



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 415 of the 128th G.A.

**Date:** February 22, 2010

**Status:** As Introduced

**Sponsor:** Reps. DeBose and Garland

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

**Contents:** Prohibits driving a motor vehicle while text messaging on a mobile communication device

### State Fiscal Highlights

#### STATE FUND

#### FY 2011 – FUTURE YEARS

##### Victims of Crime/Reparations Fund (Fund 4020)

Revenues	Potential negligible annual gain in locally collected state court costs
Expenditures	- 0 -

##### Indigent Defense Support Fund (Fund 5DY0)

Revenues	Potential negligible annual gain in locally collected state court costs
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2011 is July 1, 2010 – June 30, 2011.

- **Court cost revenues.** If, as assumed herein, the number of violators annually statewide will be relatively small, then the amount of additional revenue that might be generated annually in the form of locally collected state court costs and deposited to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020) would be minimal at most. A minimal gain in state revenue means an estimated increase of less than \$100,000 for either state fund per year.

### Local Fiscal Highlights

#### LOCAL GOVERNMENT

#### FY 2010 – FUTURE YEARS

##### Counties, Municipalities, and Townships

Revenues	Potential, likely no more than minimal, gain in court costs and fines
Expenditures	Potential increase for law enforcement and courts to enforce and process violations, likely minimal at most

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

- **Local criminal justice system expenditures.** If we assume the number of citations issued in any given jurisdiction is relatively small, then the local enforcement and administrative costs are likely to be minimal at most. A minimal local expense is estimated at less than \$5,000 for any affected jurisdiction per year.

- **Local revenues.** Given the general expectation that the number of violators that might be cited annually in any given jurisdiction will be relatively small, then the amount of additional revenue that might be generated annually for deposit in the appropriate local treasury will be minimal at most. A minimal gain in local revenue means an estimated increase of less than \$5,000 for any affected jurisdiction per year.
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## Detailed Fiscal Analysis

### Overview

The bill prohibits driving a vehicle while text messaging or typing on a mobile communication device, a violation of which is a primary offense (law enforcement may stop a vehicle for a text messaging infraction) and carries the penalty of a minor misdemeanor, which is a fine of no more than \$150. The bill also mandates that no law enforcement officer issue a citation for a violation of the bill's prohibition for six months after the effective date.

### State fiscal effects

#### Court costs

In addition to any particular fine, the court would generally impose on each violator state court costs 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). If, as assumed herein, the number of violators annually statewide will be relatively small, then the amount of additional revenue that might be generated annually for deposit in either state fund would be minimal at most. A minimal gain in state revenue means an estimated increase of less than \$100,000 for either state fund per year.

### Local fiscal effects

LSC fiscal staff has contacted North Olmsted, a local jurisdiction that recently enacted a local ordinance that is similar to the bill's prohibition on text messaging while driving a motor vehicle. According to the police chief in North Olmsted, to date, no one has been cited for text messaging while driving. The experience in this jurisdiction suggests a relatively small number of citations would likely be generated statewide.

#### Local court cost revenues

In addition to the fine, the court would generally impose on each violator local court costs, the amount of which would vary from jurisdiction to jurisdiction. If, as assumed herein, the number of violators that might be cited annually in any given jurisdiction will be relatively small, then the amount of additional revenue that might be generated annually for deposit in the appropriate local treasury will be minimal at most. A minimal gain in local revenue means an estimated increase of less than \$5,000 for any affected jurisdiction per year.

The bill also contains a provision mandating that no law enforcement officer issue a citation for a violation of the bill's prohibition for six months after the effective date. Aside from delaying the collection of any fine or court cost revenues for a period of six months, it is not clear how this provision will have an impact. It is possible that by serving to help familiarize the public to this new restriction on text messaging while driving a motor vehicle, the rate of compliance with the new law may improve, thereby decreasing the potential number of citations generated from observed violations.

### **Local criminal justice system expenditures**

Local entities potentially affected by the bill's restriction on text messaging include the following:

- County, municipal, and township law enforcement agencies that would be charged with enforcing the prohibition.
- County and municipal courts that might have to adjudicate contested citations.

If, as assumed herein, the number of citations issued in any given jurisdiction is relatively small, then the local enforcement and administrative costs are likely to be minimal at most. A minimal local expense is estimated at less than \$5,000 for any affected jurisdiction per year.