



OHIO LEGISLATIVE SERVICE COMMISSION

Maggie Wolniewicz

Fiscal Note & Local Impact Statement

Bill: H.B. 260 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. Butler and Sykes

Local Impact Statement Procedure Required: No

Subject: Limited driving privileges

State & Local Fiscal Highlights

- Common pleas, municipal, county, and mayor's courts may expend minimal additional time and effort if required to hear and grant requests for limited driving privileges to offenders who qualify under the bill but would have received them under current law, as opposed to automatically granting those requests.
- The bill may reduce the number of driving under suspension citations issued, which could create an expenditure savings effect for: (1) the local courts and clerks of courts that process these matters and (2) the Bureau of Motor Vehicles, which administers the license suspension system. Fewer citations could mean a related loss in fine, fee, and court cost revenue that is distributed pursuant to state law between the state, counties, municipalities, and townships. Any expenditure savings and revenue loss would be minimal at most annually.

Detailed Fiscal Analysis

The bill requires a court to grant specified limited driving privileges to a person whose driver's license was suspended for a criminal offense if both of the following criteria apply: (1) no element of the offense for which the suspension is being imposed relates to the operation or physical control of a motor vehicle or the failure to comply with a requirement for the use, possession, or registration of a motor vehicle, and (2) the suspension is not required to be imposed due to the involvement of a motor vehicle in the offense or the failure to obtain a valid license or permit for the operation of a motor vehicle.

Limited driving privileges

According to the Ohio Judicial Conference, judges do not typically suspend a person's driver's license if both of the above-mentioned criteria apply. However, under current law, judges already have the discretion to grant limited driving privileges to an individual whose driver's license has been suspended. As such, it is likely that those individuals with a driver's license suspension that meets the bill's criteria are already being granted limited driving privileges and the bill would have no impact on the

courts. If, for some reason, an individual with a driver's license suspension that meets the bill's criteria would not receive limited driving privileges under current law and an individual had to request limited driving privileges as opposed to having them be automatically granted (the bill is unclear as to how this would work), there may be some additional time and effort for the court to hear and grant those requests. Given that the vast majority of license suspensions that qualify for limited driving privileges under the bill would already receive them under current law, any additional costs to, or impact on, any given common pleas, municipal, county, or mayor's court is not likely to exceed minimal.

Fines for driving under suspension

It is possible that by granting limited driving privileges to certain individuals under the bill there may be some reduction in the number of driving under suspension citations issued if those individuals would not have received limited driving privileges under current law and would have otherwise opted to drive under suspension. Driving under suspension or in violation of a license restriction is generally a first degree misdemeanor, subject to a fine of up to \$1,000, a jail term not to exceed 180 days, or both. Any resulting decrease in citations issued creates a potential expenditure savings effect for the courts and clerks of courts that process these matters, as well as the Bureau of Motor Vehicles that administers the license suspension system. Fewer subsequent convictions would mean a related loss in fine, fee, and court cost revenue retained by counties and municipalities, as well as statutorily required court costs that are forwarded to the state. Any expenditure savings and revenue loss resulting from a decrease in driving under suspension citations would likely be minimal, at most, annually.