



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [H.B. 406 of the 130th G.A.](#)

Date: March 10, 2014

Status: As Introduced

Sponsor: Reps. Green and Landis

Local Impact Statement Procedure Required: No

Contents: Creates the motorcycle road guard certificate and training program

State Fiscal Highlights

- The bill may increase expenditures for the Department of Public Safety related to creating and administering the motorcycle road guard certificate and training program that will be offset by the revenue collected from the application fee established in the bill.

Local Fiscal Highlights

- Local law enforcement may see a gain in revenues related to the new traffic violation created by the bill. Any gain is unlikely to exceed minimal.

Detailed Fiscal Analysis

The bill creates the motorcycle road guard certificate and training program to allow certified individuals to control traffic in certain circumstances. It also creates a new minor misdemeanor when a person operating a motor vehicle, who has been stopped by a motorcycle road guard, proceeds prior to being instructed to do so by the motorcycle road guard or a police officer. Finally, the bill grants qualified civil immunity to a person who performs traffic control as a motorcycle road guard.

Motorcycle road guard certificate and training program

The bill creates a program to allow certified individuals to control traffic while escorting a motorcycle group ride. The Department of Public Safety is required to administer the program and to adopt rules that address, among other things, the application form, fee, course and training, and safety and equipment standards. All fees received under the bill will be deposited to the credit of the State Highway Safety Fund (Fund 7036) and are to be used to pay the expenses of administering the program. Any increase in costs for the Department will likely be offset by this newly created fee.

New traffic offense

The bill creates a new traffic offense wherein a person operating a motor vehicle, who has been stopped by a motorcycle road guard, can be cited for a minor misdemeanor if that person proceeds prior to being instructed to do so by the guard or a police officer. This offense is similar to an existing offense for failure to yield to a funeral procession and is unlikely to produce a significant number of violations¹ and, as such, is unlikely to generate more than a minimal gain in revenues for state or local law enforcement.

Qualified civil immunity

The bill grants qualified civil immunity to a person who performs traffic control as a motorcycle road guard in the event of a civil action for injury, death, or loss to person or property that allegedly arises from the movement of a motorcycle group ride, so long as the person complies with all applicable rules. A possible consequence of this provision might be to reduce the filing of civil actions alleging damages, which could result in a loss in court cost and filing fees. There might, however, also be savings realized in terms of a decrease in administrative costs related to processing of cases. Any loss in filing revenues, and corresponding decrease in administrative costs, is unlikely to exceed minimal.

¹ In calendar year 2012, there were 59 violations for failure to yield to a funeral procession.