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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 279
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by House Transportation

Primary Sponsors: Reps. Willis and Brown

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill appropriates \$25 million in FY 2025 to the Department of Education and Workforce to support (1) grants for the purchase of new safety features on school buses and (2) public awareness initiatives regarding school bus safety laws. The appropriation is supported by a cash transfer of the same amount from the GRF to the newly created School Bus Safety Fund (Fund 5BZ1), which will also receive fines collected for failing to stop for a stopped school bus.
- The bill is not expected to have a discernible effect on the caseloads and related annual operating costs of local criminal justice systems with jurisdiction over traffic law violations, but may result in a decrease in fine revenue that would otherwise have been credited to a county's treasury and used for the maintenance and repair of the highways within that county.
- The Ohio Department of Public Safety will incur minimal costs to: (1) draft and adopt rules relating to the construction and design of school bus camera equipment, (2) comply with the bill's graphic display requirement and creation of additional educational information for deputy registrar locations, and (3) establish a school bus safety course.

Detailed Analysis

The bill (1) appropriates \$25 million in FY 2025 for school bus safety initiatives, supported by a cash transfer of the same amount from the GRF to the newly created School Bus Safety Fund, (2) enhances penalties for failing to stop for a stopped school bus, (3) permits an image or video of a person who illegally passes a stopped school bus to be used as corroborating evidence that a violation occurred, and (4) places additional duties on the Ohio Department of Public Safety

(ODPS) related to the adoption of administrative rules, creation of educational materials, and school bus safety course development. Additional details are provided below.

School Bus Safety Fund

The bill appropriates \$25 million in FY 2025 to provide school bus safety grants to school districts and educational service centers (ESCs) and to educate the public on school bus safety. The Department of Education and Workforce (DEW) will administer the funds, which are appropriated in line item 2006A6, School Bus Safety, from the newly created School Bus Safety Fund (Fund 5BZ1). To capitalize the fund, the bill transfers \$25 million cash from the GRF to Fund 5BZ1. The fund will also consist of revenue from fines for failing to stop for a stopped school bus, as described below.

The bill's school bus safety grants are available to school districts and ESCs to purchase, install, or replace safety features on school buses. The bill provides discretion to DEW in establishing procedures and requirements associated with the grants, including grant amounts. Grantees must spend the funds within two years of receiving them. The bill allows DEW to use up to \$100,000 of the appropriation to administer the grant program. The bill reappropriates the available balance of item 2006A6 at the end of FY 2025 for the same purpose in FY 2026.

Failing to stop for a stopped school bus

The bill increases the base penalties for failing to stop for a stopped school bus and establishes new penalties for certain repeat offenders. The following table compares those penalties. Under continuing law, failing to stop for a stopped school bus is an unclassified misdemeanor and the bill specifies that the offender is not subject to a jail term or community residential sanction. In calendar year 2023, the Ohio State Highway Patrol (OSHP) reported a total of 735 criminal violations of illegally passing a school bus statewide.¹ For calendar years 2019 through 2023, that number totaled 3,135 and averaged 627 violations per year. It should be noted however, that OSHP generally enforces traffic laws along state-maintained roadways (e.g., highways and state routes). Statewide local law enforcement statistics are incomplete, but likely minimal per jurisdiction compared to overall traffic offenses. The number of those citations that involved repeat offenders is uncertain.

Failing to Stop for a Stopped School Bus			
Type of Penalty	Existing Law	H.B. 279 Penalties	
		First Offense	Subsequent Offense*
Points Assessed	2	2	4
Fine	Up to \$500	\$250 to \$1,000	\$350 to \$2,000
License Suspension	Class 7 (up to one year)	Class 6 (3 months to 2 years)	Class 5 (6 months to 3 years)

*Applies to a subsequent offense when the offender had a violation within a five-year period.

¹ These statistics were obtained from the Ohio State Highway Patrol's Statistical Analysis Unit and represent all of the Patrol's enforcement incidents involving R.C. 4511.75 and do not represent convictions.

