



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 58 of the 131st G.A.

**Date:** March 16, 2015

**Status:** As Introduced

**Sponsor:** Reps. Cera and Rogers

**Local Impact Statement Procedure Required:** No

**Contents:** Waste collection vehicles and the Move-Over Law

### State Fiscal Highlights

- The state may collect at most a minimal amount of additional court cost revenue annually that will be apportioned between certain state funds.<sup>1</sup>

### Local Fiscal Highlights

- The fines, fees, and court costs collected from violators generally is expected to more or less offset any additional enforcement and adjudication costs.

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### Detailed Fiscal Analysis

The bill amends the state's existing Move-Over Law to require the driver of a motor vehicle to take certain actions upon approaching a stationary waste collection vehicle that is displaying flashing, oscillating, or rotating lights. Under current law, unchanged by the bill, (1) a violation of the Move-Over Law generally 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, and (2) the court is required, in addition to all other penalties provided by law, to impose a fine of two times the usual amount imposed for the violation. The bill also amends current law to authorize the use of lights by a waste collection vehicle.

### Enforcement and adjudication

If enacted, the waste collection vehicle move-over requirement may result in an increase in the number of citations issued by law enforcement officers, with most of those expected to be minor misdemeanors. In the case of the commission of a minor

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<sup>1</sup> The 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).

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 sign a guilty plea and a waiver of trial provision that is on the citation and pay the total amount of the fine, fees, and costs at the clerk of the court or mail the citation and payment to the clerk of the court.

To the extent that additional citations are issued, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions. Any increase is likely to be minimal and will vary based on the number of such citations issued by a given law enforcement agency. This provision is not expected to result in significant additional enforcement costs, as law enforcement agencies would simply incorporate the policing of this traffic offense into their daily patrol operations. Adjudication costs for county and municipal courts and clerks of courts will be marginal as many violators will opt to sign a guilty plea, waive trial, and pay the clerk of court. It is also likely that the money collected from a violator will more or less offset any associated enforcement and adjudication costs.

## Violation revenues

A driver found to have violated the bill's move-over requirement is generally 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, court costs for a moving violation, and fees generally are summarized in the table below.

Fine, Fees, and Costs for a Violation of the Bill's Move-Over Requirement		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
Fine	Up to \$300, minor misdemeanor fine that varies by local jurisdiction*	<ul style="list-style-type: none"> <li>Retained by county if violation of state law</li> <li>Retained by municipality or township if violation of local ordinance</li> <li>Forwarded for deposit in state Security, Investigations, and Policing Fund (Fund 8400) if violator cited by the Ohio State Highway Patrol</li> </ul>
Local court costs and fees	Varies by local jurisdiction	Generally retained by the county or municipality with subject matter jurisdiction over traffic violations
State court costs	\$37.50	Deposited in state treasury as follows: <ul style="list-style-type: none"> <li>\$25 to the Indigent Defense Support Fund (Fund 5DY0)</li> <li>\$9 to the Victims of Crime/Reparations Fund (Fund 4020)</li> <li>\$3.40 to the Drug Law Enforcement Fund (Fund 5ET0)</li> <li>\$0.10 to the Justice Program Services Fund (Fund 4P60)</li> </ul>

\*The court is required to impose a fine of two times the usual amount for the violation, which in effect doubles the maximum possible fine for a minor misdemeanor from \$150 to \$300.

## 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 4th degree	Up to \$250	Jail, not more than 30 days
Misdemeanor 3rd degree	Up to \$500	Jail, not more than 60 days

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