



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** Sub. H.B. 204 of the 128th G.A.

**Date:** March 4, 2010

**Status:** As Reported by House Transportation & Infrastructure

**Sponsor:** Reps. Letson and Slesnick

**Local Impact Statement Procedure Required:** No — Minimal cost

**Contents:** Makes several changes to the law related to the operation of a motorcycle and other changes to the traffic code

### State Fiscal Highlights

STATE FUND	FY 2011 – FUTURE YEARS
<b>Indigent Defense Support Fund (Fund 5DY0)</b>	
Revenues	Potential gain, not likely to exceed negligible annually
Expenditures	- 0 -
<b>Victims of Crime/Reparations Fund (Fund 4020)</b>	
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 2011 is July 1, 2010 – June 30, 2011.

- **Locally collected state court costs related to driving a motorcycle without a proper endorsement.** 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 Indigent Defense Support Fund (Fund 5DY0) 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

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## Counties and Municipalities

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Revenues	Potential, likely minimal at most, gain in court costs and fines
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Expenditures	Potential, likely minimal at most, increase to prosecute and sanction certain offenders
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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 related to driving a motorcycle without a proper endorsement.** 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.

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## Detailed Fiscal Analysis

### Overview

From a fiscal perspective, the bill does the following:

- I. Allows the operator of a motorcycle to back the motorcycle into an angled parking space so that, when it is parked, it is facing the opposite direction of travel.
- II. 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.
- III. Codifies the restrictions that apply to a person who operates a motorcycle pursuant to a motorcycle temporary instruction permit.
- IV. Provides that lighted daytime running lights satisfy the requirement that motor vehicles display lighted lights at any time when the vehicle's windshield wipers are in use because of precipitation on the windshield.

### I. Angled Parking for Motorcycles

#### State fiscal effects

Currently, any vehicle or trackless trolley is prohibited from being stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway. The bill would allow the operator of a motorcycle to back the motorcycle into an angled parking space so that, when it is parked, it is facing the opposite direction of travel. According to the Department of Public Safety, this provision would not have any fiscal impact on the state.

#### Local fiscal effects

According to the Ohio Municipal League, since there are very few, if any, such violations under current law, this particular provision of the bill would not appear to create any significant fiscal impact on local governments.

### II. Penalties for Operating a Motorcycle Without a Proper Restricted License

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.

**State fiscal effects**

**Expenditures**

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. The bill will not directly affect state expenditures.

**Revenues**

A court generally imposes a locally collected state court cost totaling \$29 on a person convicted of a misdemeanor offense. If collected, that amount is forwarded for deposit in the state treasury: \$20 is credited to the Indigent Defense Support Fund (Fund 5DY0) 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.

**Misdemeanor sentences and fines generally**

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

<b>Table 1. Existing Sentences and Fines for Misdemeanor Applicable Offenses Generally</b>		
<b>Offense Level</b>	<b>Fine</b>	<b>Maximum Term</b>
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 any ambiguities regarding penalties for operating a motorcycle without the proper endorsement 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 enactment of this particular provision of the bill 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 without a proper endorsement 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.

## **III. Restrictions for a Person Operating a Motorcycle With a Temporary Permit**

### **State and local fiscal effects**

The bill codifies current regulations that state that a person who holds a temporary permit for operating a motorcycle may only operate a motorcycle: (1) during daylight hours, (2) with no passengers, (3) on any road that is not a limited access highway, and (4) while wearing a protective helmet. As this provision is codifying current Department of Public Safety regulations, there would not likely be any fiscal impact on state or local governments.

## **IV. Use of Daytime Running Lights**

### **State and local fiscal effects**

The bill generally provides that lighted daytime running lights satisfy the requirement that motor vehicles display lighted lights at any time when the vehicle's windshield wipers are in use because of precipitation on the windshield. This provision does not involve any penalties; it is expanding the definition of what qualifies as an acceptable display of lights during inclement weather. It is primarily technical in nature and, as such, would not likely have any fiscal impact on either state or local governments.