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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 162**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 162's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Sen. Reineke

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill expands the rulemaking authority for the Ohio Turnpike and Infrastructure Commission (OTIC) related to the procedures for resolving disputes about and collecting unpaid tolls in anticipation of a modernized toll collection system. It is unclear as to what impact these rulemaking changes would have on how many unpaid tolls could be collected that otherwise would go unpaid.
- The bill requires the Registrar of Motor Vehicles and any deputy registrars to deny any applications for vehicle registrations if the individual has unpaid tolls, fees, or fines related to travel on the Ohio Turnpike. This provision could, at least temporarily, reduce revenues to the Bureau of Motor Vehicles Fund (Fund 4W40) by a minimal amount. On the other hand, it would create a strong incentive for vehicle operators to pay their unpaid tolls and related fees to OTIC.

### **Detailed Analysis**

#### **Overview**

Currently, the stop-and-pay tolling system used by the Ohio Turnpike and Infrastructure Commission (OTIC) is being phased out and replaced by a cashless tolling system, including enhancements to the current E-ZPass system already in place across the Turnpike. The rulemaking authority in the bill anticipates these changes and outlines the process by which OTIC can pursue toll evasion. The first step in this transition to cashless tolling occurred in December 2017, when the Commission adopted a resolution to replace its current toll collection system (TCS) with a new "Open Road Tolling" system. This new system, according to the Commission, will reduce the number of unpaid tolls. Additionally, the adopted resolution contains a provision allowing the Commission to contract for the collection of unpaid tolls. The

Commission's implementation plan for the new tolling system anticipates it becoming fully active in the first quarter of 2023.<sup>1</sup>

## **Evaded tolls**

The potential rulemaking procedures in the bill allow OTIC to collect a greater amount of evaded tolls. The rulemaking changes permitted under the bill pertain to the procedures after the evasion of a toll and administrative hearings for drivers who appeal an invoice for the payment of a toll. Finally, the bill provides methods for an individual to appeal an administrative decision to the Cuyahoga Court of Common Pleas. The ability to appeal such decisions may result in some minimal additional costs to the court, however, the number of such appeals would probably be small. Overall, the rulemaking procedures in the bill appear similar to those of other states which have already transitioned to similar open road tolling systems.

Ultimately, it is unclear what impact the conversion to open road tolling along the Ohio Turnpike will have on toll collection. While OTIC will generally be able to collect a greater portion of unpaid tolls, the overall magnitude of the increase in collections is unclear. Overall, in calendar year 2020, the Ohio Turnpike Commission collected approximately \$281.1 million in vehicle tolls. Of this amount, \$93.3 million came from passenger vehicles and \$187.8 million came from commercial vehicles.<sup>2</sup> As an illustration, if OTIC were able to collect 1% of CY 2020 total toll revenues that were previously unpaid, that would be a revenue gain of approximately \$2.8 million.

## **Suspension of motor vehicle registrations**

The bill requires the Registrar of Motor Vehicles and any deputy registrar to deny a vehicle registration if OTIC indicates that a person has failed to pay any toll, fee, or other related fines, until those amounts are paid. Presumably, this would be a strong inducement for someone who owes unpaid tolls to pay those amounts, enabling OTIC to recoup those amounts owed faster than it would without this ability. For the Bureau of Motor Vehicles, this could result in some revenue losses, at least temporarily, to the Department of Public Safety's Bureau of Motor Vehicles Fund (Fund 4W40). Any such losses would likely be quite minimal.

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<sup>1</sup> A summary of OTIC's toll collection system modernization project can be viewed at <https://www.ohioturnpike.org/about-us/toll-collection-system-modernization>.

<sup>2</sup> The 2020 results were affected by decreased vehicle travel attributable to the COVID-19 pandemic. As a point of comparison, toll collections from passenger and commercial vehicles in 2019 totaled \$307.6 million.