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H.B. 222
(1_133_0550-2)
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 222's Bill Analysis](#)

Version: In House Ways and Means

Primary Sponsors: Reps. Stoltzfus and Howse

Local Impact Statement Procedure Required: No

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Highlights

Fund	FY 2021	FY 2022	Future Years
State General Revenue Fund			
Revenues	\$0	Loss of up to \$1.45 million	Loss of \$1.45 million or more per year, depending on credit carryforwards
Local Government and Public Library funds (counties, municipalities, townships, and public libraries)			
Revenues	\$0	Loss of up to \$51,000	Loss of \$50,000 or more per year, depending on credit carryforwards

Note: The state or school district fiscal year runs from July 1 through June 30 and is designated by the calendar year in which it ends. For other local governments, the fiscal year is identical to the calendar year.

- The bill creates a nonrefundable tax credit against the personal income tax (PIT) for employers that train their employees to be commercial vehicle operators. The credit applies to training expenses incurred on or after January 1, 2021, and through calendar year 2024.
- The tax credit would reduce GRF tax revenue. In codified law, the revenue loss would be shared by the state GRF (96.68%), the Local Government Fund (LGF, 1.66%), and the Public Library Fund (PLF, 1.66%). Funds deposited into the LGF and PLF are distributed to counties, municipalities, townships, and public libraries according to statutory formulas and decisions by county budget commissions.

- The bill's \$65 increase in the commercial driver's license (CDL) skills test examination fee charged by the Department of Public Safety may generate roughly \$400,000 to \$700,000 annually for crediting to the existing Public Safety – Highway Purposes Fund (Fund 5TM0). The Department uses the fund's revenue for the purpose of enforcing and paying the expenses of administering the laws relative to the registration and operation of motor vehicles on public roads and highways.

Detailed Analysis

The bill creates a nonrefundable tax credit of up to \$25,000 against the personal income tax (PIT) for employers that train their employees to obtain a commercial driver's license (CDL) or to operate a commercial motor vehicle. If the amount of the credit exceeds the tax otherwise due in any year, the excess may be carried forward and applied to a future tax liability for up to five years. The credit applies to nonwage training expenses paid or incurred on or after January 1, 2021; 2024 is the final year for which training expenses may qualify for a credit. Nonwage training expenses are described in the bill as any cost customarily incurred by an employer to train an employee who is qualified to obtain a CDL or to operate a commercial motor vehicle.

To obtain the credit, an employer must first apply to the Director of Development Services with an estimate of the training expenses that the employer expects to pay in the upcoming year. The Director may certify up to \$50,000 of estimated training expenses as eligible for the tax credit for every application. Then, in January of the year after the year the expenses are incurred,¹ the employer applies to the Director for the tax credit, which equals one-half of the employer's actual training expenses.

The bill specifies that the total training expenses that may be certified in any year (for all applicants) may not exceed \$3 million. The tax credits that may be awarded are 50% of the certified training expenses, yielding a maximum revenue loss the first year of \$1.5 million. However, if in any year the amount of credits awarded is less than the annual cap, the difference may be carried forward and added to the maximum amount to be awarded the following year. This fiscal note assumes that the first year the credit may be used against the PIT would be FY 2022 (tax year 2021). Due to the provision regarding nonawarded credits carried forward to another year, it is possible the fiscal cost of the bill may exceed the cap of \$1.5 million in FY 2023 or in subsequent years, dependent on the amount and timing of credit awards by the Director of Development Services and the Ohio Tax Credit Authority, and credit carryforwards by taxpayers. The bill includes a sunset provision after four years.

Under codified law, the GRF would bear 96.68% of any revenue loss starting in FY 2022 (tax year 2021), while the Local Government Fund (LGF) and Public Library Fund (PLF) would each bear 1.66% of any such revenue loss. Thus, the GRF loss would be up to \$1.45 million in FY 2022 and the combined loss to the LGF and PLF would be up to \$50,000.

¹ The bill specifies that this application may be submitted after January 1 and before January 21.

Commercial driver's license skills test examination fee

The bill increases the commercial driver's license (CDL) skills test examination fee charged by the Department of Public Safety by \$65, from \$50 to \$115. This makes the examination fees charged by the Department equivalent to the maximum amount a private or locally operated skills testing facility may charge for the skills examination. There are currently 15 CDL skills/testing locations in Ohio: two operated by the state Bureau of Motor Vehicles, 11 by private vendors, and two by local public entities (Cuyahoga Community College, and the Pike County Joint Vocational School).

From calendar years (CYs) 2014 through 2018, the number of CDL skills tests administered by the Department averaged 9,007 annually, with a low of 6,675 in CY 2018 and a high of 10,360 in CY 2015. These numbers suggest that, in the future, the \$65 fee increase may generate roughly \$400,000 to \$700,000 annually. Under current law, unchanged by the bill, CDL skills test examination fees charged by the Department are credited to the existing Public Safety – Highway Purposes Fund (Fund 5TM0). Fund 5TM0 is used by the Department for the purpose of enforcing and paying the expenses of administering the laws relative to the registration and operation of motor vehicles on public roads and highways.

Synopsis of Fiscal Effect Changes

- The substitute bill applies to training expenses incurred in calendar year 2021 or thereafter, and includes a sunset provision after four years. The As Introduced bill would apply to training expenses incurred on or after January 1, 2020.
- The substitute bill increases the commercial driver's license (CDL) skills test examination fee charged by the Department of Public Safety by \$65, from \$50 to \$115. The number of CDL skills tests administered by the Department annually from CYs 2014 through 2018 suggest that, in the future, the fee increase may generate roughly \$400,000 to \$700,000 annually for crediting to Fund 5TM0. The As Introduced bill did not contain this provision.