



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 17 of the 128th G.A.

Date: May 5, 2009

Status: As Introduced

Sponsor: Rep. Uecker

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Motorcycle operation penalties

State Fiscal Highlights

STATE FUND

FY 2010 – FUTURE YEARS

General Revenue Fund (GRF)

Revenues Potential gain, not likely to exceed negligible annually

Expenditures - 0 -

Victims of Crime/Reparations Fund (Fund 4020)

Revenues Potential gain, not likely to exceed negligible annually

Expenditures - 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- **Locally collected state court costs.** If, as assumed herein, the number of additional arrests and related convictions of certain persons operating a motorcycle will be relatively few in number, then the state would likely collect, at most, a negligible amount of additional court cost revenue for deposit in the General Revenue Fund (GRF) and the Victims of Crime/Reparations Fund (Fund 4020). A negligible revenue gain herein means an estimated increase of less than \$1,000 per year for either state fund.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2009 – FUTURE YEARS

Counties and Municipalities

Revenues Potential, likely minimal at most, gain in court costs and fines

Expenditures Potential, likely minimal at most, increase to prosecute and sanction certain offenders

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

- **Local revenues and expenditures.** If, as assumed herein, the number of additional arrests and related convictions of certain persons operating a motorcycle will be relatively few in number, then any local costs to process the violation, and any related revenue collected in the form of court costs and fines, is unlikely to exceed

minimal. Minimal means an expenditure increase, or revenue gain, estimated at no more than \$5,000 for any affected jurisdiction per year.

Detailed Fiscal Analysis

Overview

The bill clarifies that the existing penalty provisions that apply to cases of driving a motor vehicle without a valid license apply to cases in which the operator of a motorcycle does not have a valid license as a motorcycle operator. There is some ambiguity in current law as to the applicable penalty, if any, when a person operates a motorcycle without the proper endorsement or restricted license.

Existing law specifies that, if a person operates a vehicle without the appropriate license, the conduct constitutes a minor misdemeanor, or a fourth, third, second, or first degree misdemeanor, depending upon the circumstances present.

Misdemeanor sentences and fines generally

Table 1 below summarizes the existing sentences and fines for the misdemeanor offenses applicable to existing penalty provisions.

Offense Level	Fine	Maximum Term
Misdemeanor 1st degree	Up to \$1,000	6-month jail stay
Misdemeanor 2nd degree	Up to \$750	90-day jail stay
Misdemeanor 3rd degree	Up to \$500	60-day jail stay
Misdemeanor 4th degree	Up to \$250	30-day jail stay
Minor misdemeanor	Up to \$150	Citation issued; No arrest

Operating without a valid license

Based on LSC fiscal staff's research to date, it does not appear that this ambiguity has created widespread problems relative to law enforcement's ability to charge a person operating a motorcycle under the above-described circumstances and for the appropriate local jurisdiction to then successfully prosecute and appropriately sanction that person. Assuming this were true, the clarifying language may result in a few additional arrests and convictions in certain local jurisdictions than might otherwise have occurred under current law and practice.

Local fiscal effects

Expenditures

If, as assumed herein, the number of additional arrests and related convictions generated subsequent to the bill's enactment will be relatively few in number, then any costs for local jurisdictions to prosecute, adjudicate, and sanction certain persons operating a motorcycle seems unlikely to exceed minimal. A minimal local cost herein means an estimated increase in expenditures for any affected jurisdiction of no more than \$5,000 per year.

Revenues

A few additional arrests and convictions of certain persons operating a motorcycle would generate, at most, a minimal gain in court costs and fines retained by the appropriate local jurisdiction. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated increase of no more than \$5,000 for any affected jurisdiction per year.

State fiscal effects

Expenditures

The bill will not directly affect state expenditures.

Revenues

A court generally imposes a locally state court cost totaling \$24 on a person convicted of a misdemeanor offense. If collected, that amount is forwarded for deposit in the state treasury: \$15 is credited to the General Revenue Fund (GRF) and \$9 is credited to the Victims of Crime/Reparations Fund (Fund 4020). A few additional arrests and convictions of certain persons operating a motorcycle would likely generate, at most, a negligible amount of court cost revenue for deposit in either state fund. A negligible revenue gain herein means an estimated increase of less than \$1,000 per year for either state fund.