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H.B. 237
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by House Homeland Security

Primary Sponsors: Reps. K. Miller and Plummer

Local Impact Statement Procedure Required: No

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Highlights

- The bill's clarification, consolidation, and standardization provisions for certain off-road vehicles may initially result in a minimal increase in administrative costs for the Bureau of Motor Vehicles, but may ultimately result in longer term efficiencies.
- The bill's clarification of UTV (utility vehicles) registration requirements may have a small effect on revenue deposited to the credit of the State Recreational Vehicle Fund (Fund 5210), which may be at least partially offset by the bill's creation of the Department of Natural Resources' UTV trail decal and its associated fee.

Detailed Analysis

For purposes of this fiscal note, the bill, most notably: (1) renames all-purpose vehicles (APVs) as all-terrain vehicles (ATVs) and makes various changes to the law governing certain off-road vehicles by clarifying, consolidating, and generally standardizing registration, use, and certificate of title requirements, as well as penalties for violations of those requirements, (2) clarifies utility vehicle (UTV) registration requirements and authorizes a UTV owner or lessee to purchase a decal for use on Ohio Department of Natural Resources' trails and similar areas in the same manner as other off-road vehicles under existing law, and (3) requires the Department of Public Safety to adopt rules regarding equipment requirements for UTVs and mini-trucks in the same manner as is required for other off-road vehicles under existing law.

Registration, use, and certificate of title requirements

The bill's clarification, consolidation, and standardization provisions, as they pertain to off-road vehicle registration may initially result in a minimal increase in one-time administrative costs, including the adoption of rules, for the Bureau of Motor Vehicles (BMV), which licenses such vehicles. However, standardizing registration and equipment requirements may ultimately

result in longer term efficiencies. The bill also specifies that the BMV can continue issuing “all purpose vehicle” or “APV” license plates until the supply printed prior to the bill’s effective date has been depleted, which will help lessen the fiscal impact associated with the bill’s APV to ATV terminology change.

According to the Ohio County Clerks of Court Association, the bill’s titling requirements are likely to have, at most, a minimal impact on county clerks of court, who are responsible for issuing certificates of title for those vehicles.

Inspections

Existing law generally requires off-road vehicles to be inspected for safety prior to being used on public streets and highways. The bill authorizes a local law enforcement agency that conducts such an inspection to charge a \$10 one-time fee to offset the cost to perform the inspection. As a result, certain local law enforcement agencies with jurisdiction over a local government that permits the use of off-road vehicles may experience an increase in revenue, the magnitude of which is likely to be minimal but would ultimately depend on the number of inspections performed.

Penalties

By applying current law penalties related to vehicle registration, equipment, use, and title that apply for other off-road vehicles to UTVs and mini-trucks, and by making failure to wear a seatbelt in a UTV a primary offense, the bill may result in additional cases for local criminal justice systems to process. A violation of these laws is generally a minor misdemeanor but in certain circumstances may elevate to a fourth or third degree misdemeanor depending on the number of prior offenses within a one-year period. The penalties for those offense levels are shown in the table below. Any increase in cases is likely to be minimal and relative to current caseloads for those jurisdictions impacted by the bill.

Misdemeanor Sentences and Fines for Offenses Generally		
Offense Level	Fine	Term of Incarceration
Misdemeanor 3 rd degree	Up to \$500	Jail, not more than 60 days
Misdemeanor 4 th degree	Up to \$250	Jail, not more than 30 days
Minor misdemeanor	Up to \$150	Citation issued; No jail

Trauma and Emergency Medical Services Fund

Under the bill, failure to wear a seatbelt in a UTV or allowing the total number of occupants to exceed the number of seatbelts is a primary offense and carries a \$30 fine (under current law the fine is \$30 for an operator seatbelt violation and \$20 for a passenger seatbelt violation). By making failure to wear a seatbelt in a UTV a primary offense, and allowing a police officer to pull over and ticket a person without another offense having to have occurred, there may be a small number of additional citations issued. Fines from these violations are credited to the Trauma and Emergency Medical Services Fund (Fund 83M0), which, as a result, may experience some increase in the amount of fine revenue generated annually. Fund 83M0 is used by the Ohio Department of

Public Safety to provide grants to emergency medical services organizations to improve and enhance emergency medical services and trauma patient care in Ohio.

Ohio Department of Natural Resources

The bill's clarification of UTV registration requirements may have a small effect on revenue deposited to the credit of the State Recreational Vehicle Fund (Fund 5210). Fund 5210 receives revenue from registration fees applied to off-road vehicles including ATVs, off-highway motorcycles, and snowmobiles. Because UTVs are often registered as ATVs under current law, Fund 5210 sometimes benefits from fees collected on UTV registration. Off-road vehicle registrations total \$36.25 for three years. Of this amount, \$26.25 is deposited to Fund 5120, \$5 is retained by the BMV, and \$5 by the deputy registrar that issues the registration. The bill clarifies the process by which UTVs are to be registered specifying that UTVs will be subject to the existing annual taxes and fees totaling \$26 under the Motor Vehicle Law. Revenue from annual UTV registrations are credited as follows: \$10 to the Auto Registration Distribution Fund (Fund 7051), \$11 retained by the BMV, and \$5 retained by the deputy registrar that issues the registration. Clarifying UTV registrations therefore could result in some lost revenue for Fund 5210. However, any lost revenue could be at least partially offset by UTV trail decals created by the bill. UTV trail decals would be issued to UTV owners who wish to use their UTVs on Ohio Department of Natural Resources' (ODNR) trails and other similar public areas open to off-road vehicle use. Under the bill, a person obtaining a trail decal would pay an annual fee of \$8.75 which would be deposited to the credit of Fund 5210.

Fund 5210 is used by ODNR to provide recreational trails for ATVs, UTVs, off-highway motorcycles, and snowmobiles. As of October 2023, ODNR maintained roughly 65 miles of these trails across Maumee, Richland Furnace, Pike, and Perry state forests. Over the past five years (FY 2019-FY 2023) Fund 5210 has averaged revenue of slightly more than \$600,000 per year.