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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 233**  
**135<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 233's Bill Analysis](#)

**Version:** As Reported by House Transportation

**Primary Sponsors:** Sens. DeMora and Kunze

**Local Impact Statement Procedure Required:** No

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### **Highlights**

#### **School bus safety**

- The bill appropriates \$25 million from lottery profits in FY 2025 to the Department of Education and Workforce to support grants to school districts and educational service centers for the purchase of new safety features on school buses.
- 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 bill diverts fine revenue that is currently collected and retained by courts for failing to stop for a stopped school bus to the bill's newly created School Bus Safety Fund, which will be used for school bus safety grants and to educate the public about school bus safety laws.
- 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, and (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.

#### **On-track equipment**

- The bill may result in a small number of new traffic convictions related to railroad crossing violations issued by law enforcement officers annually.

- Any related costs to adjudicate these cases by local criminal justice systems would likely be offset, either in whole or in part, from revenue in the form of fines, fees, and court costs collected from violators. The state may gain a negligible amount of revenue related to the portion of fines that are remitted to the state for each conviction.

## Detailed Analysis

The bill (1) appropriates \$25 million from lottery profits in FY 2025 for school bus safety grants, (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, (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, and (5) requires all drivers to stop for on-track equipment that may be approaching a railroad crossing and certain vehicle operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing. Additional details are provided below.

### School bus safety grants

The bill appropriates \$25 million in FY 2025 from new Lottery Profits Education Fund (Fund 7017) line item 2006A6, School Bus Safety, for the Department of Education and Workforce (DEW) to provide school bus safety grants to school districts and educational service centers (ESCs). School districts and ESCs may use the grants 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 in line item 2006A6 to administer the grant program in FY 2025. The bill reappropriates the available balance of the line item at the end of FY 2025 for the same purpose in FY 2026.

### Other school bus safety provisions

#### 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 (CY) 2023, the Ohio State Highway Patrol (OSHP) reported a total of 735 criminal violations of illegally passing a school bus statewide.<sup>1</sup> For CYs 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.

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<sup>1</sup> 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.

Table 1. Failing to Stop for a Stopped School Bus			
Type of Penalty	Existing Law	S.B. 233 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.

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.<sup>2</sup> 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 new 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.<sup>3</sup> 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

<sup>2</sup> R.C. 4511.75(F)(1).

<sup>3</sup> R.C. 4513.35.

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.

The bill requires DEW to use the funds in the School Bus Safety Fund to provide school bus safety grants to school districts and ESCs to purchase, install, or replace safety features on school buses in the same manner as the grants funded by lottery profits described above. It also may be used by DEW and ODPS to educate the public on school bus safety laws.

### ***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.

### ***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.

### **On-track equipment**

The bill requires all drivers to stop for on-track equipment<sup>4</sup> that may be approaching a railroad crossing in the manner as already required for trains and also requires certain vehicle operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing.

### **Calendar year 2023 railroad crossing convictions**

According to the Ohio Public Utilities Commission, there are more than 5,700 public grade crossings in operation across the state, spanning 5,300 miles of track. In CY 2023, the Bureau of Motor Vehicles reported a total of 166 convictions for various railroad crossing violations, which occurred in 42 counties. Most of those convictions, 101 or 61%, occurred in ten counties, averaging around ten convictions per county. Butler County saw the most convictions with 21. The remaining 65 (39%) convictions were spread across 32 other counties, while 46 counties had no convictions for railroad crossing violations.

### **Fiscal effect**

#### **Enforcement and adjudication**

The bill's provisions regarding stopping for on-track equipment at a railroad crossing may result in a small increase in the number of citations issued by law enforcement officers annually, with most of those expected to be minor misdemeanors or fourth degree misdemeanors, depending on the violation. 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 can sign the guilty plea and waiver of trial provision on the citation and pay the fine and associated costs to the appropriate clerk of court either in person or by mail.<sup>5</sup> Based on the conviction data provided above, any increase in violations is expected to be relatively small and most minor misdemeanor violators will presumably sign the guilty plea and trial waiver to avoid going to court. Adjudication and related administrative costs for county and municipal courts and clerks of courts are likely to be negligible. To the extent that additional citations are issued, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions, potentially offsetting any new costs.

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<sup>4</sup> On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads.

<sup>5</sup> R.C. 2935.26.

## Possible sanctions

Generally, a person convicted of failure to stop for a train or on-track equipment (under the bill) would be subject to the fines and penalties of a misdemeanor of the fourth degree. Additionally, under current law and now under the bill, certain other vehicles (e.g., buses, school vehicles, and specified construction vehicles) are required to stop, watch, and listen at a crossing every time for a train or on-track equipment. The penalties for these violations could range from a minor misdemeanor to a third degree misdemeanor, depending on prior violations and the type of vehicle involved.

However, the bill also authorizes a court to order an offender who was convicted of a railroad grade crossing violation (including for both trains under current law and on-track equipment under the bill) to complete a remedial safety training or presentation regarding rail safety in lieu of imposing a fine or a jail term. To the extent that a court chooses to utilize this option, it may reduce to some degree the fine revenue collected and/or expenses associated with a jail term (if one may have been imposed). This alternative sentencing option does not apply to violations of the stop, watch, and listen requirements that apply to certain vehicles (e.g., buses, school vehicles, and specified construction vehicles).

The following tables show the possible fines and jail terms for the penalty categories impacted by the bill and distribution, if collected. For a more thorough description of the circumstances for which the penalties apply, please see the bill analysis. As previously stated, the number of violations of any of the bill's expanded offenses is likely to be negligible annually compared to current caseloads.

Table 2. Possible Fines and Jail Terms for Railroad Crossing Violations		
Offense Level	Fine	Term of Incarceration
Minor misdemeanor	Up to \$150	Citation issued; no jail
Misdemeanor 4 <sup>th</sup> degree	Up to \$250	Jail, not more than 30 days
Misdemeanor 3 <sup>rd</sup> degree*	Up to \$500	Jail, not more than 60 days

\*Only applies to third and subsequent violations involving the operator of specified types of construction vehicles.

Table 3. Distribution of Fines, Fees, and Court Costs for Traffic Offenses in General		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Varies by offense; varies by local jurisdiction	<ul style="list-style-type: none"> <li>▪ Retained by county if violation of state law</li> <li>▪ Retained by municipality 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>

Table 3. Distribution of Fines, Fees, and Court Costs for Traffic Offenses in General		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality
State court costs (misdemeanor moving violations)	\$37.50*	Deposited in the 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>

\*An additional \$1.50 is credited to the county or municipal indigent drivers' alcohol treatment fund under the control of the court hearing the case for moving violations.