



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 154 of the 131st G.A.

**Date:** June 10, 2015

**Status:** As Introduced

**Sponsor:** Reps. Henne and Sheehy

**Local Impact Statement Procedure Required:** No

**Contents:** Passing a bicycle and malfunctioning control signals

### State Fiscal Highlights

- The state may collect at most a minimal amount of additional court cost revenue annually that will be apportioned between certain state funds.<sup>1</sup>
- There may be a minimal, at most, annual gain in fine revenue collected from drivers cited for violations of the bill by the Ohio State Highway Patrol and deposited in the state's existing Security, Investigations, and Policing Fund (Fund 8400).

### Local Fiscal Highlights

- The fines, fees, and court costs collected from violators generally is expected to more or less offset any additional enforcement and adjudication costs.

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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).

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## Detailed Fiscal Analysis

The bill: (1) provides that when a motor vehicle overtakes and passes a bicycle the safe passing distance to the left is not less than three feet, and (2) requires a vehicle operator at an intersection where the traffic control signal is malfunctioning to follow the same procedures that apply when a traffic control signal fails to indicate the right-of-way. A violation of either requirement generally 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.

### Enforcement and adjudication

The bill's provisions may result in an increase in the number of citations issued by law enforcement officers, with most of those expected to be minor misdemeanors. 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 can sign a guilty plea and a waiver of trial provision that is on the citation and pay the total amount of the fine, fees, and costs at the clerk of the court or mail the citation and payment to the clerk of the court.

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. Any increase is likely to be minimal and will vary based on the number of such citations issued by a given law enforcement agency. These provisions are not expected to result in significant additional enforcement costs, as law enforcement agencies would simply incorporate the policing of this traffic offense into their daily patrol operations. LSC research indicates that several local jurisdictions already have the safe passing distance requirement in their local ordinances, and as such, the bill would make it uniform across the state.

Adjudication costs for county and municipal courts and clerks of courts will likely be marginal, as many violators will opt to sign a guilty plea, waive trial, and pay the clerk of court. It is also likely that the money collected from a violator will more or less offset any associated enforcement and adjudication costs.

## Violation revenues

A driver found to have violated either of the bill's requirements is generally 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, court costs for a moving violation, and fees generally are summarized in Table 1 below.

<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 in state Security, Investigations, and Policing Fund (Fund 8400) if violator 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>\$0.10 to the Justice Program Services Fund (Fund 4P60)</li> </ul>

## Misdemeanor penalty table

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

<b>Classification</b>	<b>Fine</b>	<b>Possible Term of Incarceration</b>
Minor Misdemeanor	Up to \$150	None
Misdemeanor 4th degree	Up to \$250	Jail, not more than 30 days
Misdemeanor 3rd degree	Up to \$500	Jail, not more than 60 days