



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** Sub. S.B. 114 of the 129th G.A.      **Date:** September 27, 2011  
**Status:** As Reported by Senate Highways & Transportation      **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 – FUTURE YEARS

##### State Bureau of Motor Vehicles Fund (Fund 4W40) – Department of Public Safety

Revenues Potential annual increase, magnitude dependent on registrations, permits, endorsements

Expenditures Negligible annual cost to process additional registrations

##### Motor Vehicle Dealers Board Fund (Fund 5390) – Department of Public Safety

Revenues - 0 -

Expenditures One-time minimal increase to create database to track violations of window tinting provisions; negligible ongoing annual cost to maintain database

##### Occupational Licensing and Regulatory Fund (Fund 4K90) – Board of Motor Vehicle Collision Repair Registration

Revenues Likely annual gain in licensing fees plus potential gain in fine moneys

Expenditures Potential annual increase of between \$75,000 and \$150,000 to hire and equip two additional staff for the Motor Vehicle Repair Board

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. It also establishes a motor scooter temporary instruction permit and license or endorsement. These provisions could result in a gain in revenue to Fund 4W40, with the magnitude dependent on the number of specialized vehicles that would be newly registered and motor scooter permits and endorsements issued.
- **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 minimal increase in expenditures to create the database and then a negligible ongoing annual cost increase to monitor and maintain the database.

- **Occupational Licensing and Regulatory Fund (Fund 4K90).** The bill changes the name of the Board of Motor Vehicle Collision Repair Registration to the Motor Vehicle Repair Board and requires it 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, since the bill requires window tinting companies to register, the Board would also need to hire an additional office assistant. The ongoing total annual cost of two new staff would be in the range of \$75,000 to \$150,000. In addition, the Board would see a gain in revenues from licensing fees and the possibility of fine moneys from violations of the bill's provisions.

## Local Fiscal Highlights

### LOCAL GOVERNMENT

FY 2012 – FUTURE YEARS

#### Counties and Municipalities

Revenues	Potential minimal annual gain from fines
Expenditures	Potential minimal annual increase to process violators

#### Franklin County Court of Common Pleas

Revenues	- 0 -
Expenditures	Potential minimal annual increase to process operator registration violations

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

- **Counties and municipalities.** Counties and municipalities 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). 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. Any additional costs to process these enhanced violations would be minimal.
- **Franklin County Court of Common Pleas.** The Franklin County Court of Common Pleas is given exclusive jurisdiction over motor vehicle repair operator registration violations. The annual cost to process these violations, which is likely to be a relatively small number in any given year, will be minimal.

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## **Detailed Fiscal Analysis**

The bill: (1) establishes conditions for the operation of certain specialized vehicles on public roads, (2) establishes a motor scooter temporary instruction permit and license or endorsement, (3) adds prohibitions related to violations of current window tinting standards, (4) increases the penalty and establishes civil liability for installing nonconforming glass or other material, (5) expands the jurisdiction of the Board of Motor Vehicle Collision Repair Registration (renamed the Motor Vehicle Repair Board) to require window tint installers to register with the Board, and (6) requires the Motor Vehicle Dealers Board and the Motor Vehicle Repair Board to maintain a list of violators.

### **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 bill also establishes a motor scooter temporary instruction permit and license or endorsement. The State Bureau of Motor Vehicles Fund (Fund 4W40) could see a gain in revenues if new vehicles are registered, as well as new motor scooter permits and endorsements are issued, but how large a gain is dependent on how many specialized vehicles are registered and new permits and endorsements are issued.

#### **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 an ongoing annual cost to monitor and maintain the database, but the magnitude of any increase in expenditures to the Motor Vehicle Dealers Board Fund (Fund 5390) is unlikely to exceed minimal. 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 bill renames the Board of Motor Vehicle Collision Repair Registration to the Motor Vehicle Repair Board. With a name change, the Board would need to replace its stationary, resulting in a one-time increase in expenditures. The Board 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, since the bill requires window tinting companies to register, the Board would also need to hire an additional office assistant. This would mean an increase in expenditures for the Board, the annual magnitude of which would be between \$75,000 and \$150,000. Any increase in expenditures would impact the Occupational Licensing and Regulatory Fund (Fund 4K90). Given the Board's current budget constraints, any additional expenditures would be difficult to manage.

The Board would also see a gain in revenues related to licensing fees and fines for new registrations of motor vehicle window tint operators as established by the bill. The gain in revenues to the Board is uncertain, as the number of motor vehicle window tint operators is currently unknown.

## **Local fiscal effects**

### **Counties and municipalities generally**

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 fines for counties and municipalities, with the magnitude dependent on the number of violations. The additional cost of processing these enhanced misdemeanor violations would be minimal at most.

### **Franklin County Court of Common Pleas**

The bill gives the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair registration violations. As the number of violations likely to be filed in that court in any given year will be relatively small, the annual case-processing costs would be minimal.