



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 157 of the 131st G.A.

Date: April 13, 2016

Status: As Introduced

Sponsor: Sen. Jones

Local Impact Statement Procedure Required: No

Contents: Bicycle helmets

State Fiscal Highlights

- **Bicycle Safety Fund.** Fines for violations of the bill's bicycle helmet requirement will be credited to the state's Bicycle Safety Fund, which the bill creates, and are required to be used by the Department of Public Safety to establish a bicycle safety education program available to the public in each county and to assist low-income families in the purchase of helmets. It is unclear as to whether the available cash in the fund will be sufficient to cover the annual cost of the Department's required duties and responsibilities.
- **Court cost revenues.** Since the number of violators annually statewide is expected to be relatively small, the amount of additional court cost revenue that might be generated annually for distribution between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020) is likely to be minimal at most.

Local Fiscal Highlights

- The number of failure to wear a bicycle helmet citations issued in any given local jurisdiction is likely to be relatively small resulting in minimal, at most, costs for law enforcement and courts. The amount of additional revenue (from court costs and fees) that might be generated annually for deposit in the appropriate local treasury is also likely to be minimal at most.

Detailed Fiscal Analysis

Operating a bicycle without a helmet

The bill generally requires any person under 16 years of age to wear a helmet while on a bicycle. The failure to do so carries a fine not to exceed \$25 for a first offense and not to exceed \$100 for a second or subsequent offense. All fines will be credited to the Bicycle Safety Fund, which the bill creates. For the period of one year after the bill's effective date, a law enforcement officer may only issue a warning explaining the bill's provisions.

Local fiscal effects

There are roughly two dozen Ohio jurisdictions that have enacted local ordinances/resolutions that are similar to the bill's mandatory bicycle helmet provision, some of which are more stringent than the regulations created by the bill. Based on LSC research, it appears that local law enforcement does not expend much time and effort in enforcing these ordinances/resolutions, few persons are cited for violations, and little, if any, revenue is collected in fines and related court costs and fees. The bill permits a municipal corporation to adopt or retain bicycle helmet regulations that are as stringent as, or more stringent than, the regulations created by the bill.

In addition to the fine, the court would generally impose on each violator local court costs and fees, the amount of which would vary from jurisdiction to jurisdiction. Presumably, the number of violators that might be cited annually in any given jurisdiction will be relatively small. As such, the amount of additional revenue that might be generated annually for deposit in the appropriate local treasury is likely to be minimal at most.

Local entities potentially affected by the bill's bicycle helmet provision include the following:

- County, municipal, and township law enforcement agencies that would be charged with enforcing the requirement.
- County and municipal courts that might have to adjudicate contested citations.
- County and municipal clerks of courts who would have to collect the fine and forward it for deposit in the state treasury.

As previously stated, the number of citations issued in any given jurisdiction is likely to be relatively small, so any additional local enforcement and administrative costs incurred are likely to be minimal at most.

State fiscal effects

Bicycle Safety Fund

The Department of Public Safety is required to use the money credited to the Bicycle Safety Fund to create, improve, and sustain a bicycle safety education program in each county and to assist low-income families in the purchase of approved bicycle helmets.

The revenue credited to the Bicycle Safety Fund will consist of: (1) each fine of up to \$25 for a first violation, (2) each fine of up to \$100 for a second or subsequent violation, and (3) any investment earnings on the money deposited in the fund. Although the amount of revenue that may be credited to the fund annually is uncertain, there are a few factors that may act as a constraint on revenue generation. They are as follows:

- The court of jurisdiction is permitted to waive the fine if the violator can provide the court with satisfactory proof that the person has a helmet and intends to use it as required.
- Law enforcement officers are only permitted to issue written warnings rather than citations for one year after the bill's enactment.
- Ohio jurisdictions that currently have a similar ordinance/resolution already in place, cite few persons for violations and collect little, if any, related fine and court cost and fee revenue.

As the amount of revenue that may be generated annually for deposit in the Bicycle Safety Fund is uncertain, the potential magnitude of any expenditure from the fund annually is uncertain as well. It is unclear as to whether the available cash in the fund will be sufficient to cover the annual cost of the Department's required duties and responsibilities.

The bill requires the Director of Public Safety to adopt such rules as are necessary for the implementation of the bill and the establishment of a bicycle safety education program. The rule adoption process carries a one-time cost that the Department will be able to absorb into its daily operations.

Court cost revenues

In addition to the fine, the court would generally impose state court costs on each violator totaling \$29. Of that amount, \$20 would be deposited in the Indigent Defense Support Fund (Fund 5DY0) and \$9 would be deposited in the Victims of Crime/Reparations Fund (Fund 4020). Since the number of violators annually statewide is expected to be relatively small, the amount of additional revenue that might be generated annually for deposit in either state fund is likely to be minimal at most.

Bicycle rental businesses

The bill requires a bicycle rental business: (1) to inform a person under 16 years of age of the bill's helmet requirement and (2) to provide a helmet, for which a reasonable fee may be charged. The bill also specifies the circumstances in which the

business is not liable in a civil action for damages. This civil immunity provision may make it less likely that a person will file a civil action against a business or if an action is filed, for that person to prevail. There will be no discernible fiscal effect on the courts with jurisdiction over such matters (courts of common pleas, municipal courts, and county courts), as cases of this nature are expected to be relatively infrequent.

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