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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 536
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 536's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Cross and K. Miller

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill makes failure to wear a seat belt by a driver or front seat passenger or to properly secure a child up to age 15 in the appropriate booster seat or seat belt a primary offense, rather than a secondary offense as under current law.
- There may be a minimal annual gain in fine and penalty revenue collected from individuals cited for seat belt and child restraint violations. Those fines would be credited to the Trauma and Emergency Medical Services Fund (Fund 83M0) for all seat belt violations, or the Child Highway Safety Fund (Fund 4T40) for child restraint violations cited under state law. There may also be a minimal annual gain in fine, court cost and fee revenue from traffic citations distributed pursuant to state law between counties, municipalities, and townships.
- The state may gain a minimal amount of court cost revenue annually to be apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- Certain state and local law enforcement agencies will likely incur additional costs to comply with the bill's reporting requirements.

Detailed Analysis

The bill makes failure to wear a seat belt by a driver or front seat passenger or to properly secure a child up to age 15 in the appropriate booster seat or seat belt a primary offense, rather than a secondary offense, as under current law. The bill also establishes specified reporting

requirements that apply to law enforcement officers and agencies regarding the number of tickets issued for violations of the seat belt law and child restraint law.¹

Citation activity

In calendar year 2023, there were a total of 58,220 convictions statewide for violations of the seat belt law: 55,548 for failure to wear a seat belt and 2,672 for failure to properly secure a child.

By making these violations a primary offense, it is possible that additional citations may be issued by law enforcement. Local criminal justice systems may incur minimal additional costs to adjudicate more violations and sanction offenders. There may also be a resulting gain in fine revenue for state and local governments. It is also possible that law enforcement agencies, including the Ohio State Highway Patrol, may incur additional costs if the officer or trooper who issued a citation has to appear in court for a traffic violation charge that otherwise might not have been issued or contested under existing law.

The magnitude of any increase in citation activity would depend upon how aggressively the state and each political subdivision enforces the bill's prohibitions, including their ability and willingness to allocate resources to handle contested violations.

Penalties

Seat belt violations

The penalty imposed for a seat belt violation charged under state law² is a \$30 fine for operators and a \$20 fine for passengers. All fine revenue for seat belt violations, as stipulated in current law, are credited to the Trauma and Emergency Medical Services Fund (Fund 83M0), which is used by the Department of Public Safety for the administration and operation of the Department's Emergency Medical Services (EMS) division and the State Board of Emergency Medical, Fire, and Transportation Services (EMFTS). The EMFTS Board also uses this fine revenue to administer a grant program for emergency medical service organizations.

Failure to secure a child

The penalty for failing to secure a child is generally a minor misdemeanor that is subject to a mandatory fine of not less than \$25, nor more than \$75. A violation is a fourth degree misdemeanor if the offender has had a prior violation. A fourth degree misdemeanor is subject to a fine of up to \$250, not more than 30 days in jail, or both. Fines are credited to the Child Highway Safety Fund (Fund 4T40), which is used by the Department of Health to defray the cost of designating hospitals as pediatric trauma centers and to establish and administer a child highway safety education program. Fine revenue for violations of state law only are credited to Fund 4T40. Fine revenue for violations of local ordinances are subject to current law's rules of

¹ Under current law, improperly securing a child under the age of four or who weighs less than 40 pounds is a primary offense, but all other violations of the state's child restraint and seat belt laws are secondary offenses. For a secondary offense, a law enforcement officer is not permitted to issue a citation unless the officer also cites the operator or passenger for an offense that is not a secondary offense.

² Some local jurisdictions have enacted ordinances for which the fine revenue would be distributed differently.

general distribution, meaning that, revenue is retained by the municipality for violations of an ordinance.

Court costs and fees, generally

In addition to the penalties described above, certain court costs and fees may also be collected. The following table provides a breakdown of the court costs and fees associated with seat belt and child restraint violations, as well as the recipient of those amounts.

Courts Costs and Fees for Seat Belt and Child Restraint Violations		
Financial Penalty Component	Amount Paid by Violator	Recipient of Amount
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	\$29	Deposited in state treasury as follows: <ul style="list-style-type: none"> ▪ \$20 to the Indigent Defense Support Fund (Fund 5DY0) ▪ \$9 to the Victims of Crime/Reparations Fund (Fund 4020)

Occupant restraint safety course

The bill waives, for a first-time offender, the fine that would otherwise be assessed against the offender for failing to wear a seat belt or appropriately secure a child if the offender successfully completes the occupant restraint safety course established by the Department of Public Safety and submits written evidence of completion to the court. This may generate additional administrative work for certain clerks of court by having to verify that an offender has successfully completed the occupant restraint safety course and reduce to some degree the amount of fine revenue received for violations. The magnitude of any impact will vary by court and will depend on the number of first-time offenders charged with failing to wear a seat belt or to appropriately secure a child, as well as the number of those offenders that successfully complete the course.

The costs to the Department of Public Safety to establish the course is likely to be minimal.

Reporting requirements

The bill creates reporting requirements for state and local law enforcement agencies related to the issuance of seat belt violation citations.³ Specifically, a law enforcement officer must report the issuance of the ticket, citation, or summons to the officer's law enforcement agency. Every other month, the agency must collect all of the reports from its officers for the prior two months and submit the data to the Office of the Attorney General. Under the bill, local

³ Only violations of state law, and not local ordinances, are required to be reported to the Attorney General. Therefore the bill is most likely to impact the Ohio State Highway Patrol, county sheriffs, and townships, all of which cite under the Ohio Revised Code as opposed to other local law enforcement agencies that may cite under a local ordinance.

law enforcement agencies will need to develop their own way of compiling seat belt violation data, as well as transmit or send the data to the Office of the Attorney General.

The impact on law enforcement will vary by agency depending on whether or not the agency has the ability to compile that information electronically. A number of agencies, including the Ohio State Highway Patrol, currently use an electronic citation writing method, or e-Citation, whereby the citation is generated electronically in the patrol car, printed using a mobile printer, and then issued to the violator. Data from the traffic stop is stored on a central computer.

Local law enforcement agencies

While the impact on a given agency is likely to vary, in some cases the additional time, effort, and costs involved to comply with the reporting requirements may be significant. This is due to the extra time and effort that will be required to compile the necessary information and submit it to the Attorney General, especially if an agency does not have an electronic records management system. LBO is aware of at least 139 local agencies that currently utilize the e-Citation software made available by the Patrol. An unknown number of additional agencies may also be using proprietary e-Citation software. With more than 900 law enforcement agencies in operation throughout the state though, the majority are likely still using handwritten, paper traffic citations.

Currently similar reporting requirements exist for distracted driving citations issued under the Ohio Revised Code and those citations are submitted using a form hosted on the Ohio Law Enforcement Gateway (OHLEG) which is operated by the Office of the Attorney General. Presumably the bill's required data reports will be submitted in a similar manner.

Ohio State Highway Patrol

The bill's reporting requirement will likely have a no more than a minimal effect on the Ohio State Highway Patrol, as they will be able to compile the required information from their existing e-Citation database and transmit that information electronically to a designated recipient in the Office of the Attorney General.

Attorney General

The Office of the Attorney General will realize an increase in administrative workload to collect the required data and prepare an annual report on seat belt violations. Any costs related to producing the report will likely be minimal.