



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [S.B. 336 of the 129th G.A.](#)

**Date:** November 27, 2012

**Status:** As Introduced

**Sponsor:** Sens. Wagoner and Hughes

**Local Impact Statement Procedure Required:** Yes

**Contents:** Increases penalties for wrong way driving on an interstate highway

### State Fiscal Highlights

- The bill creates a new offense for driving under a specific license suspension that requires the court to impose a definite prison term of three years and permits the court to levy a fine of up to \$10,000. The cost of adding one more inmate in the prison system is approximately \$3,600 per year, according to the Department of Rehabilitation and Correction (DRC).

### Local Fiscal Highlights

- Under certain conditions, the bill requires an offender to appear in court to answer the charge of driving the wrong way on an interstate highway, rather than entering a written plea of guilty. Depending on the increase in caseloads due to this provision, local courts will experience an increase in costs.
- The bill creates another new offense for driving under a different specific license suspension that requires the court to impose a jail term of one year and permits the court to levy a fine of up to \$1,000. The cost of adding one more inmate to a local jail, which is much smaller than the prison system, is approximately \$23,725 per year.

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## Detailed Fiscal Analysis

The bill increases the penalties related to operating a motor vehicle on the wrong side of a divided interstate highway under certain conditions. It also creates a new offense of driving under a license suspension imposed for certain wrong-way driving.

### **Mandatory court appearance**

Under current law, a person charged with driving the wrong way on a divided interstate highway may enter a written plea of guilty and forego appearing in court. The bill requires offenders to appear in court to answer the charge if they drove the wrong way for 500 feet or more, or while committing an OVI offense, or were involved in a collision while driving the wrong way that caused physical harm or death to another person. This provision will likely increase the caseload of local courts. According to the Ohio State Highway Patrol, between 200 and 300 citations for wrong-way driving on a divided interstate highway are issued annually by the Patrol. However, it is not known how many of those citations meet the three conditions given by the bill. Also, LSC was unable to obtain data about citations issued by local law enforcement. Finally, some persons charged under current law likely choose to appear in court instead of entering a written plea. So, the potential increase in caseloads for the courts cannot be accurately estimated.

Courts generally are able to collect court costs as part of any citation issued under the bill, but any revenue gained may not be enough to balance the increase in expenditures due to the increased caseload. So, depending on the number of citations affected by the bill, local courts will experience an increase in costs as a result of the increased caseload. The state may see a minimal gain in locally collected state court costs to the credit of the Indigent Defense Support Fund (Fund 5DY0), used by the Public Defender, and to the Reparations Fund (Fund 4020), used by the Office of the Attorney General.

### **License suspensions**

Under continuing law, the sentence for an OVI conviction includes a license suspension. The bill also requires license suspensions for offenders convicted of driving the wrong way on a divided interstate highway under the other two conditions mentioned above. Specifically, if the offender drove the wrong way for 500 feet or more, a Class 7 suspension (not to exceed one year) must be issued. If the offender was involved in a collision causing physical harm or death to another person, a Class 3 suspension (for one to five years) must be issued. Generally license reinstatement fees are \$30 and are deposited to the credit of the State Bureau of Motor Vehicles Fund (Fund 4W40). As a result, Fund 4W40 may see a minimal gain in revenues related to license suspension reinstatement fees, depending on the number of suspensions.

The bill also creates a new offense of driving in violation of a license suspension issued for driving the wrong way. The bill requires the court to sentence an offender guilty of driving under the Class 7 suspension described above to a jail term of one year and permits the court to levy a fine of up to \$1,000. It costs a local jail approximately \$65 per day to house one inmate. For one person who is required to be sentenced to a one-year jail term, the cost for that locality would be \$23,725 (365 days x \$65). The bill requires the court to sentence an offender guilty of driving under the Class 3 suspension described above to a definite prison term of three years and permits the court to levy a fine of up to \$10,000. As with local jails, the prison system spends approximately \$65 per day per inmate. However, since the prison system is much larger than each local jail, the actual increase in costs of just one additional inmate is only about \$3,600 annually according to DRC.

*SB0336IN / dp*