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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 88
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Brenner

Local Impact Statement Procedure Required: No

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Highlights

- There may be a no more than minimal annual gain in fine, fee, and court cost revenue distributed pursuant to current law between the state, counties, municipalities, and townships.¹
- The bill is unlikely to result in any discernible effect on traffic law enforcement and adjudication costs.

Detailed Analysis

The bill modifies the law governing yielding to pedestrians in crosswalks by requiring the driver of a vehicle to stop and yield the right-of-way to a pedestrian waiting at the curb to enter a crosswalk when there is no traffic control signal, in addition to when the pedestrian is in the crosswalk, as under current law.

A violation is a minor misdemeanor that can elevate to either a fourth or third degree misdemeanor depending on the violator's prior record of traffic offenses. In the case of the commission 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, either online, in person, or by mail, waive their right to contest the offense before the court or jury, and pay the total amount of the fine and court costs and fees to the clerk of the court.

¹The state funds include the Indigent Defense Support Fund (Fund 5DY0), the Victims of Crime/Reparations Fund (Fund 4020), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

Enforcement and adjudication

For calendar years 2017 and 2018, the Bureau of Motor Vehicles reported 550 and 547 convictions, respectively, for failure to yield the right-of-way to a pedestrian within a crosswalk or a blind person. Because of the bill, there may be a small increase in pedestrian-right-of-way citations issued statewide and subsequent convictions. There will be a related minimal at most annual gain in fine, fee, and court cost revenue collected and distributed pursuant to state law between the state, counties, municipalities, and townships. There is unlikely to be any discernible ongoing effect on traffic law enforcement and adjudication costs.

Violation revenues

Under current law, a person who fails to yield to a pedestrian in a crosswalk is guilty of a minor misdemeanor moving violation of the state's traffic law and required to pay a fine and a mix of state and local court costs and fees. The fine, fees, and court costs that are specific to a moving violation are summarized in Table 1 below.

Table 1. Fine, Fees, and Costs for Failure to Yield to a Pedestrian within a Crosswalk		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Up to \$150, minor misdemeanor fine that varies by local jurisdiction	<ul style="list-style-type: none"> ▪ Retained by county if violation of state law ▪ Retained by municipality or township if violation of local ordinance ▪ Credited to 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	Retained generally by the county or municipality with subject matter jurisdiction over traffic violations
State court costs	\$37.50	Credited to the state treasury as follows: <ul style="list-style-type: none"> ▪ \$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)

Misdemeanor penalty table

Table 2 below summarizes current law's jail terms and fines generally for minor, fourth, and third degree misdemeanor offense classifications.

Table 2. Jail Terms and Fines for Certain Misdemeanor Offenses Generally		
Classification	Fine	Possible Term of Incarceration
Minor Misdemeanor	Up to \$150	None
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