OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

Fiscal Note & Local Impact Statement

Bill: H.B. 125 of the 132nd G.A. **Status:** As Passed by the House

Sponsor: Reps. Craig and Seitz **Local Impact Statement Procedure Required:** Yes

Subject: Jurisdiction over municipal traffic ordinances

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.[1]

Local Fiscal Highlights

- The bill's fiscal effects on a municipal corporation that has no authority to establish a mayor's court may be three-fold. First, it may have to reduce the amounts charged for traffic-related violations, resulting in the loss of thousands of dollars annually. Second, functions using that revenue stream may have to be curtailed if other revenue sources are not available. Third, it may have to pay the appropriate municipal or county court to offset the court's costs of processing the municipal corporation's traffic-related violations.
- The bill may increase the number of traffic-related violations of municipal ordinances processed each year by certain municipal and county courts. The cost to process those violations is uncertain, but may be offset to some degree by the collection of local court costs and fees from violators and the requirement that the municipal corporation pay for its share of the court's annual operating costs.

Detailed Fiscal Analysis

The bill:

- Specifies the jurisdiction that a municipal or county court has over the violation of a traffic-related municipal ordinance unless a mayor's court has jurisdiction over the violation; and
- Prohibits a municipal corporation that is not authorized to establish a mayor's court from imposing a fine, fee, or other charge for a traffic

[1] 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).

violation that is in excess of, or not included in, the schedule of fines and costs established by the municipal or county court having territorial jurisdiction over the location of the violation.

Traffic-related municipal ordinance violations

Under the bill, unless authorized to establish a mayor's court, a municipal corporation's traffic-related ordinances must be heard by the appropriate municipal or county court, and the fines, fees, and other charges it imposes for a violation generally cannot exceed those of that municipal or county court.

Municipal corporation not authorized to establish mayor's court

If a municipal corporation's case processing and charging practices do not comport with the bill's provisions, two fiscal effects seem possible. First, the municipal corporation may be required by the municipal or county court to pay that court's cost of processing additional traffic-related cases. Second, the amount of revenue that the municipal corporation collects from traffic-related violations may drop if that court does not impose certain charges or charges less.

An example of a specific municipality affected by the bill is the Village of Brice in Franklin County. Brice has been using a civil violation ticketing process, with the money collected from violators being paid directly to Brice. It appears that, annualized, it is issuing over 1,000 violations and collecting over $100,000 in civil penalties. The standard civil penalties Brice charges for a violation of its ordinances exceed those charged by the Franklin County Municipal Court, which, under the bill, will assume jurisdiction over violation of Brice's traffic-related ordinances. For example, Brice charges $200 for a speed limit violation while the Franklin County court charges, depending on the amount over the limit, either $55, $75, or $95. It is LSC's understanding that a substantial amount of the civil penalty revenue comes from speeding violations. Brice also charges additional fees for failure to pay in a timely manner and for any related litigation and collection costs.[2]

Under the bill, if Brice discontinues the above-described civil ticketing process, the fiscal effects may be three-fold. First, it will have to reduce the amounts charged for traffic-related violations, resulting in the loss of thousands of dollars annually. Second, functions using that revenue stream may have to be curtailed if other revenue sources are not available. Third, it may have to pay the Franklin County Municipal Court money to offset the court's costs of processing Brice's traffic-related violations.

[2] Its ordinance also states that the civil penalty is not considered a moving violation for the purpose of assessing points, is not recorded on the driving record of the owner or operator of the vehicle, and is not reported to the state's Bureau of Motor Vehicles.

Municipal or county court jurisdiction over traffic-related municipal ordinances

The bill may increase the number of traffic-related violations of municipal ordinances processed each year by certain municipal and county courts. The cost to process those violations is uncertain, but may be offset to some degree by the collection of local court costs and fees from violators and the requirement that the municipal corporation pay for its share of the court's annual operating costs. In the case of Brice, the number of traffic-related violations that would be processed by the Franklin County Municipal Court annually could be in excess of 1,000.

State court costs

By giving jurisdiction over the traffic-related ordinance violations of certain municipal corporations to the appropriate municipal or county court, a minimal amount of additional court cost revenue may be generated annually for deposit in the state treasury. This is because a municipal corporation using a civil ticketing process does not include the imposition and collection of state and local court costs and fees. Under the bill, such violations will be handled by a municipal or county court that is required and/or permitted to impose state and local court costs and fees.

The amount of the state court costs imposed for a traffic-related violation generally totals $37.50 and is deposited in the state treasury as follows:

- $25 to the Indigent Defense Support Fund (Fund 5DY0);
- $9 to the Victims of Crime/Reparations Fund (Fund 4020);
- $3.40 to the Drug Law Enforcement Fund (Fund 5ET0); and
- $0.10 to the Justice Program Services Fund (Fund 4P60).

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