



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 104 of the 131st G.A. **Date:** February 24, 2016
Status: As Reported by House Armed Services, Veteran Affairs, and Public Safety **Sponsor:** Rep. DeVitis

Local Impact Statement Procedure Required: Yes

Contents: Failure to display a license plate on the front of a motor vehicle

State Fiscal Highlights

- There may be a minimal at most loss in annual fine revenue that would otherwise have been collected from drivers cited for failure to display two license plates by the Ohio State Highway Patrol and deposited in the state treasury to the credit of the Security, Investigations, and Policing Fund (Fund 8400). Presumably, there will be some operational savings if the trooper who issued the citation would otherwise have had to appear in court if the charge had been contested.
- The state may lose, at most, a minimal annual amount of court cost revenue that would otherwise have been collected for deposit in the state treasury to the credit of certain state funds.¹

Local Fiscal Highlights

- As a result of making failure to display two plates a secondary traffic offense, counties, municipalities, and townships are likely to lose revenue from ticketing activity that generates money from court costs, fees, and fines. That statewide loss is estimated at up to between \$120,000 and \$240,000 or more annually. The annual loss in certain local jurisdictions will be in the tens of thousands of dollars. That revenue loss may be offset to some degree by the savings produced from no longer issuing and then processing citations for failure to display two license plates.

¹ The state funds that receive court costs from various traffic and criminal violations 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).

Detailed Fiscal Analysis

The bill specifies that failure to display a license plate on the front of a motor vehicle when required by law is a secondary traffic offense and establishes a maximum fine of \$25 for failure to display a license plate on both the front and back of a vehicle. Under current law, the failure to display a front license plate when required is enforced as a primary traffic offense, a violation of which is a minor misdemeanor and carries a fine of up to \$150. As a secondary traffic offense, a law enforcement officer will not be permitted to issue a citation for failure to display a front license plate unless the officer also arrests or issues a citation for a primary traffic offense. If, as a result of the bill, the number of citations issued decreases, then state and local revenues (from court costs, fees, and fines) that would otherwise have been collected from such violations will be lost.

State fiscal effects

Ohio State Highway Patrol

Under current law, if a Highway Patrol trooper cites a driver for failure to display two plates, the resulting fine is deposited in the state treasury to the credit of the Security, Investigations, and Policing Fund (Fund 8400). As a result of the bill, such citations are likely to decrease. The resulting loss in fine revenue deposited to the credit of Fund 8400 will be minimal at most annually, and could be offset to some degree by eliminating the need for troopers to appear in court for contested citations.

Revenues

With the possibility of a decrease in citations being issued for failure to display two license plates, the state may lose, at most, a minimal amount of court cost revenue that would otherwise have been collected for deposit in the state treasury to the credit of certain state funds. The state funds that receive court costs from various traffic and criminal violations 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).

Local fiscal effects

Under current law, a violation of the requirement to display two license plates is a primary traffic offense likely to result in a law enforcement officer issuing a citation for the commission of a minor misdemeanor, the penalty for which would be a fine of up to \$150. In lieu of making a court appearance on the citation, a person is permitted to pay the amount of fines, fees, and court costs to the office of the clerk of the court in person or by mail. Under the bill, the offense can only be enforced as a secondary traffic offense and the associated fine is up to \$25.

As a result of the bill, counties, municipalities, and townships statewide are likely to see some loss in fine, fee, and court cost revenues, the magnitude of which in

any given local jurisdiction will depend upon the number of citations typically issued to drivers annually solely for failure to display two plates as a primary traffic offense.

In 2013, the Department of Public Safety reported that 36,500 tag/sticker violations statewide, which included failure to display: (1) any license plate (front or rear), (2) a current validation sticker, (3) a county sticker, or (4) a temporary tag. The number of citations issued specifically for failure to display a front license plate is uncertain.

Statistics for the Franklin County Municipal Court, which has countywide jurisdiction, indicate that, on average, close to 300 failure to display charges have been filed with the court annually from calendar years 2012-2014. The total cost of the ticket associated with each charge is around \$100, including court costs, fees, and a \$45 fine. Annualized that means that the total amount of local revenue being collected in the Franklin County Municipal Court from failure to display charges is approximately \$30,000. Under the bill, all or some portion of that revenue will no longer be collected and distributed to the appropriate local jurisdictions.

A simple population-based extrapolation from the Franklin County Municipal Court's charging data suggests that the total number of failure to display charges being filed annually statewide could be at least 1,200 or more. The total cost of the ticket in local jurisdictions around the state varies between \$100 and \$200 (court costs, fees, and fine). Annualized that means that the total amount of local revenue being collected from failure to display charges statewide could be between \$120,000 and \$240,000, if not more. Under the bill, all or some portion of that revenue will no longer be collected and distributed to the appropriate local jurisdictions. Presumably, the revenue loss will be offset to some degree by a decrease in citation processing activity.

Basic fine, court costs, and fees breakdown

The table below provides a basic breakdown of the state and local revenue collected from individuals for failure to display two plates on a motor vehicle.

Fine, Fees, and Costs for Failure to Display Two Plates		
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 Forwarded for deposit in state Security, Investigations, and Policing Fund (Fund 8400) if violator cited by the Ohio State Highway Patrol
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"> \$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) \$0.10 to the Justice Program Services Fund (Fund 4P60)