



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 637 of the 130th G.A.](#)

**Date:** December 2, 2014

**Status:** As Introduced

**Sponsor:** Rep. Damschroder

**Local Impact Statement Procedure Required:** No

**Contents:** Use of an electronic wireless communications device while driving

### State Fiscal Highlights

- The state may collect at most a minimal amount of additional court cost revenue annually that will be apportioned between certain state funds.<sup>1</sup>

### Local Fiscal Highlights

- Local jurisdictions may experience a revenue gain from fines collected as a result of violating the bill's wireless device prohibitions.

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<sup>1</sup> The state funds include: the Indigent Defense Support Fund (Fund 5DY0), the Victims of Crime/Reparations Fund (Fund 4020), the Drug Law Enforcement Fund (Fund 5ET0), and the Justice Program Services Fund (Fund 4P60).

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## Detailed Fiscal Analysis

The bill: (1) prohibits the use of an electronic wireless communications device while driving in certain areas and (2) makes texting while driving a primary, rather than secondary, offense. A violation of either prohibition is a minor misdemeanor, which carries a fine of not more than \$150, and, for a minor, a license suspension of 60 days.

### Traffic offenses

#### Use of an electronic wireless communications device

The bill prohibits the use of an electronic wireless communications device while operating a motor vehicle on a street or highway in a school zone during restricted hours or in a construction zone during hours of actual work within the zone. If enacted, these prohibitions may result in an increase in the number of citations issued by law enforcement officers annually. To the extent that additional citations are issued, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions. Any increase is likely to be minimal and will vary based on the number of such citations issued by a given law enforcement agency. This provision is not expected to result in significant additional enforcement costs, as law enforcement agencies typically work school and construction zones for speed violations as part of their routine operations.

#### Texting while driving

The bill makes texting while driving a primary, rather than secondary, offense.<sup>2</sup> Under current law, unchanged by the bill, a law enforcement officer is not permitted to issue a citation for a secondary offense unless the officer also cites the operator or passenger for an offense that is not a secondary offense. The Ohio State Highway Patrol reported that, for the period of March 2013 through the end of February 2014, its troopers issued 273 texting while driving violations statewide; 43 were issued as primary enforcement offenses as the person being cited was under 18.

The elevation to a primary offense would give a law enforcement officer the authority to issue a citation for texting while driving based solely on the fact that the officer witnessed the commission of the offense. As a result, there may be an increase in the number of texting while driving citations issued. To the extent that additional citations are issued, there will be a corresponding increase in the amount of fine, fee, and court cost revenue generated for the state and political subdivisions. The magnitude of any increase is uncertain and would vary based on the number of additional citations issued by a given law enforcement agency. As texting while driving

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<sup>2</sup> Under current law, if the person is under 18 a violation of the texting while driving prohibition is a "primary traffic offense."

is already prohibited, this provision is not expected to result in any additional enforcement costs.

### Violation revenues

A driver found to have violated one of the bill's prohibitions is guilty of a minor misdemeanor and required to pay a fine and a mix of state and local court costs and fees. The fine, court costs for a moving violation, and fees generally are summarized in the table below.

| <b>Fine, Fees, and Costs for a Violation of the Bill's Prohibitions</b> |                                                                       |                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Financial Penalty Component</b>                                      | <b>Amount Paid by Violator</b>                                        | <b>Recipient of Amount</b>                                                                                                                                                                                                                                                                                                                              |
| Fine                                                                    | Up to \$150, minor misdemeanor fine that varies by local jurisdiction | <ul style="list-style-type: none"> <li>• Retained by county if violation of state law</li> <li>• Retained by municipality or township if violation of local ordinance</li> <li>• Forwarded for deposit in state Security, Investigations, and Policing Fund (Fund 8400) if violator cited by the Ohio State Highway Patrol</li> </ul>                   |
| Local court costs and fees                                              | Varies by local jurisdiction                                          | Generally retained by the county or municipality with subject matter jurisdiction over traffic violations                                                                                                                                                                                                                                               |
| State court costs                                                       | \$37.50                                                               | Deposited in state treasury as follows: <ul style="list-style-type: none"> <li>• \$25 to the Indigent Defense Support Fund (Fund 5DY0)</li> <li>• \$9 to the Victims of Crime/Reparations Fund (Fund 4020)</li> <li>• \$3.40 to the Drug Law Enforcement Fund (Fund 5ET0)</li> <li>• \$0.10 to the Justice Program Services Fund (Fund 4P60)</li> </ul> |