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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

[Click here for S.B. 16's Bill Analysis](#)

Version: As Passed by the Senate

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, which the bill expands. 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 prohibit the driver of a motor vehicle from knowingly failing to change lanes or proceed with caution (i.e., reducing the speed of the motor vehicle to below the posted speed limit) around a stationary vehicle in distress.¹ The bill makes a violation of the prohibition a minor misdemeanor but specifies that a violation is not a criminal record where an offender would be required to report it for purposes of applications related to employment, licensure, or other rights or privileges.

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

Under the bill, failing to change lanes or proceed with caution around a stationary vehicle in distress, is a minor misdemeanor, and subject to a fine of up to \$150. There is no jail term imposed for minor misdemeanors. The penalty does not increase based on whether the offender has prior convictions.

The bill may result in a minimal increase in the number of minor misdemeanor citations issued by law enforcement officers annually. 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.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, potentially offsetting any new costs. The distribution of the fines, court costs for a moving violation, and fees generally are summarized in the table below.

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.

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² R.C. 2935.26.