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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

S.B. 134
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by Senate Transportation, Commerce & Workforce

Primary Sponsor: Sen. Gavarone

Local Impact Statement Procedure Required: No

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Highlights

- The bill's changes to the law regarding improperly passing a school bus are unlikely to create a discernible ongoing fiscal effect on counties and municipalities in terms of revenues generated or expenditures incurred. Any related increase in the Department of Rehabilitation and Correction's annual incarceration costs will be minimal.
- The bill creates new GRF line 768433, School Bus Camera Grants, with an appropriation of \$250,000 in FY 2020 and \$250,000 in FY 2021, to be distributed by the Department of Public Safety as grants to city, local, and exempted village school districts, and community schools that are responsible for providing transportation to students enrolled in the school to purchase and install bus cameras.
- The Department of Public Safety expects to be able to administer the School Bus Camera Grants Program utilizing existing staff and resources.

Detailed Analysis

Stopped school bus violations

The bill makes changes to the law regarding improperly passing a school bus, most notably: (1) creating the offense of vehicular harm,¹ and (2) enhancing the penalty for aggravated vehicular homicide and vehicular assault if the offense occurred because of a stopped school bus violation. These changes are not likely to generate many, if any, additional

¹ Vehicular harm generally is a felony of the fifth degree subject to a definite six to 12-month prison term, a fine of up to \$2,500, or both.

cases for local criminal justice systems to investigate, prosecute, and adjudicate, as the circumstances present already constitute criminal conduct. It is possible that some circumstances that might have been handled as a misdemeanor under current law will, under the bill, be treated as a felony. Depending upon the jurisdiction in which the offense occurred, such a misdemeanor could shift out of a municipal criminal justice system to the appropriate county criminal justice system with subject matter jurisdiction over felonies. As noted below, the available data suggests that the number of cases that may be affected in any given local jurisdiction is likely to be relatively small in the context of its total criminal caseload. This suggests that there is unlikely to be a discernible ongoing fiscal effect on counties and municipalities in terms of revenues generated or expenditures incurred.

The bill may result in: (1) a prison sentence where one may not have been imposed under current law, or (2) an increase in the amount of prison time that certain offenders may have served for such offenses as compared to current law. As there are likely to be a relatively small number of offenders affected in either manner each year, the associated incarceration costs for the Department of Rehabilitation and Correction (DRC) will be minimal. The marginal annual cost to add those offenders to the prison system is \$3,000 to \$4,000 per offender. The average prison time served for a felony of the fifth degree is less than one year (0.81 years).²

The number of stopped school bus violations in any given year that result in injury or death to a passenger as they are loading or unloading the bus is uncertain but likely to be very small. In calendar year (CY) 2017 (the most recent year for which data is currently available) there were 1,383 convictions for failing to stop for a stopped school bus. The Department of Public Safety does not track whether an injury results from such violations.

The Department of Public Safety produces an annual Ohio Traffic Crash Facts Book that contains school bus-related crash information. While not specific to stopped school bus violations, this data provides the number of school bus-related crashes that result in injury or death each year. The following table lists the number of stopped school bus violations for CYs 2013 through 2017, as well as the number of school bus-related crashes that resulted in death or injury when a school bus was indirectly involved (presumably, this is the category where injuries resulting from a stopped school bus violation would be reflected, as the school bus is not directly involved in the crash).

Stopped School Bus Violations & School Bus-Related Fatal/Injury Crashes, CYs 2013-2017					
Circumstance	2013	2014	2015	2016	2017
Stopped school bus violations	1,356	1,346	1,361	1,477	1,383
School bus-related fatal crashes (school bus indirectly involved)	0	1	0	1	1
School bus-related injury crashes (school bus indirectly involved)	49	44	45	49	59

² DRC's most recent average time served data is for calendar year 2016.

Department of Public Safety

Appropriation and grants for bus cameras

The bill creates new GRF line 768433, School Bus Camera Grants, with an appropriation of \$250,000 in FY 2020 and \$250,000 in FY 2021, to be distributed by the Department of Public Safety as grants to city, local, and exempted village school districts, and community schools that are responsible for providing transportation to students enrolled in the school to purchase and install bus cameras. The Director of Public Safety is: (1) required to establish procedures to implement and distribute the grants, including procedures governing an application process, and (2) required to submit a report annually to the Governor and the General Assembly not later than 90 days after the end of each fiscal year regarding the information gathered via the grant program.

Presumably, the Department of Public Safety will incur some, likely minimal, one-time costs to develop a school bus camera grants program, as well as some ongoing costs to receive applications, make grant awards, and submit reports to the Governor and the General Assembly in accordance with the bill. The Department expects to be able to administer the grant program utilizing existing staff and resources.

The cost to purchase and install cameras on school buses to capture images or video of drivers illegally passing a bus varies depending on the type and quality of camera and the method of procurement. It is common practice to have one camera per bus, usually located near the stop-arm on the driver's side, though some vendors offer options for additional cameras in the rear. The per-camera cost ranges from \$500 to \$1,400 based on the experience of Ohio school districts that have already purchased and installed such cameras.

Rule adoption on camera construction and design

The bill requires the Director of Public Safety, with the advice of the Superintendent of Public Instruction, to adopt rules relating to the construction and design of cameras to be placed on a school bus to capture an image or video of a motorist who passes a school bus that is stopped to load or unload passengers. The one-time operating costs to perform the necessary rule adoption activities are likely to be minimal at most, and absorbed by both the departments of Public Safety and Education by utilizing existing staff and resources.

“School Bus Safety Awareness Month”

The bill designates August as “School Bus Safety Awareness Month” to increase public awareness of the need to properly stop when a stopped school bus is loading and unloading passengers. This provision has no direct fiscal effect on the state or its political subdivisions, as it requires no action by the state or political subdivisions.