



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 95 of the 132nd G.A.

**Status:** As Passed by the House

**Sponsor:** Reps. Hughes and Seitz

**Local Impact Statement Procedure Required:** No

**Subject:** Distracted driving

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### State Fiscal Highlights

- There may be a minimal at most annual gain in fine revenue collected from drivers cited for driving while distracted by the Ohio State Highway Patrol and credited to the state's existing Security, Investigations, and Policing Fund (Fund 8400).
- There may be some additional costs incurred if the trooper who issued the citation has to appear in court for a traffic violation charge that otherwise might not have been contested under current law.
- The net state fiscal effect of the above-noted revenue gain and cost increase will be minimal annually.

### Local Fiscal Highlights

- As a result of the bill's enhanced penalty for driving while distracted, counties, municipalities, and townships may gain revenue from the additional \$100 fine.
- Any revenue gain may be at least partially offset by any enforcement, adjudication, and prosecution expenses associated with the disposition of a traffic violation charge that otherwise might not have been contested under current law.
- For any given political subdivision, the net fiscal effect of the above-noted revenue gain and cost increase will be minimal annually.

### Detailed Fiscal Analysis

The bill: (1) creates an additional fine of not more than \$100 that applies to certain vehicular moving violations if the offender committed the violation while distracted and the distracting activity is the apparent cause of the offense, (2) permits an offender to elect to attend a distracted driving safety course in lieu of payment of the additional fine, and (3) defines "distracted" to include using a handheld electronic wireless communications device except in specified circumstances or engaging in any activity that is not necessary to the operation of a vehicle and that impairs or reasonably would be expected to impair the ability of the operator to drive the vehicle safely.

Estimating the ticketing activity and resulting fines that could be generated by enforcement of the bill's distracted driving prohibition is problematic. While research indicates that distracted driving is quite common and frequently linked to other traffic violations, it is unclear how frequently law enforcement will use the bill's enhanced penalty. For example, the bill does not specify whether law enforcement will have to actually observe the violation or if an officer may add it to the list of charges on the ticket, citation, or summons if such a violation is suspected. If law enforcement did not observe the violation, and the charge is contested, a prosecutor would have to prove that the driver was in fact distracted at the time of committing the offense. Also, the additional charge, fine, and possible difficulty of proving a driver was distracted might make it more likely that the driver will contest the charge(s).

## **State fiscal effects**

### **Ohio State Highway Patrol**

Under current law, if a Highway Patrol trooper cites a driver for a moving violation, the resulting fine is credited to the existing Security, Investigations, and Policing Fund (Fund 8400).<sup>1</sup> Distracted ticketing activity by the Patrol may generate, at most, a minimal amount of additional fine revenue for Fund 8400 annually. This revenue gain could be offset to some degree by the cost for troopers to appear in court for contested tickets.

## **Local fiscal effects**

### **Revenues**

As a result of the bill's additional fine for committing a moving violation while distracted, counties, municipalities, and townships may experience an increase in the amount of fine revenue collected. The magnitude of any increase will be a function of how aggressively a political subdivision tries to enforce the distracted driving prohibition, including its willingness to allocate prosecutorial resources to handle contested violations.

### **Expenditures**

While the bill will not increase the number of cases for municipal, county, and mayor's courts to adjudicate, it may increase the amount of time it takes to dispose of certain cases if a violation is contested and the prosecution has to prove not only that the offense was committed, but that the driver was distracted at the time. The number of citations that will be issued for distracted driving as a result of the bill is uncertain, as is the number of those citations that will be contested. Presumably, any increase in costs

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<sup>1</sup> Money in the fund is used to support various Highway Patrol duties, including: (1) major criminal investigations and other off-highway investigations, (2) security for the Governor, other officials and dignitaries, the Capitol Square, and other state property, (3) traffic control and security for the Ohio Expositions Commission, and (4) nonhighway-related duties of the Patrol at the Ohio State Fair.

experienced by a political subdivision to dispose of these cases would be at least partially offset by the imposition of the bill's additional fine.

Under current Supreme Court Rule, a person who receives a citation for certain traffic violations may pay the amount of fines, fees, and court costs to the office of the clerk of the court in person or by mail thereby avoiding having to appear in court. It is possible that the bill's additional fine may increase the likelihood that a citation is contested, thereby increasing the overall cost and amount of time it takes for courts to dispose of certain cases.

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