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H.B. 392
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 392's Bill Analysis](#)

Version: As Reported by Senate Transportation

Primary Sponsors: Reps. Ferguson and K. Miller

Local Impact Statement Procedure Required: No

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Highlights

Transport of a police dog

- Any costs incurred by the state or a local government related to the transport of an injured police dog would be a function of a local government exercising its authority to permit its ambulances to be used for that purpose.

Traffic offenses

- The bill's clarifications and exemption modifications to the existing prohibitions against occupying a moving trailer and obstructions on a front windshield may result in a no more than minimal decrease in local criminal justice system and sanctioning costs, as well as a decrease in the amount of fines, fees, and court costs collected and retained by counties, municipalities, and the state.

Detailed Analysis

The bill: (1) permits an authorized ambulance driver to transport a police dog in certain circumstances, (2) clarifies that a person may ride in a moving fifth wheel trailer provided certain conditions are met, and (3) expands the existing exemptions to the prohibition against placing obstructions on the front windshield of a passenger or commercial motor vehicle.

Transport of a police dog

The bill permits an authorized ambulance driver to transport a police dog¹ injured in the line of duty to a veterinarian for further treatment if no other human person requires emergency transport by ambulance at the same time. The bill also provides the same qualified immunity for such an ambulance driver that applies under existing law to emergency medical responders providing services to a dog (or cat) that is transferred to a veterinarian in an emergency medical or fire response or in aiding law enforcement.

To the extent that a local government chooses to permit the transport of injured police dogs by ambulance, the local government providing transportation and/or law enforcement agency that owns the injured dog may incur costs related to transportation. The bill does not specify whether the local government providing the ambulance transportation would absorb the costs or whether they would bill the law enforcement agency for services.

Traffic offenses

Occupying a moving trailer

The bill clarifies that a person may ride in a moving fifth wheel trailer provided certain conditions are met. This may result in a decrease in the number of citations issued for violations of occupying a moving trailer, as well as a corresponding decrease in the amount of fines, fees, and court costs² collected. Local jails may also experience minimal savings if certain individuals who may otherwise have been sentenced to a jail term under existing law are not charged under the bill.

A violation of the existing prohibition is generally a minor misdemeanor, but may elevate to a fourth or third degree misdemeanor depending on whether the person has prior convictions for violations of the offense. The table below shows the existing offense levels, sentences, and fines for occupying a moving trailer, which are unchanged by the bill. Fine revenue is retained by the county (state law violation), municipality (local ordinance violation), or forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if the violator is cited by the Ohio State Highway Patrol.

Offense Levels, Sentences, and Fines for Occupying a Moving Trailer		
Offense Level	Fine	Term of Incarceration
Misdemeanor 3 rd degree	Up to \$500	Jail, not more than 60 days
Misdemeanor 4 th degree	Up to \$250	Jail, not more than 30 days

¹ According to K9s4COPs, a nonprofit organization that provides grant funding to assist public safety agencies nationwide obtain police dogs, the cost to purchase and train a police dog can range from \$15,000 to \$45,000.

² For misdemeanors, state court costs are \$29 and credited as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020).

Offense Levels, Sentences, and Fines for Occupying a Moving Trailer		
Offense Level	Fine	Term of Incarceration
Minor misdemeanor	Up to \$150	Citation issued; No arrest

Front windshield obstructions

The bill expands the existing exemptions to the prohibition against placing obstructions on the front windshield of a passenger or commercial motor vehicle to include vehicle safety technology that is authorized under federal law. The bill also alters the existing exemption that applies to commercial motor vehicles by specifying that certain electronic devices may be utilized on a front windshield so long as they are mounted 8.5 inches or less below the upper edge of the windshield instead of six inches or less as under current law, and eliminates the stipulation that such devices be outside the area swept by the windshield wipers.

As a result, there may be fewer citations issued for violations against placing obstructions on the front windshield, as well as a corresponding decrease in the amount of fines, fees, and court costs collected.³ Under existing law, unchanged by the bill, a violation of these prohibitions is a minor misdemeanor, which is subject to a fine of up to \$150. Fine revenue is retained by the county (state law violation), municipality (local ordinance violation), or forwarded for deposit into the state Security, Investigations, and Policing Fund (Fund 8400) if the violator is cited by the Ohio State Highway Patrol.

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³ For misdemeanors, state court costs are \$29 and credited as follows: \$20 to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020).