



OHIO LEGISLATIVE SERVICE COMMISSION

Shannon Pleiman

Fiscal Note & Local Impact Statement

Bill: H.B. 436 of the 131st G.A.

Date: December 7, 2016

Status: As Passed by the Senate

Sponsor: Reps. Cupp and Rogers

Local Impact Statement Procedure Required: No

Contents: Driving privileges for second-time OVI offenders

State and Local Fiscal Highlights

- There may be minimal annual costs for local courts and the state's Registrar of Motor Vehicles: (1) for early termination of a vehicle immobilization order under certain circumstances and (2) for court hearings to consider the possible reinstatement of that order stemming from the offender's subsequent violation of a condition imposed by the court.

Detailed Fiscal Analysis

Under current law, an offender who has committed two operating a vehicle while intoxicated (OVI) offenses within six years faces, in addition to other penalties and fines, immobilization of their vehicle and impoundment of license plates for 90 days. The court cannot grant limited driving privileges during the first 45 days, but can grant such privileges on the 46th day through the end of the 90-day immobilization period.

The bill permits a judge who grants limited driving privileges in this type of case to terminate the mandatory vehicle immobilization order at the same time limited driving privileges are granted, i.e., day 46 or thereafter.

The bill will not affect the number of OVI arrests or cases currently adjudicated in the courts, and will not impact fines or costs related to jail or prison sentences. If a judge chooses to grant limited driving privileges to second-time OVI offenders, and that judge chooses to terminate the immobilization order, the court must send notice of the termination of the immobilization order to the state's Registrar of Motor Vehicles. If the court learns that an offender violated any conditions imposed by the court at the time an immobilization order was terminated, the court may hold a hearing and issue an order to reinstate the immobilization of the offender's vehicle. The cost of any additional work for the court and the Registrar of Motor Vehicles to process these vehicle immobilization orders will be minimal at most annually.

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