By explicitly allowing images captured by school bus cameras to be used as evidence in these cases, it is possible that geographical areas covered by those school districts that have installed or, as a result of the bill, choose to install cameras on school buses may experience an indeterminate increase in convictions for stopped school bus violations. Thus, those geographical areas may also experience a related increase in fine revenue and the number of license suspensions imposed.

Local criminal justice systems

By permitting images captured by school bus cameras of those illegally passing a stopped school bus to be used to corroborate a school bus operator report of a violation, the bill could generate additional cases for municipal, county, and mayor's courts to adjudicate and sanction or make some existing cases easier to prosecute. Unlike certain other traffic offenses that can be settled without a court appearance, continuing law specifies that a person cited for failing to stop for a stopped school bus must appear in court to answer the charge.² If the bill generates additional cases due to the availability of evidence provided by cameras, local courts with jurisdiction over state traffic law violations would have to expend additional time and resources to dispose of those cases, the magnitude of which will vary by court depending on the number of violations reported and adjudicated.

Fine and fee revenue

Criminal fines

The bill diverts fine revenue that is currently collected and retained by courts for failing to stop for a stopped school bus and redirects it to the bill's School Bus Safety Fund. As a result, courts would lose up to \$500 in criminal penalty fine revenue for each failure to stop for a stopped school bus violation adjudicated that would otherwise have been paid into the county treasury where the violation occurred and used for the maintenance and repair of highways within that county.³ As seen in the above table, the School Bus Safety Fund may collect \$250 to \$2,000 in fine revenue from certain offenders convicted under the bill. The amount of fine revenue foregone by any given court and credited to the School Bus Safety Fund will depend on the number of failing to stop for a stopped school bus convictions and whether or not the offender had a prior conviction.

License reinstatement fees

Under continuing law, a court-ordered license suspension that is 90 days or longer is subject to a \$40 reinstatement fee. All failing to stop for a stopped school bus license suspensions imposed under the bill will be subject to the \$40 fee when it may not have applied under existing law. As a result, ODPS may experience a no more than minimal gain in annual license reinstatement fee revenue. Reinstatement fee revenue is credited to the Public Safety – Highway Purposes Fund (Fund 5TMO) and used in part to support the Bureau of Motor Vehicles' (BMV) operations.

² R.C. 4511.75(F)(1).

³ R.C. 4513.35.

School bus safety course

The bill requires an offender who has pleaded guilty to or been convicted of a failing to stop for a stopped school bus violation within a five-year period to attend and successfully complete a school bus safety course established by ODPS. For a first-time offender, the bill permits a court to impose a lesser fine of \$150 and waive the assessment of points that would otherwise be assessed against the offender for failing to stop for a stopped school bus if the offender successfully completes the school bus safety course within a specified time frame. This may generate additional administrative work for certain clerks of court by having to verify that an offender has successfully completed the school bus safety course and reduce to some degree the amount of fine revenue credited to the School Bus Safety Fund for violations. The magnitude of any impact will vary by court and will depend on the number of first-time offenders charged with failing to stop for a stopped school bus, as well as the number of those offenders that successfully complete the course.

The costs to ODPS to establish the course is likely to be minimal.

Administrative rules, educational materials and course development

The bill may result in additional one-time costs for ODPS and to a lesser extent DEW (who serves in a consultative role only), to adopt rules related to the construction and design of school bus camera equipment used to capture violations of illegally passing a stopped school bus. ODPS will also incur one-time costs to develop a graphic that instructs drivers to stop and yield to a stopped school bus and distribute those graphic cards to each of the approximately 200 deputy registrar locations statewide. Those costs are expected to be one-time and minimal, being absorbed utilizing existing staff and resources.

Additionally, the bill specifies that the Registrar and deputy registrars are to provide access to (instead of include, as under current law) specific school bus safety-related information whenever a driver's license or license plate (instead of only a license plate under current law) is issued, and expands that information to also include a summary of the process that allows a person with first-hand information regarding illegally passing a school bus to corroborate a school bus operator's report. The bill also requires that these materials be made available the Bureau of Motor Vehicles' website.

“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 political subdivisions, as it requires no action by the state or political subdivisions.