Ohio Legislative Service Commission

Russ Keller

Fiscal Note & Local Impact Statement

Bill:	H.B. 71 of the 128th G.A.	**Date**:	May 4, 2009
Status:	As Introduced	**Sponsor**:	Reps. R. Hagan and W. Batchelder

Local Impact Statement Procedure Required: No — No local cost

Contents: To establish requirements for contract carriers that transport railroad employees

State Fiscal Highlights

STATE FUND	FY 2010	FY 2011	FUTURE YEARS
General Revenue Fund			
Revenues	Potential Gain	Potential Gain	Potential Gain
Expenditures	- 0 -	- 0 -	- 0 -
Transportation Enforcement Fund			
Revenues	Potential Gain	Potential Gain	Potential Gain
Expenditures	- 0 -	- 0 -	- 0 -

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

- No direct fiscal effect on the General Revenue Fund, but a potential gain if forfeiture revenues resulting from this bill and other existing provisions exceed amounts necessary to administer the civil forfeiture program.
- If the new requirements are violated, the forfeitures assessed on the offenders will be deposited into the Transportation Enforcement Fund. The House-passed biennial budget appropriated $284,986 in each year of the FY 2010-FY 2011 biennium to fund the cost of administering the PUCO civil forfeiture program. If revenues to the fund exceed this appropriation, all forfeitures subsequently received would be credited to the General Revenue Fund.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

H.B. 71 creates provisions within the Private Motor Carriers Law (R.C. Chapter 4923.) to specifically regulate contract carriers that contract with a railroad company to transport on-duty employees of that railroad within Ohio and from within Ohio to other states. Furthermore, it requires contract carriers to maintain no-fault insurance and liability insurance in an amount not less than $5 million for each vehicle it uses to transport railroad employees that can hold 16 or more passengers or in an amount not less than $1.5 million for each vehicle it uses to transport railroad employees that can hold 15 or fewer passengers. The bill also establishes standards pertaining to safety for vehicles used to transport railroad employees. Violations of these new provisions will be subject to existing penalties specified within the Private Motor Carrier Law.

Fiscal effect

The Revised Code requires any forfeiture assessed on offenders to be deposited into the Transportation Enforcement Fund used by the PUCO. The fund collects forfeitures for numerous other existing offenses, and if the total revenue from all forfeitures exceeds the appropriation of the Civil Forfeitures line item within the PUCO budget, the excess amounts must be deposited into the GRF. For the upcoming biennium, the House-passed version of H.B. 1 appropriated $284,986 per year, which is identical to the amount appropriated for FY 2009. In the two fiscal years prior to FY 2009, the PUCO deposited a total of $6.2 million into the GRF as a result of civil forfeitures levied against motor carriers for noncompliance with regulations.

The amount of additional revenue to the Transportation Enforcement Fund and the GRF is subject to the number of violations and the average amount of forfeiture assessed. Current law allows forfeiture amounts up to $1,000 for a violation discovered during a roadside inspection, and up to $10,000 for a violation discovered during a compliance review.

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