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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 73
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by Senate Local Government, Public Safety, & Veterans Affairs

Primary Sponsor: Sen. Brenner

Local Impact Statement Procedure Required: No

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Highlights

- The state may gain at most a minimal amount of court cost revenue annually to be apportioned between certain state funds.¹
- There may be a no more than minimal annual gain in fine, fee, and court cost revenue that is distributed pursuant to state law between counties, municipalities, and townships.

Detailed Analysis

The bill modifies the law governing yielding to pedestrians in crosswalks by requiring the driver of a vehicle to stop and yield the right-of-way to a pedestrian waiting at the curb to enter a crosswalk when there is no traffic control signal, in addition to when the pedestrian is in the crosswalk, as under current law. A violation is a minor misdemeanor that can elevate to either a fourth or third degree misdemeanor depending on the violator's prior record of traffic offenses. In the case of the commission of a minor misdemeanor, a law enforcement officer generally does not arrest a person, but instead issues a citation. In lieu of making a court appearance, that person, either online, in person, or by mail, can waive their right to contest the offense before the court or jury, and pay the total amount of the fine and court costs and fees to the clerk of the court.

¹ The state funds include the Indigent Defense Support Fund (Fund 5DY0), the Victims of Crime/Reparations Fund (Fund 4020), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

Enforcement and adjudication

The bill's requirement that a driver stop and yield the right-of-way to a pedestrian in additional circumstances may result in a minimal annual increase in the number of citations written for failure to yield to a pedestrian in a crosswalk for municipalities. For calendar year 2017, the Bureau of Motor Vehicles reported 550 convictions for failure to yield the right-of-way to a pedestrian within a crosswalk or a blind person. The number of those convictions specific to failure to yield the right-of-way to a pedestrian within a crosswalk is uncertain but likely accounts for the majority of those convictions reported. In the event that there is an increase in the number of such violations subsequent to the bill's enactment, there may be a no more than minimal annual gain in fine, fee, and court cost revenue collected and distributed pursuant to state law between the state, counties, municipalities, and townships. The bill is unlikely to result in any discernible effect on traffic law enforcement and adjudication costs.

Violation revenues

Under current law, a person who fails to yield to a pedestrian in a crosswalk is guilty of a minor misdemeanor moving violation of the state's traffic law and required to pay a fine and a mix of state and local court costs and fees. The fine, fees, and court costs that are specific to a moving violation are summarized in Table 1 below.

Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Up to \$150, minor misdemeanor fine that varies by local jurisdiction	<ul style="list-style-type: none"> ▪ Retained by county if violation of state law ▪ Retained by municipality or township if violation of local ordinance ▪ Forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if violator is cited by the Ohio State Highway Patrol
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality with subject matter jurisdiction over traffic violations
State court costs	\$37.50	Deposited in state treasury as follows: <ul style="list-style-type: none"> ▪ \$25 to the Indigent Defense Support Fund (Fund 5DY0) ▪ \$9 to the Victims of Crime/Reparations Fund (Fund 4020) ▪ \$3.40 to the Drug Law Enforcement Fund (Fund 5ET0) ▪ \$0.10 to the Justice Program Services Fund (Fund 4P60)

Misdemeanor penalty table

Table 2 below summarizes current law's jail terms and fines generally for minor, fourth, and third degree misdemeanor offense classifications.

Table 2. Jail Terms and Fines for Certain Misdemeanor Offenses Generally		
Classification	Fine	Possible Term of Incarceration
Minor Misdemeanor	Up to \$150	None
Misdemeanor 4 th degree	Up to \$250	Jail, not more than 30 days
Misdemeanor 3 rd degree	Up to \$500	Jail, not more than 60 days