

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 300** DATE: **January 29, 2008**

STATUS: **As Introduced** SPONSOR: **Rep. J. Hagan**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Requires hotels to provide a bed that is suitable for use with a portable lift in any sleeping room that is accessible to the physically disabled and directs the State Fire Marshal to adopt by rule a description of the access and clearance needed for a bed to comply with the requirement**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -
State Fire Marshal Fund (Fund 546) – Department of Commerce			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential minimal increase in inspection or administrative hearing costs	Potential minimal increase in inspection or administrative hearing costs
Victims of Crime/Reparations Fund (Fund 402) – Attorney General			
Revenues	- 0 -	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- There appears to be little fiscal effect on the State Fire Marshal's (SFM) hotel inspection activities as a result of the bill. SFM inspectors would likely ensure that the new requirement is being followed during routine inspections.
- Current law, unchanged by the bill, prescribes SFM activities when a hotel is found to be in noncompliance of Hotel Law requirements. After notification, the licensee must make the alterations or changes as necessary to put the building and premises into complete compliance within a reasonable time. If not, SFM may suspend or revoke a hotel license after an administrative hearing conducted under Chapter 119. of the Revised Code.
- New misdemeanor cases could mean that the state may gain a negligible amount of state court cost revenue, which is deposited into the GRF and the Victims of Crime/Reparations Fund (Fund 402).



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Under current law unchanged by the bill, persons refusing or failing to make the necessary alterations or changes can be charged with a first-degree misdemeanor, meaning that court expenses for counties and municipalities may increase as a result of the new requirement, but likely no more than minimally. The potential for additional cases also could mean that counties and municipalities will gain court cost and fine revenue (fine revenue remains in the county of prosecution), which would mitigate the impact of any increase in criminal justice expenditures.

Detailed Fiscal Analysis

Overview

Americans with Disabilities Act Accessibility Guidelines (ADAAG) prescribe certain requirements on places of public accommodation, such as hotels, restaurants, movie theaters, stadiums, grocery stores, banks, libraries, and so forth, so that persons with physical disabilities will not be discriminated against in terms of access to those places. Under ADAAG, hotels must contain a certain number of rooms that are accessible to those with physical disabilities (based on the total number of rooms in the hotel) that meet various minimum requirements concerning such things as access routes and accessible elements and spaces.

This bill requires hotels to provide at least one bed that is suitable for use with a portable lift (that the guest provides) in any sleeping room that is designed to be accessible to the physically disabled. The State Fire Marshal (SFM) is responsible for licensing and inspecting hotels and motels and is required by the bill to adopt a rule describing the access to the bed and amount of clearance between the floor and the bottom of the bed necessary for a bed to comply with the new requirement.

State fiscal effects – State Fire Marshal

There appears to be little fiscal effect on SFM's inspection activities, as SFM inspectors would likely ensure that the new requirement is being followed by checking for a bed that meets the height and accessibility rules while conducting routine inspections. In the course of an inspection under current law, if an inspector finds that a property is not equipped in the manner and condition required by the Hotel Law (section 3731.01 to 3731.21 of the Revised Code), the SFM must notify the owner, proprietor, or agent in charge of the business, or the owner or agent of the building being occupied, of the changes or alterations that are necessary to come into compliance with Hotel Law requirements or the Ohio Fire Code.

The owner, proprietor, or agent in charge of the business must make the alterations or changes as necessary to put the building and premises into complete compliance within a reasonable time set by the SFM after being notified. Under continuing law unchanged by the bill, if a person fails to satisfy the bill's requirements, the person is subject to a fine of \$10 per day the violation continues. If the alterations or changes are not made within a reasonable time period, the SFM may suspend or revoke a hotel license after an administrative hearing conducted under Chapter 119. of the Revised Code and the owner, proprietor, or agent would be subject to the misdemeanor penalty described below.

Local fiscal effects

Under current law unchanged by the bill, persons refusing or failing to make the necessary alterations or changes can be charged with a first-degree misdemeanor (M1), which carries a maximum sentence of six months and a maximum fine of \$1,000. This means that court expenses for counties and municipalities may increase as a result of the new requirement in the bill, but likely no more than minimally. If so, counties and municipalities would gain court cost and fine revenue (fine revenue remains in the county of prosecution), which would offset some or all of the impact of any increase in criminal justice expenditures. The state may also gain a negligible amount of state court cost revenue that is deposited into the GRF and the Victims of Crime/Reparations Fund (Fund 402).

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