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Office of Research
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Office

H.B. 776
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 776's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Lorenz

Local Impact Statement Procedure Required: No

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Highlights

- Local criminal justice systems may experience a mix of effects from legalizing certain behavior, clarifying illegal behavior, and creating a new offense that may include additional costs and potential savings. Costs incurred as a result of the bill may be offset by the collection of related fine revenue. The net overall effect is expected to be minimal for any single jurisdiction.
- The Department of Public Safety (DPS) may incur one-time costs to conduct a statewide public education campaign, the magnitude of which will depend on the scale of the campaign and the extent to which paid media services are used.

Detailed Analysis

The bill establishes traffic laws related to lane filtering and lane splitting by certain motorcycle operators. Specifically, the bill prohibits: (1) lane filtering unless certain conditions apply,¹ (2) lane filtering along the curb or shoulder of a roadway, (3) purposefully impeding or interfering with the operation of a motorcycle who is lawfully lane filtering, and (4) lane splitting.²

A violation of the bill's prohibitions is generally a minor misdemeanor, which is subject to a fine of up to \$150. If an offender has been convicted of or pleaded guilty to one or more

¹ Those conditions include: (1) the roadway has two or more lanes of travel in the same direction, (2) the posted speed limit is 45 miles per hour or less, and (3) the speed of the motorcycle is only up to ten miles per hour above the speed of the surrounding traffic.

² Lane splitting is the operation of a motorcycle between two marked lanes of traffic traveling in the same direction at a speed greater than 15 miles per hour.

predicate motor vehicle or traffic offenses within one year of the violation, the offense elevates to a fourth or third degree misdemeanor, depending on the number of prior offenses. A fourth degree misdemeanor is subject to not more than 30 days in jail, a fine of up to \$250, or both. A third degree misdemeanor is subject to not more than 60 days in jail, a fine of up to \$500, or both.

Local criminal justice systems

Conduct defined by the bill as lane filtering and lane splitting can be charged under current law as a marked lane violation, which is subject to the same penalties as a violation of the bill's prohibitions. However, under the bill, due to some of the limited exceptions for lane filtering to take place legally, there could be some reduction in citations after the bill becomes effective. As a result, the bill's overall impact is likely to be influenced by a number of factors, including legalizing some behavior that is currently illegal (e.g., allowing certain types of lane filtering), clarifying other illegal behavior (e.g., lane filtering along a curb or shoulder), and creating a new offense for impeding legal lane filtering. As a result, the bill could alter how law enforcement charges for the types of behavior addressed by the bill and how courts adjudicate those cases.

Under continuing law, a person charged with a minor misdemeanor is issued a citation, which can be disposed of without having to appear in court by signing the guilty plea and waiver of trial provision on the citation and mailing it, along with the fine and related court costs, to the clerk of court. To the extent that individuals are charged with a fourth or third degree misdemeanor under the bill instead of a minor misdemeanor, certain municipal and county courts may experience a minimal increase in the number of cases where a physical appearance is required, thereby potentially increasing the amount of time and resources required to adjudicate and sanction those cases. The net effect is indeterminate but likely will be no more than minimal for any local criminal justice system.

Department of Public Safety

The bill requires the Department of Public Safety (DPS) to conduct a statewide public education campaign related to the new authorization to lane filter, including the provision of online and printed materials on how a motorcycle rider may safely lane filter, the prohibition against lane splitting, and the prohibition against impeding or interfering with a motorcycle rider who is lawfully lane filtering. DPS will incur one-time costs to comply with these requirements, the magnitude of which will depend on the scale of the campaign and the extent to which paid media services are utilized. These costs are expected to be absorbed utilizing existing resources.