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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 403**  
**135<sup>th</sup> General Assembly**

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

[Click here for H.B. 403's Bill Analysis](#)

**Primary Sponsor:** Rep. Cutrona

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill creates new causes of action in relation to commercial vehicles towed after an accident. Certain municipal and county courts with jurisdiction over civil cases may experience a minimal increase in civil case filings and related costs, which will be at least partially offset by the collection of a filing fee.
- The bill requires transportation network companies to conduct annual background checks for their authorized drivers. The annual cost to the Bureau of Criminal Investigation for performing background checks will likely increase. Certain county sheriff's offices will also likely experience an increase in WebCheck requests if transportation network companies utilize their background check services. These costs will be offset, at least in part, by the revenue generated from fees charged to conduct the background checks.

### **Detailed Analysis**

#### **Civil actions related to towing**

The bill creates new causes of action in relation to commercial vehicles towed after an accident by: (1) establishing a process for a motor vehicle owner to file a civil action for the recovery of a motor vehicle, cargo, or personal property that was removed, towed, or stored after a motor vehicle accident, and (2) authorizing a towing service or storage facility to commence a civil action against a motor vehicle owner in certain circumstances. The bill requires the lienholder of a motor vehicle, cargo, or personal property removed and stored to be notified by the motor vehicle owner, towing service, or storage facility, as applicable, of any civil action commenced. The bill also specifies that a civil action under the bill disputing the amount billed by a towing service or storage facility after an accident does not guarantee insurance coverage for that billed amount.

By creating new causes of civil action, the bill may result in an increase in civil case filings for certain municipal and county courts. Any increase in workload and related costs experienced

by a given court to adjudicate additional cases under the bill is likely to be minimal with any new costs at least partially offset by the collection of a filing fee. The amount of the fee required to commence a civil action varies by court.

### **Law enforcement use of tinted windows**

The bill expands an exception to existing window tinting prohibitions for law enforcement agencies by allowing tinted windows for vehicles used within the agency's scope of duties, rather than only for vehicles used for a special investigatory purpose or transporting a police dog. Expanding the existing exemption is not expected to have a discernible effect on state or local law enforcement agencies.

### **Transportation network company background checks**

The bill requires transportation network companies (e.g., Uber, Lyft, etc.) to conduct annual background checks on authorized drivers and to terminate any driver whose background check reveals the commission of a specified disqualifying offense. If the employer utilizes the state and federal background check system, base fees of the state-only and Federal Bureau of Investigation (FBI) background checks are \$22 and \$25.25, respectively. The \$22 state-only background check fee and a portion of the FBI background check fee are deposited into the state treasury to the credit of the Attorney General's General Reimbursement Fund (Fund 1060). The remaining portion of the FBI background check fee is sent to the FBI. Background checks may also be obtained by county sheriff's offices or other WebCheck locations, which may charge additional fees. The costs to perform these additional background checks will be offset, at least in part, by the revenue generated from fees charged.

### **Auction sales of tampered motor vehicles**

The bill allows a motor vehicle dealer, under certain conditions, to sell a motor vehicle with an emission system that has been tampered with to another motor vehicle dealer. This provision has no direct fiscal effect on the state or its political subdivisions.