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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 468  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 468's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Rep. Lightbody

**Local Impact Statement Procedure Required:** No

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### Highlights

- There may be a minimal annual gain in fine revenue collected from drivers cited for using a handheld electronic wireless communications device while driving by the Ohio State Highway Patrol and credited to the state's existing Security, Investigations, and Policing Fund (Fund 8400).
- Law enforcement agencies, including the Patrol, may incur additional costs if the officer or trooper who issued a citation has to appear in court for a traffic violation charge that otherwise might not have been issued or contested under existing law.
- The state may gain at most a minimal amount of court cost revenue annually to be apportioned between certain state funds.<sup>1</sup>
- There may be a minimal annual gain in fine, fee, and court cost revenue from traffic citations distributed pursuant to state law between counties, municipalities, and townships.

### Detailed Analysis

The bill makes the use of a handheld electronic wireless communications device while driving a primary traffic offense for all drivers instead of only those drivers who are under 18 years of age, as under existing law. The bill also modifies the law governing the use of a handheld

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<sup>1</sup> 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).

electronic wireless communications device while driving by expanding the prohibition to include viewing, playing, or otherwise interacting with any game or internet-based content, and using or manipulating any application that is either factory installed or downloaded to the device.

## Citation activity

Under existing law, use of an electronic wireless handheld communications device while driving is considered a secondary offense. This means that a law enforcement officer generally cannot issue a ticket, citation, or summons for use of an electronic wireless handheld communications device while driving unless the officer also arrests the driver or issues a ticket, citation, or summons for an offense other than a secondary offense. By making a violation a primary traffic offense, the state and those political subdivisions that have not already enacted stricter local ordinances may experience an increase in the number of citations issued for such behavior. The magnitude of any increase in citation activity would depend upon how aggressively the state and each political subdivision enforces the bill's prohibition, including their willingness to allocate resources to handle contested violations.

LBO is aware that some cities and villages have utilized their constitutional home rule authority to enact local ordinances making distracted driving a primary offense. As such, the bill will have no impact on those municipalities. While no comprehensive list of those municipalities exists, LBO's research suggests that at least 39 municipalities (listed in the table below) may already be enforcing distracted driving, including the use of a handheld wireless communications device while driving, as a primary offense.

Enforcement of Distracted Driving as a Primary Offense				
Municipalities with Local Ordinances				
Avon	Cincinnati	Hilliard	New Albany	University Heights
Bay Village	Cleveland	Huron	North Olmstead	Upper Arlington
Beachwood	Cleveland Heights	Kettering	North Royalton	Walton Hills
Belpre	Columbus	Lakewood	Pepper Pike	Wauseon
Bexley	Delaware	Lyndhurst	Portsmouth	Westerville
Brooklyn	Dublin	Mantua	Shaker Heights	Woodmere
Brook Park	Fairview Park	Marietta	South Euclid	Worthington
Canal Winchester	Granville	Moreland Hills	Toledo	

Note: Additional cities and villages may be enforcing distracted driving as a primary offense than those that are included in this table.

## Violation revenues

Under existing law, unchanged by the bill, the use of a handheld electronic wireless communications device while driving is a minor misdemeanor, subject to a fine of up to \$150. In the case 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 in person, by mail, or online where available, can waive their right to contest the offense before the court or jury, and pay the total amount of fines, fees, and court costs to the clerk of the court.

Because of increased citations issued under the bill, there will be a corresponding gain in the amount of fine, fee, and court cost revenue that is collected and distributed pursuant to state law between the state, counties, municipalities, and townships. The magnitude of any increase in fine, fee, and court cost revenue annually will depend upon how aggressively the state and each political subdivision enforces the bill's prohibition. The fine, and court costs and fees are summarized in the table below.

<b>Fine, Fees, and Costs for Use of a Handheld Electronic Wireless Communications Device While Driving</b>		
<b>Financial Penalty Component</b>	<b>Amount Paid by Violator</b>	<b>Recipient of Amount</b>
Fine	Up to \$150, minor misdemeanor fine that varies by local jurisdiction	<ul style="list-style-type: none"> <li>▪ Retained by county if violation of state law</li> <li>▪ Retained by municipality or township if violation of local ordinance</li> <li>▪ Forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if violator is cited by the Ohio State Highway Patrol</li> </ul>
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"> <li>▪ \$25 to the Indigent Defense Support Fund (Fund 5DY0)</li> <li>▪ \$9 to the Victims of Crime/Reparations Fund (Fund 4020)</li> <li>▪ \$3.40 to the Drug Law Enforcement Fund (Fund 5ET0)</li> <li>▪ 10¢ to the Justice Program Services Fund (Fund 4P60)</li> </ul>