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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 132
136th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsors: Reps. Craig and M. Miller

Local Impact Statement Procedure Required: No

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Highlights

- The bill may result in the generation of additional fine revenue to be retained by counties and municipalities or forwarded to the state treasury for deposit into the Security, Investigations, and Policing Fund (Fund 8400), as applicable.
- The Ohio Department of Transportation (ODOT) will incur additional costs to design and place signs that describe the penalties for vehicular homicide and vehicular assault. The total cost of creating and placing these signs will depend on the number of signs that need to be placed and the final design of this sign type.

Detailed Analysis

The bill increases certain penalties for violations of the state's existing Move Over Law (i.e., failure to slow down below the posted speed limit or change lanes when approaching specified stationary vehicles), as well as the penalties for vehicular homicide and vehicular assault that result from a Move Over Law violation. Additionally, the bill requires instruction regarding the Move Over Law as part of Ohio's driver education program and requires the Ohio Department of Transportation (ODOT) to produce and place signs informing drivers of the bill's new penalties.

Enforcement and adjudication

The bill is not expected to increase the number of traffic citations issued by law enforcement or generate additional cases for local courts to adjudicate but it may change how certain cases are charged and may increase, likely minimally, the amount of time and resources that local criminal justice systems expend to dispose of certain cases involving violations of the Move Over Law.

Penalties

The bill's penalty increases generally impact the amount of the financial penalty that can be imposed for certain violations of vehicular homicide, vehicular assault, and violations of the Move Over Law. However, the bill may also minimally increase the number of vehicular assault cases and related sanctions if an offender is convicted of vehicular assault that was the proximate cause of a Move Over Law violation instead of a lesser offense under existing law. The possible term of incarceration imposed for violations of vehicular homicide, vehicular assault, and the Move Over Law remain unchanged under the bill.

The impact of the bill's changes to the penalties for vehicular homicide, vehicular assault, and the Move Over Law are summarized below.

Vehicular homicide. The bill increases the maximum fine for vehicular homicide from up to \$750 (or up to \$1,000, based on offense level), to not more than \$10,000 regardless of offense level if the vehicular homicide was the proximate result of a Move Over Law violation. This means counties, municipalities, and the state could receive up to \$9,250 more in fine revenue for certain vehicular homicide convictions under the bill than they could under current law. According to Bureau of Motor Vehicles (BMV) conviction data, from CY 2020 through CY 2024, vehicular homicide convictions averaged just over 100 per year. The number of vehicular homicides that were the proximate result of a Move Over Law violation is indeterminate, but likely a small subset.

Vehicular assault. The bill creates a new vehicular assault offense by prohibiting causing serious physical harm to another person or another's unborn as the proximate result of operating a vehicle in violation of the Move Over Law. This new offense is unlikely to result in many additional cases for local criminal justice systems to adjudicate and sanction, as a person who causes serious physical injury to another person using a motor vehicle could already be charged under existing law. However, to the extent that the bill creates new cases, some offenders may be sentenced to a lengthier possible term of incarceration and a higher fine than what may have otherwise been imposed under existing law. This may result in increased sanctioning costs; however, those costs are not expected to exceed minimal annually for the state or any given local authority.

Table 1 below shows the possible fines and incarceration terms for vehicular assault under the bill, which is generally a third degree misdemeanor that elevates to a second degree misdemeanor based on the circumstances present. As seen in the table, under the bill, vehicular assault that is the proximate result of a Move Over Law violation is subject to a fine of up to \$5,000 regardless of offense level.

Table 1. Fines and Incarceration Terms for Vehicular Assault Associated with the Move Over Law

Offense Level	Fine Amount*	Term of Incarceration
Misdemeanor 3 rd degree	Up to \$5,000	Jail, not more than 60 days
Misdemeanor 2 nd degree	Up to \$5,000	Jail, not more than 90 days

*Under current law, the general fine for a third degree misdemeanor is up to \$500, and the fine for a second degree misdemeanor is up to \$750.

Move Over Law. The bill increases the fine imposed for violations of the Move Over Law by \$500 if an offender has had one prior violation of that law within the previous year. Thus, counties, municipalities, and the state could receive up to \$500 more in fine revenue for each such violation under the bill than they could under current law. According to BMV conviction data, from CY 2020 through CY 2024, there was an average of more than 3,400 convictions for violations of the Move Over Law per year. The number of those offenders who had one prior violation within the past year is indeterminate but presumably a smaller subset.

Fine revenue distribution

By increasing the penalties associated with certain violations of the Move Over Law, the bill may generate additional fine revenue, the magnitude of which will vary by jurisdiction based on the number of convictions within each jurisdiction for which the bill's increased penalties apply. Table 2 below summarizes the distribution of the bill's increased fine revenue by offense based on current rules of distribution which are unchanged by the bill.

Table 2. Distribution of Fine Revenue		
Type of Offense	H.B. 132 Fine Amount	Recipient of Amount
Vehicular homicide	Not more than \$10,000	▪ 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
Vehicular assault	Not more than \$5,000	
Move Over Law violation	Not more than \$300 or not more than \$1,000, based on prior offenses	

License suspensions

The bill's vehicular homicide and vehicular assault license suspension provisions are generally not expected to impact the number of suspensions imposed¹ but may increase the amount of time for which certain licenses are suspended. This may shift when certain licenses are ultimately reinstated, and when reinstatement fee revenue is received but is otherwise not expected to significantly impact the BMV's license suspension or reinstatement duties.

Department of Public Safety

The bill requires rules adopted by the Ohio Department of Public Safety (ODPS), which licenses and regulates driving schools, to include instruction on the requirements of the Move Over Law as part of driver education courses. As a result, ODPS may incur minimal additional costs to modify its existing rules and to then ensure that existing approved providers are in compliance. Ongoing compliance monitoring would presumably occur during regular ODPS inspections. Driver education course providers, to the extent that they are not already doing so, may also incur additional costs to modify their programs to comply with the bill's Move Over Law requirement.

¹ LBO assumes that a person who causes serious physical harm to another using a motor vehicle would have their driver's license suspended under existing law.

Department of Transportation

The bill requires ODOT to include a sign that describes the penalties for vehicular homicide and vehicular assault in the state's Manual for a Uniform System of Traffic Control Devices (MUTCD). Additionally, the bill requires ODOT to place these signs in areas that it deems appropriate. The total cost of creating and placing these signs will depend on the number of signs that need to be placed and the final design of this sign type. As an upfront cost, the sign type will need to be designed, approved, and added to the Ohio MUTCD, costing \$45 per hour in employee wages and fringe benefits. The fabrication of each sign costs \$11.50 per square foot. As a reference, memorial highway signs are typically 15 square feet, totaling \$172.50. Each sign gets affixed to two u-channel posts that cost \$4.72 per square foot. For comparison, highway memorial sign posts are 13.5 feet long, totaling \$127.30 for both. After fabrication, the sign will need to be installed. Personal costs for site investigation, checking utilities, and installation cost \$45 per hour in employee wages and fringe benefits. The preparation and installation of memorial highway signs was estimated by ODOT to take roughly six hours.