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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 367
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 367's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. J. Miller and Daniels

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 current law pertaining to yielding to certain moving vehicles or the state's Move Over Law (the bill adds organ recovery vehicles to both of these provisions of 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 fines that are remitted to the state for each conviction.

Detailed Analysis

The bill adds dedicated organ recovery vehicles to the existing law that requires a driver to yield to a moving public safety or coroner's vehicle using their lights and sirens, and amends the state's existing Move Over Law to require the driver of a motor vehicle to take certain actions upon approaching a stationary dedicated organ recovery vehicle that is displaying flashing, oscillating, or rotating lights. The bill also amends current law to authorize the use of flashing lights and sirens for dedicated organ recovery vehicles.

Fiscal effect

Enforcement and adjudication costs

The bill's dedicated organ recovery vehicle provisions may result in a small increase in the number of citations issued by law enforcement officers annually, with most of those expected to be minor misdemeanors or fourth degree misdemeanors, depending on the violation. 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.¹ 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). Any increase is likely to be minimal annually and will vary based on the number of such citations issued by a given law enforcement agency.

Possible sanctions

The following tables show the possible fines and jail terms for violations of existing law where the bill has added dedicated organ recovery vehicles. 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.

Table 2. Fines and Jail Terms for Failure to Yield to a Moving Public Safety or Coroner's Vehicle		
Offense Level	Fine	Term of Incarceration
Misdemeanor 4 th degree	Up to \$250	Jail, not more than 30 days
Misdemeanor 3 rd degree	Up to \$500	Jail, not more than 60 days
Misdemeanor 2 nd degree	Up to \$750	Jail, not more than 90 days

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

¹ R.C. 2935.26.

Table 3. 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.