



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** S.B. 166 of the 128th G.A.

**Date:** January 13, 2010

**Status:** As Introduced

**Sponsor:** Sens. Hughes and Goodman

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

**Contents:** Failure to yield to a public safety vehicle

### State Fiscal Highlights

#### STATE FUND

#### FY 2010 – FUTURE YEARS

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

Revenues Potential, likely minimal at most, gain in locally collected state court costs

Expenditures -0-

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

Revenues Potential, likely minimal at most, gain in locally collected state court costs

Expenditures -0-

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

- **Court cost revenues.** If as a result of the bill, additional persons are cited and convicted of certain traffic violations, then the state may gain a minimal amount of locally collected state court costs that would be forwarded for deposit to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). Minimal herein means an estimated revenue gain of less than \$100,000 per year for either state fund.

# Local Fiscal Highlights

**LOCAL GOVERNMENT**

**FY 2010 – 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 investigate, prosecute, and adjudicate reported traffic law violations

**Townships**

Revenues	-0-
Expenditures	Potential, likely minimal at most, increase to investigate reported traffic law violations

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

- Counties and municipalities.** If as a result of the bill, additional persons are cited and convicted of certain traffic violations, then counties and municipalities may gain revenues in the form of court costs and fines. The potential revenue gain would likely be minimal at most, with minimal meaning a revenue gain estimated at no more than \$5,000 annually. Counties and municipalities may also incur additional minimal costs as reported traffic law violations will have to be investigated by law enforcement and the alleged violators subsequently prosecuted.
- Townships.** Township law enforcement agencies may incur additional minimal costs to investigate any report received from emergency personnel operating certain public safety vehicles and alleging a traffic violation. This provision may increase, minimally at most, the investigatory expenditures for law enforcement agencies in townships.

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## Detailed Fiscal Analysis

### Overview

For the purposes of this fiscal analysis, the bill most notably:

- Allows emergency personnel in certain public safety vehicles to report when a motor vehicle fails to yield the right-of-way to the public safety vehicle, as well as other traffic law violations.
- Requires a law enforcement agency, when it receives a report from emergency personnel operating a public safety vehicle, to conduct an investigation of the alleged violation.
- Establishes probable cause for the law enforcement agency to issue a citation for the failure of a motor vehicle to yield the right-of-way to a public safety vehicle, if the identity of the operator is confirmed.

In researching the bill's fiscal implications, to date, LSC fiscal staff has spoken with city of Columbus personnel associated with the City Attorney's Traffic Diversion Program, the Division of Fire's Public Information Department, and the Police Department's Traffic Division. A distillation of those conversations is what follows.

### State fiscal effects

If as a result of the bill, additional persons are cited and convicted of certain traffic violations, then the state may gain locally collected court costs deposited to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). It is difficult to predict the frequency with which law enforcement agencies will cite offenders for violations specified under this bill. It is equally difficult to predict how many convictions may occur as a result of the bill. That being said, the potential gain from additional moneys collected and deposited into each fund would likely be minimal at most, with minimal meaning a revenue gain for either state fund estimated at less than \$100,000 per year.

### Local fiscal effects

#### Counties and municipalities

In our conversations with individuals working in the field, LSC fiscal staff learned that it is fairly commonplace for motor vehicles to fail to yield the right-of-way to public safety vehicles. Under the bill, emergency personnel operating public safety vehicles are permitted to report that violation, as well as other traffic violations, to the law enforcement agency exercising jurisdiction over the area where the violation occurred. It is difficult to predict the frequency with which emergency personnel may report a violation; however, it is plausible that at least some emergency personnel would exercise the new authority granted under the bill and report violations.

What that means is, if additional persons are cited and convicted of certain traffic violations, then counties and municipalities may gain revenues in the form of court costs and fines. The potential gain from additional moneys collected is difficult to predict because, again, the frequency with which emergency personnel may report violations is unknown. That being said, the potential gain would likely be minimal at most, with minimal for these local jurisdictions meaning an annual revenue gain estimated at no more than \$5,000.

Conversely, the bill requires that law enforcement agencies investigate any report received from emergency personnel operating certain public safety vehicles. This provision, at a minimum, creates additional investigatory expenditures for law enforcement agencies, and, if the case proceeds to a hearing, it creates, at a minimum, additional expenditures to prosecute and adjudicate the matter. There is no precise method to predict how many additional investigations law enforcement agencies may be required to conduct, or, of those reported violations, the number that would subsequently need to be prosecuted and adjudicated. That said, based on our research and conversations, the potential increase in expenditures for law enforcement agencies and courts would likely be minimal at most.

### **Townships**

The bill requires that law enforcement agencies investigate any report received from emergency personnel operating certain public safety vehicles and alleging a traffic violation. Thus, township law enforcement agencies may receive additional traffic violation reports that require investigation. There is no precise method to predict how many additional investigations township law enforcement agencies may be required to conduct. That said, based on our research and conversations, the potential increase in annual expenditures for township law enforcement agencies would likely be minimal at most.