



OHIO LEGISLATIVE SERVICE COMMISSION

Maggie Wolniewicz

Fiscal Note & Local Impact Statement

Bill: S.B. 148 of the 132nd G.A.

Status: As Introduced

Sponsor: Sens. Kunze and Huffman

Local Impact Statement Procedure Required: Yes

Subject: Prohibit use of information obtained from accident reports for commercial solicitation

State Fiscal Highlights

- The likely one-time cost for the Ohio State Highway Patrol to add the bill's commercial solicitation prohibition to its existing traffic crash reporting system is uncertain.
- As a result of the bill's change to the existing Next of Kin/Emergency Contact Registry, the Department of Public Safety may incur over \$800,000 in additional annual non-GRF costs to reimburse the Department of Administrative Services for printing and document management services for the Bureau of Motor Vehicle's annual vehicle registration system.

Local Fiscal Highlights

- Many local law enforcement agencies, particularly those that do not have their own information technology staff and that utilize electronic formats for their accident reports, will incur additional one-time costs in excess of \$5,000 to hire a software engineer and change the infrastructure of their accident report program.

Detailed Fiscal Analysis

The bill: (1) requires an accident report to indicate whether a person involved in an accident wishes to be contacted for commercial solicitation purposes, (2) prohibits a person from using the information contained in an accident report for those purposes with regard to a person who did not agree to be contacted, and (3) allows a person to submit emergency contact information upon vehicle registration for inclusion in the Next of Kin/Emergency Contact Registry.

Accident reports

Report modification

The bill's requirement that an accident report indicate whether a person involved in the accident wishes to be contacted for commercial solicitation purposes will require the Department of Public Safety to modify its statewide uniform crash report (OH-1). This form is used by law enforcement agencies statewide to comply with a provision in

current law that requires every law enforcement agency representing a political subdivision that is investigating a motor vehicle accident involving a fatality, personal injury, or property damage in an amount greater than \$1,000, to forward a report of the accident to the Director of Public Safety within five days of the accident.¹ Currently, crash report submission may be done either via paper or electronically.

The likely one-time cost for the Ohio State Highway Patrol to make the necessary modifications to its existing traffic crash reporting system is uncertain. It appears that it is not the Patrol's intent to contract out the work or hire additional staff, but to use its existing information technology (IT) personnel to perform the work. The cost components of modifying the system are unclear but may consist of existing IT personnel having to work overtime, opportunity costs such as diverting time and effort so that other work is delayed, or some combination of both.

Local law enforcement agencies will also need to change their accident report forms. Those law enforcement agencies that use electronic formats will experience a one-time cost to update their forms in compliance with the bill and there is not a uniform platform that can update all of them at once. The cost per agency will vary, with some jurisdictions, especially those using electronic formats, likely incurring costs of more than \$5,000 to contract with a software engineer and change the infrastructure of their accident report program. Most, if not all, local law enforcement agencies do not have their own IT staff.

Commercial solicitation prohibition

The bill prohibits a person from using information contained in an accident report to contact a person for commercial solicitation purposes unless that person specified in the accident report agreed to be contacted. The bill, however, contains no penalty, remedy, or other means for enforcing a violation of the prohibition. Thus, the prohibition has no readily apparent direct fiscal effect on the state or any of its political subdivisions.

Next of Kin/Emergency Contact Registry

Under current law, Ohio residents may add up to two emergency contacts to their Bureau of Motor Vehicles (BMV) record to be stored in the Next of Kin/Emergency Contact Registry, a secure database accessible only by the BMV and law enforcement. A resident can currently provide the information online; in person at any deputy registrar license agency when submitting an application for a driver's license, commercial driver's license, temporary instruction permit, motorcycle operator's license or endorsement, or an identification card; or by mail. The bill allows a person, when registering a vehicle, to submit emergency contact information to a deputy registrar or the BMV Registrar.

¹ R.C. 5502.11.

The Department plans to modify its existing annual vehicle renewal registration system to accommodate this additional mechanism by which a person can submit emergency contact information. Under this system, the Department of Administrative Services (DAS) sends out all vehicle registration renewals for the BMV as a service delivered through its Printing and Document Management Services Program. The BMV mailed around 12.5 million vehicle registration renewals in 2016. DAS currently charges a fee of \$0.03 per page and another fee of \$0.04 for putting it in the envelope. This suggests that the cost to print the one-page Next of Kin/Emergency Contact Registry enrollment form, and put it in envelopes for over 12 million vehicle renewal registrations may total over \$800,000 each year. Presumably, the BMV would use money appropriated for its use from the Public Safety – Highway Purposes Fund (Fund 5TM0) to reimburse DAS for its cost. The latter generally manages the cash flow for its Printing and Document Management Services Program through the State Printing Fund (Fund 2100).

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