



# Ohio Legislative Service Commission

*Russ Keller*

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 82 of the 129th G.A.](#)

**Date:** March 16, 2011

**Status:** As Introduced

**Sponsor:** Reps. Grossman and Boose

**Local Impact Statement Procedure Required:** No

**Contents:** To restore an exemption from federal motor-carrier safety regulations that was repealed in 2008 by rule of the PUCO, for certain private motor carriers.

### State Fiscal Highlights

- The civil forfeitures, which may be up to \$10,000 per day, collected by the Public Utilities Commission (PUCO) are deposited into the Civil Forfeiture Fund (Fund 4U80). Any revenue loss to Fund 4U80 due to the bill would depend on compliance of the applicable motor carriers with existing law, but is expected to have a negligible impact before January 1, 2012 because the bill effectively codifies the announced practice of PUCO during that period.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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## Detailed Fiscal Analysis

H.B. 82 restores an exemption from federal motor-carrier safety regulations that was repealed in 2008 by rule of the PUCO, for certain private motor carriers. The repealed exemption applied to lightweight (under 26,001 lbs.), limited-passenger (under 15 passengers), intrastate motor vehicles operated by not-for-hire private motor carriers. The repealed exemption was further limited to vehicles that did not transport hazardous materials in amounts requiring a placard under federal law.

In addition to restoring the exemption, the bill also grants the restored exemption to motor vehicles operated by for-hire private motor carriers that otherwise match the description above. Beverage delivery trucks, farm vehicles, and recreational vehicles are examples of not-for-hire private motor carriers. Buses and large limos, couriers, and tow trucks are examples of for-hire private motor carriers.

### Fiscal Effect

The PUCO has delayed enforcement of the federal regulations that were applied to the previously exempt carriers and vehicles in 2008. Though these regulations have taken effect, the PUCO has issued an entry ordering that previously exempt carriers and drivers not be assessed a civil forfeiture or monetary penalty until January 1, 2012, except for "egregious violations of the safety regulations." Because the bill effectively codifies current practice until then, there would be no fiscal effect until then. After that date, the reduction in revenues from civil forfeitures would depend on motor carrier compliance with the law.

Under continuing law, forfeitures, in general, may be up to \$10,000 per day of violation. A forfeiture for a violation discovered during a roadside inspection is limited to \$1,000. Forfeitures collected by PUCO are deposited in the Civil Forfeitures Fund (Fund 4U80).