



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 293 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Reps. Scherer and Sheehy

**Local Impact Statement Procedure Required:** No

**Subject:** Probationary driver's licenses and temporary instruction permits

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### State & Local Fiscal Highlights

- The Department of Public Safety may incur minimal, at most, one-time costs to implement the bill's changes to the Driver's License Law, including updating forms and changing administrative rules.
- The net effect of the bill's fee structure revision compared to the total amount of revenue generated annually by the current fee structure is uncertain. Under current law, unchanged by the bill, the fees are credited to the state's existing Public Safety – Highway Purposes Fund (Fund 5TM0).
- The bill's revisions to night time driving restrictions may result in a relatively small increase in the number of persons under age 21 being cited for and convicted of a curfew violation. The annual costs for local courts and their respective clerks of courts to process those citations will be minimal at most, and may be offset to some degree by the collection of related court costs, fees, and fines.

### Detailed Fiscal Analysis

The bill makes various changes to the law pertaining to probationary driver's licenses and temporary instruction permits. Most notably, for purposes of this fiscal note, those changes include: (1) requiring a person to hold a temporary instruction permit for a period of one year, instead of six months as under current law, before obtaining a probationary driver's license, (2) altering the time period, from midnight until 6:00 a.m. to 9:00 p.m. until 6:00 a.m., during which the holder of a temporary instruction permit or probationary driver's license is prohibited from operating a motor vehicle without being accompanied by a parent or guardian, and (3) revising the fee structure for driver's licenses and renewals for persons under age 21.

#### Department of Public Safety

In order to comply with the bill's provisions, the Department of Public Safety may incur minimal, at most, one-time costs to implement the new requirements. Such costs would include updating forms and changing administrative rules. The Department does not anticipate any ongoing costs.

The bill revises the fee structure for driver's licenses and renewals for individuals under age 21 by requiring a fee of \$5 regardless of age, rather than the age-based fee structure under current law, which ranges from \$2.25 (ages 20-21) to \$7.25 (ages 16-17). The bill's fee structure will result in a decreased fee for drivers age 16-18 and an increased fee for drivers age 18-21. The net annual effect of the fee changes compared to the total amount of revenue generated by the current fee structure is uncertain. Under current law, unchanged by the bill, the fees are credited to the state's existing Public Safety – Highway Purposes Fund (Fund 5TM0), which primarily is used by the Ohio State Highway Patrol and the Bureau of Motor Vehicles (BMV) for their respective operating expenses.

### **Night time driving restrictions**

Under current law, a law enforcement officer may issue a citation for curfew violation if the holder of a temporary or probationary driver's license is found to be driving during prohibited hours without a parent or guardian (night driving restriction). The bill expands the restricted time period for persons under age 21 by three hours more or less, which creates the possibility for increased curfew citations and convictions.

For calendar year 2016, the BMV reported a total of 205 curfew violations statewide (50 for drivers with a temporary license and 155 curfew violations for drivers with a probationary license). By county, the number of convictions ranged from 1 to 16. This data suggests that any increase in citations and convictions resulting from the bill is likely to be relatively small.

A curfew violation is a minor misdemeanor and is subject to a fine of up to \$150. Depending on the age of the driver and the location of the violation, a curfew violation is under the jurisdiction of either a common pleas, municipal, county, or mayor's court. The annual costs for the courts and their clerks of courts and traffic violations bureaus to process additional citations will be minimal at most annually, and may be offset to some degree by the collection of related court costs, fees, and fines.