



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 164 of the 128th G.A. **Date:** January 13, 2010
Status: As Introduced **Sponsor:** Sen. S. Smith

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Prohibits driving a vehicle while text messaging or typing on a mobile communication device

State Fiscal Highlights

STATE FUND FY 2011 – FUTURE YEARS

State Bureau of Motor Vehicles Fund (Fund 4W40)

Revenues	Potential gain from license reinstatement fees, not likely to exceed minimal
Expenditures	Potential increase, not likely to exceed minimal

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

- **State Bureau of Motor Vehicles Fund.** The bill imposes a six-month license suspension if a violation of its provisions results in an accident. Given the general expectation that the number of new offenses created by the bill would likely be fairly small, the Department of Public Safety does not believe that this provision will result in an increase in expenditures, from having to process the suspension, or a gain in revenues, from the license reinstatement fee, that would exceed minimal.

Local Fiscal Highlights

LOCAL GOVERNMENT FY 2010 – FUTURE YEARS

Counties, Municipalities, and Townships

Revenues	Potential gain, depending on the number of violations
Expenditures	Potential increase, depending on the number of violations that result in court cases

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

- **Revenues.** The bill sets the fine for a first violation of the provisions of the bill at \$200. If there is a previous conviction, the fine is \$500. The total amount of new fine revenue generated by the bill is uncertain, and may offset any increase in case processing expenses.
- **Court-related expenses.** The bill requires that, if the offender is involved in an accident, and the citation notes that the offender was text messaging or typing on a mobile communication device at the time of that accident, the offender must appear in the appropriate court, rather than entering a written plea of guilty and waiving

the right to contest the citation in a trial. Depending on the number of cases, this provision will result in an increase in expenditures for the courts, but the precise magnitude of any such increase is uncertain, and may be offset to some degree by fine revenues collected.

Detailed Fiscal Analysis

Overview

From a fiscal perspective, the bill does the following:

- Prohibits driving a vehicle while text messaging or typing on a mobile communication device.
- Establishes such a violation as a secondary traffic offense and sets the fine at \$200 for the first offense, and \$500 if there is a previous violation.
- Requires the offender to appear in the appropriate court if the violation is involved in an accident.
- Imposes a six-month license suspension if the text messaging or typing violation involved an accident.

State fiscal effects

The bill imposes a six-month license suspension if a violation of its provisions results in an accident. The Department of Public Safety does not believe that this provision will result in an increase in expenditures, from having to process the suspension, or a gain in revenues, from the license reinstatement fee, that would exceed minimal.

Local fiscal effects

Revenues

The bill sets the fine for a first violation of the provisions of the bill at \$200. If there is a previous conviction, the fine is \$500. As the bill establishes that driving a vehicle while text messaging or typing on a mobile communication device is a secondary offense, LSC is unable to determine the precise amount of fine revenue that local governments might gain in revenues. Any gain in revenues is dependent on the number of citations issued that include a violation of the provisions of the bill.

Expenditures

The bill requires that, if the offender is involved in an accident, and the citation notes that the offender was text messaging or typing on a mobile communication device, the offender appear in the appropriate court, rather than entering a written plea of guilty and waiving the right to contest the citation in a trial. Depending on the number of cases, this provision could result in an increase in expenditures for the

courts, but LSC is unable to determine how much that increase would be as it is unclear how many violations will likely occur. Presumably, the fine for a violation of the bill's provisions would help offset any increase in court costs related to the mandatory court appearances in certain cases involving accidents.

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