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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 16
136th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Wilson

Local Impact Statement Procedure Required: No

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Highlights

- The bill may result in a small number of new traffic convictions related to violations of the state's Move Over Law. Any such increase is expected to be minimal annually.
- Any related costs to adjudicate these cases by local criminal justice systems would likely be offset, either in whole or in part, from revenue in the form of fines, fees, and court costs collected from violators.
- The state may gain a negligible amount of revenue related to the portion of court costs that are remitted to the state for each conviction.

Detailed Analysis

The bill amends the state's existing Move Over Law to require the driver of a motor vehicle to take certain actions, including moving over or slowing down, upon approaching a stationary vehicle in distress.¹ Under existing law, unchanged by the bill, a Move Over Law violation is: (1) generally a minor misdemeanor that elevates to a fourth or third degree misdemeanor based on the violator's prior traffic offenses, (2) subject to a fine that is two times the usual amount imposed for the violation in addition to all other penalties provided by law, and (3) an additional \$100 fine if the offender was distracted and that distracting activity was a contributing factor to the failure to move over or slow down.

¹ The bill defines a vehicle in distress as: (1) any disabled vehicle indicating its disability as required under current law, (2) any other motor vehicle near which a fuse, flare, or other emergency sign is displayed, and (3) any motor vehicle that is displaying flashing emergency or hazard lights.

Fiscal effect

Enforcement and adjudication

The bill may result in a minimal increase in the number of citations issued by law enforcement officers annually, with most of those expected to be minor misdemeanors. In the case of a minor misdemeanor, a law enforcement officer generally does not arrest a person, but instead issues a citation. In lieu of making a court appearance, that person can sign the guilty plea and waiver of trial provision on the citation and pay the fine and associated costs to the appropriate clerk of court either in person or by mail.² Given that the increase in caseload is expected to be relatively small and that minor misdemeanor violators will presumably sign the guilty plea and trial waiver to avoid going to court, adjudication and related administrative costs for county and municipal courts and clerks of courts are not likely to exceed minimal.

To the extent that additional citations are issued, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions (detailed below), potentially offsetting any new costs.

Possible sanctions

The following tables show the possible fines and jail terms for existing Move Over Law violations where the bill has added stationary vehicles in distress. It is possible that an offender may be sentenced to serve a term of incarceration at a locally operated jail. However, those costs are not expected to exceed minimal annually for any given local authority.

Table 1. Fines and Jail Terms for Move Over Law Violations		
Offense Level	Fine*	Term of Incarceration
Minor misdemeanor	Up to \$300	Citation issued; no jail
Misdemeanor 4 th degree	Up to \$500	Jail, not more than 30 days
Misdemeanor 3 rd degree	Up to \$1,000	Jail, not more than 60 days

*These amounts represent the doubled amount of typical misdemeanor offenses as specified under current law.

The distribution of the fine, court costs for a moving violation, and fees generally are summarized in the table below.

² R.C. 2935.26.

Table 2. Distribution of Fines, Fees, and Court Costs for Traffic Offenses in General

Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Varies by offense; varies by local jurisdiction	- Retained by county if violation of state law - Retained by municipality if violation of local ordinance - Forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if violator is cited by the Ohio State Highway Patrol
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality
State court costs	\$37.50*	Misdemeanor Moving Violation 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) 10¢ to the Justice Program Services Fund (Fund 4P60)

*An additional \$1.50 is credited to the county or municipal indigent drivers' alcohol treatment fund under the control of the court hearing the case for moving violations.