



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 71 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Rep. DeVitis

**Local Impact Statement Procedure Required:** Yes

**Subject:** Failure to display a license plate on the front of a motor vehicle

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### State Fiscal Highlights

- There may be a minimal at most loss in annual fine revenue that would otherwise have been collected from drivers cited for failure to display a front license plate by the Ohio State Highway Patrol and credited to the Security, Investigations, and Policing Fund (Fund 8400). Presumably, there will be some operational savings if the trooper who issued the citation would otherwise have had to appear in court if the charge had been contested.
- The state may lose, at most, a minimal annual amount of court cost revenue that would otherwise have been collected for crediting to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

### Local Fiscal Highlights

- As a result of making failure to display two plates a secondary traffic offense, counties, municipalities, and townships are likely to lose revenue from ticketing activity that generates money from court costs, fees, and fines. That statewide loss is estimated at up to between \$340,000 and \$680,000 or more annually. The annual loss in certain local jurisdictions may be in the tens of thousands of dollars. That revenue loss may be offset to some degree by the savings produced from no longer issuing and then processing citations for failure to display a front license plate.

### Detailed Fiscal Analysis

The bill specifies that failure to display a license plate on the front of a motor vehicle when required by law is a secondary traffic offense and establishes a maximum fine of \$100 for failure to display a license plate on both the front and back of a vehicle. Under current law, the failure to display a front license plate when required is enforced

as a primary traffic offense, a violation of which is a minor misdemeanor and carries a fine of up to \$150.<sup>1</sup> As a secondary traffic offense, a law enforcement officer will not be permitted to issue a citation for failure to display a front license plate unless the officer also arrests or issues a citation for a primary traffic offense. If, as a result of the bill, the number of citations issued decreases, then state and local revenues (from court costs, fees, and fines) that would otherwise have been collected from such violations will be lost.

## **State fiscal effects**

### **Ohio State Highway Patrol**

Under current law, if a Highway Patrol trooper cites a driver for failure to display two plates, the resulting fine is credited to the Security, Investigations, and Policing Fund (Fund 8400). As a result of the bill, such citations are likely to decrease. The resulting loss in fine revenue credited to Fund 8400 will be minimal at most annually, and could be offset to some degree by eliminating the need for troopers to appear in court for contested citations.

In 2015, the Department of Public Safety reported 38,079 tag/sticker violations statewide, which included failure to display: (1) any license plate (front or rear), (2) a current validation sticker, (3) a county sticker, or (4) a temporary tag. The number of citations issued specifically for failure to display a front license plate is uncertain.

### **Revenues**

With the possibility of a decrease in citations being issued for failure to display two license plates, the state may lose, at most, a minimal amount of court cost revenue that would otherwise have been collected for crediting to certain state funds. The state funds that receive court costs from violations for failure to display a front license plate include: the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

## **Local fiscal effects**

Under current law, a violation of the requirement to display two license plates is a primary traffic offense likely to result in a law enforcement officer issuing a citation for the commission of a minor misdemeanor, the penalty for which would be a fine of up to \$150. In lieu of making a court appearance on the citation, a person is permitted to pay the amount of fines, fees, and court costs to the office of the clerk of the court in person or by mail. Under the bill, the offense can only be enforced as a secondary traffic offense and the associated fine is up to \$100.

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<sup>1</sup> Pursuant to enactment of H.B. 26 of the 132nd General Assembly, effective June 30, 2017, the failure to display a front license plate on a legally parked motor vehicle that is required to display both a front and a rear license plate is a secondary offense that is subject to a maximum fine of not more than \$100 for such an offense.

As a result of the bill, counties, municipalities, and townships statewide are likely to see some loss in fine, fee, and court cost revenues, the magnitude of which in any given local jurisdiction will depend upon the number of citations typically issued to drivers annually solely for failure to display two plates as a primary traffic offense.

Statistics for the Franklin County Municipal Court, which has countywide jurisdiction, indicate that, on average, close to 250 charges for failure to display two plates have been filed by the city of Columbus with the court annually from calendar years 2011-2015. The total cost of the ticket associated with each charge in the city of Columbus is around \$110, including court costs, fees, and a \$45 fine. Annualized that means that the total amount of local revenue being collected in the Franklin County Municipal Court from failure to display charges is approximately \$27,500. Under the bill, all or some portion of that revenue will no longer be collected and distributed to the appropriate local jurisdictions.

A simple population-based extrapolation from the city of Columbus charging data suggests that the total number of failure to display a front license plate charges being filed annually statewide could be around 3,400 or more. The total cost of the ticket in local jurisdictions around the state generally varies between \$100 and \$200 (court costs, fees, and fine). Annualized that means that the total amount of local revenue being collected from failure to display charges statewide could be between \$340,000 and \$680,000, or more. Under the bill, all or some portion of that revenue will no longer be collected and distributed to the appropriate local jurisdictions. Presumably, the revenue loss will be offset to some degree by a decrease in citation processing activity.

### Basic fine, court costs, and fees breakdown

The table below provides a basic breakdown of the state and local revenue collected from individuals for failure to display two plates on a motor vehicle under current law.

Fine, Fees, and Costs for Failure to Display a Front License Plate		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
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	\$19	Deposited in state treasury as follows: <ul style="list-style-type: none"> <li>\$10 to the Indigent Defense Support Fund (Fund 5DY0)</li> <li>\$9 to the Victims of Crime/Reparations Fund (Fund 4020)</li> </ul>