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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 158
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 158's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsor: Rep. Blessing

Local Impact Statement Procedure Required: No

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Highlights

- The bill is likely to have a minimal annual fiscal effect on the operating costs and revenues of municipal, county, and mayor's courts and clerks of courts.

Detailed Analysis

The bill: (1) authorizes a court, under certain conditions, to grant limited driving privileges to an individual on a first offense for failure to maintain financial responsibility/noncompliance for a motor vehicle, and (2) waives the filing fee for a petition for limited driving privileges for an individual whose license is suspended for failure to provide proof of financial responsibility and who qualifies as indigent.

Limited driving privileges

Under current law, a court may grant limited driving privileges to an individual whose driver's license has been suspended for failure to provide proof of financial responsibility on a second or third offense but not on a first offense. On a first offense, a person is generally required to provide proof of financial responsibility and pay a \$100 reinstatement fee. The bill permits a court to grant limited driving privileges to a first-time offender if they present proof of financial responsibility and are enrolled in an authorized driver's license reinstatement fee payment plan.

By permitting limited driving privileges on a first offense, the bill may result in some increase in filing fee revenue collected by municipal, county, and mayor's courts. Any increase experienced by a given court would depend upon the number of first-time offenders who are unable to pay the required \$100 reinstatement fee, whether or not the court charges a filing fee for such a petition, and if a fee is charged, the amount of that fee.

Filing fee waivers

The bill's provision requiring a clerk of court to waive the filing fee for a petition for limited driving privileges for an individual whose license is suspended for failure to provide proof of financial responsibility may result in some loss of fee revenue collected by municipal, county, and mayor's courts. In order to file a petition for limited driving privileges, in at least some courts, the petitioner must pay a fee, which varies by court. According to the Ohio Municipal Clerks Association, if a judge allows limited driving privileges and the petitioner is determined to be indigent, the fees are already waived. As such, the bill may result in a no more than minimal annual loss of fee revenue if a court does not currently waive the filing fee to petition for limited driving privileges in cases where the individual has been determined to be indigent.

As previously mentioned, the filing fee for a petition for limited driving privileges varies by court, with some courts electing not to charge a fee. Data regarding the number of courts statewide that do charge a fee, as well as the amount of that fee, is not readily available. That said, LBO did gather that information for 21 courts. Those courts and their corresponding filing fees, which range from \$35 to \$140, are listed in the table below.

In calendar year 2017, there were 3,293,740 active suspensions statewide. Of those suspensions, 1,332,478 (40.5%) were related to noncompliance (1,291,905 for noncompliance and 40,573 for random selection noncompliance). The number of those individuals who filed a petition for limited driving privileges and were found to be indigent, as well as which court had jurisdiction, is uncertain.

Filing Fees for Limited Driving Privileges by Court*			
Court (County)	Fee	Court (County)	Fee
Cambridge (Guernsey)	\$60	Mount Vernon (Knox)	\$130
Chillicothe (Ross)	\$35	Newton Falls (Trumbull)	\$50
Dayton (Montgomery)	\$140	Norwalk (Huron)	\$130
East Liverpool (Columbiana)	\$99	Oakwood (Montgomery)	\$125
Franklin County** (Franklin)	\$123	Painesville (Lake)	\$50
Freemont (Sandusky)	\$99	Putnam County (Putnam)	\$40
Garfield Heights (Cuyahoga)	\$75	Upper Sandusky (Wyandot)	\$115
Hamilton (Butler)	\$125	Vandalia (Montgomery)	\$130
Kettering (Montgomery/Greene)	\$50	Western District (Fulton)	\$50
Medina (Medina)	\$40	Xenia (Greene)	\$130
Miamisburg (Montgomery)	\$115		

*All of the listed courts are municipal courts, with the exception of the Western District of the Fulton County County Court.

**Franklin County Municipal Court currently has an amnesty program.