



# Ohio Legislative Service Commission

*Maggie Priestas*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Am. H.B. 480 of the 130th G.A.](#)

**Date:** November 19, 2014

**Status:** As Reported by House Judiciary

**Sponsor:** Rep. Pelanda

**Local Impact Statement Procedure Required:** No

**Contents:** Failure to secure a child in a motor vehicle

### State Fiscal Highlights

- The bill may have a minimal annual effect on the cash flow activity of the state's Child Highway Safety Fund (Fund 4T40), which is used by the Department of Health for its Child Highway Safety Program.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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## Detailed Fiscal Analysis

### **Failure to secure a child as a primary offense**

The bill makes the failure to properly secure a child between the ages of four and eight and less than four feet nine inches tall in a motor vehicle a primary offense. Under current law, this circumstance is a secondary offense. A secondary offense is one for which a law enforcement officer may not issue a ticket unless the officer arrests or tickets the operator or passenger for an offense that is not a secondary offense.

In calendar year 2012, there were around 6,000 violations of the law requiring proper child restraints. The bill's "primary offense" provision is not expected to have a significant statewide effect on existing ticketing activity or the resulting amount of fines collected from violators. There is likely to be a mixed effect as: (1) increasing motor vehicle operator compliance with the child restraint law may result in a decrease in tickets written and fines collected, and (2) making a violation a primary offense means it becomes easier for an officer to write tickets and fines to be collected.

The fines imposed for these violations are deposited in the state's Child Highway Safety Fund (Fund 4T40) to be used by the Department of Health in support of its Child Highway Safety Program. A first time violation is a minor misdemeanor with a fine ranging from \$25 to \$75. Any subsequent violation is a misdemeanor of the fourth degree with a fine of up to \$250.

### **Admissibility of evidence**

The bill eliminates restrictions on the admissibility of an operator's failure to secure as evidence in criminal actions, except in cases of vehicular homicide. This provision will have no direct fiscal effect on the state or any of its political subdivisions as it is not likely to generate new criminal actions requiring adjudication. Its primary effect is likely to be allowing additional evidence to be used in criminal actions that would already occur under current law and practice. By doing so it is possible that this additional evidence may result in a more serious sanction being imposed, including a term of incarceration in a local or state facility.