municipalities may also experience growth in revenues from filing fees for the civil actions allowed under the bill. Given the expectation that only a small number of window tinting establishments would ever be charged with prohibitions under the bill, any additional revenues collected would likely be very small.
- **Expenditures.** Counties and municipalities could experience increases in expenditures related to additional civil actions filed and subsequently heard in the various courts and from costs associated with the required paperwork that must be filed with the relevant state board under the terms of the bill. Any increase in these types of expenditures is unlikely to exceed minimal.

Detailed Fiscal Analysis

Overview

From a fiscal perspective, the bill primarily does the following:

- Establishes conditions for the operation of certain specialized vehicles on public roads.
- Adds prohibitions related to violations of current window tinting standards.
- Increases the penalty and establishes civil liability for installing nonconforming glass or other material.
- Requires the Motor Vehicle Dealers Board and the Board of Motor Vehicle Collision Repair Registration to maintain a list of violators and, in certain cases, to suspend the license or registration of a company who installed the nonconforming glass.

Operation of specialized motor vehicles

State fiscal effects

The bill establishes conditions for the operation of certain specialized motor vehicles on public roads. In order to operate a vehicle on a public road, the operator must have it registered. The State Bureau of Motor Vehicles Fund (Fund 4W40) could see a gain in revenues if new vehicles are registered, but how large a gain is dependent on how many of those vehicles are registered.

Local fiscal effects

The bill specifies that it does not prevent a local jurisdiction from adopting more stringent ordinances, resolutions, or regulations governing the operation of low-speed vehicles or motor-driven cycles. This provision is unlikely to have any significant fiscal impact on local governments.

Motor vehicle window tinting

State fiscal effects – Motor Vehicle Dealers Board

The bill would require the Motor Vehicle Dealers Board, located within the Department of Public Safety, to track violations by licensed motor vehicle dealers of the window tinting provisions. The Board indicated that it would have to create a database to track any violations. There could be a one-time increase in expenditures to create the database and then ongoing increases in expenditures to monitor and maintain the database, but the magnitude of any increase in expenditures to the Motor Vehicle Dealers Board Fund (Fund 5390) is uncertain. Additionally, the Board noted that it did not have any records of any window tinting violations in the last several years.

State fiscal effects – Board of Motor Vehicle Collision Repair Registration

The Board of Motor Vehicle Collision Repair Registration would also be required under the bill to track violations of the window tinting provisions. The Board has indicated that it would have to hire an additional investigator and purchase equipment in order to comply with the increased responsibilities required under the bill. In addition, if window tinting companies are required to register, the Board would also need to hire an additional office assistant. This would mean an increase in expenditures for the Board, the magnitude of which is uncertain. Any increase in expenditures would impact the Occupational Licensing and Regulatory Fund (Fund 4K90). Given the Board's current budget constraints, any additional expenditures of this sort would be difficult to manage.

Local fiscal effects

Revenues

The bill increases the penalty for installing nonconforming glass or other material from a minor misdemeanor to a misdemeanor of the fourth degree. This could result in a gain in fine and court cost revenues for counties, depending on the number of violations. The local courts could also see a gain in revenues from filing fees related to civil liability cases allowed under the bill. Again, the magnitude of any gain in filing fee revenues is uncertain.

Expenditures

The provisions in the bill related to window tinting could result in an increase in the number of cases filed, and subsequently heard, in the courts of record. There could also be an increase in the amount of paperwork that needs to be processed by the court in order to file the court abstracts with either the Motor Vehicle Dealers Board or the Board of Motor Vehicle Collision Repair Registration. It is unlikely that either of these activities would exceed minimal, given the small number of cases involved.