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H.B. 82
(1_136_0637-2)
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 82's Bill Analysis](#)

Version: In House Public Safety

Primary Sponsors: Reps. Click and Johnson

Local Impact Statement Procedure Required: No

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Highlights

- Municipal and county courts may experience an increase in the amount of time and resources necessary to adjudicate certain traffic cases. Any increase is likely to be minimal for any given political subdivision and may be offset by the collection of additional fine revenue.
- The Department of Public Safety may incur minimal one-time costs to amend rules prescribed to the content of driver education courses. Such costs are expected to be absorbed utilizing existing staff and resources.

Detailed Analysis

Traffic violations in construction zones

The bill: (1) specifies that an offender is subject to an additional fine of not more than \$100 for reckless operation offenses that occur in a construction zone where one or more workers are present and allows such an offender to complete a driving safety course within 90 days of the underlying violation in lieu of the additional fine, (2) modifies current law as it pertains to the double fine imposed for speed violations that occur in a construction zone by replacing the requirement that the violation must occur during hours of actual work with the requirement that one or more workers must be present at the time the offense occurred, and (3) requires classroom instruction or online driver education courses to include the dangers of, and requirements related to, driving a motor vehicle in a construction zone.

For calendar years 2021 through 2025, the Ohio State Highway Patrol (OSHP) issued a total of 29,689 citations for traffic violations that occurred in a construction zone, averaging just under 6,000 citations per year. The number of those citations that involved reckless operation or speeding and would have been subject to the bill's enhanced penalty is uncertain, however, OSHP

construction zone crash data during that same period indicate that a construction worker was present in approximately 35% of those crashes. This suggests that the number of cases impacted by the bill is likely to be relatively small in the context of total traffic violations that occur in construction zones annually.

Local courts

Since the bill is applying an additional penalty to existing offenses, it will not create new cases for municipal and county courts to adjudicate, however, the amount of time spent to adjudicate certain cases may increase as the court will need to determine if the bill's enhanced penalty applies. Any resulting increase in workload or related costs is likely to be minimal for any given political subdivision and may be offset by the collection of additional fine revenue. It is also possible that the double fine imposed for speeding in a construction zone under current law may not be able to be imposed under the bill, thus potentially reducing the amount of the fine imposed by half. The magnitude of any revenue gain or loss under the bill will depend on the number of construction zone violations for which the bill's additional penalty or double fine is not collected. Under continuing law general distribution rules, the fine revenue collected as a result of the bill would be retained by the county or municipality, depending on where the court having jurisdiction over the case is located.

Department of Public Safety

The bill requires the Department of Public Safety (DPS) to establish the duration and contents of the driving safety course that may be taken in lieu of paying the additional fine of not more than \$100 imposed for reckless operation violations that occur in a construction zone where one or more workers are present. Additionally, the bill requires that courses for beginning drivers or noncommercial motor vehicles include instruction on the dangers of and requirements related to driving a motor vehicle in a construction zone. As a result, DPS may incur minimal one-time costs to comply with those requirements. Such costs are expected to be absorbed utilizing existing staff and resources.

ODOT construction zone signs

The bill requires that the Ohio Department of Transportation (ODOT) Director specify that signs are required to be posted for every construction zone, regardless of the expected duration or length of the construction zone on the road or highway. This may result in ODOT placing more construction zone signs on roadway projects where agency personnel are undertaking the work. In cases where ODOT has contracted with a third party to do construction work, that contractor would be responsible for complying with the signage requirements of the bill. However, it is unlikely that ODOT would need to produce additional construction zone signs to comply with the bill for construction projects the agency completes itself.

Synopsis of Fiscal Effect Changes

The substitute bill (I_136_0637-2) modifies the As Introduced version of the bill as follows:

- Removes an enhanced penalty that applied for general traffic offenses that occur in a construction zone, including a license suspension for repeat offenders and mandatory completion of a safe driving course approved by the Department of Public Safety (DPS) within 30 days, and required a court to impose an additional fine of \$400 if the offender did not complete the course. This provision could have resulted in a minimal increase in

the number of license suspensions that must be processed and reinstated by the Bureau of Motor Vehicles and a minimal increase in fine revenue if offenders did not complete the mandatory driving safety course.

- Removes an increased penalty for reckless operation from a base penalty of a minor misdemeanor (subject to a fine of up to \$150) to a first degree misdemeanor (subject to a jail term of up to 180 days, a fine of up to \$1,000, or both) if the offense occurred in a construction zone. This provision could have resulted in certain offenders being sentenced to a term of incarceration in a locally operated jail when they would not otherwise have been eligible to receive such a sanction. This provision also could have increased the number of cases in which an offender was required to physically appear in court, which could have increased the amount of time and resources required for municipal and county courts to adjudicate those cases.
- Removes provisions that expanded the distracted driving law to include additional offenses, which could have resulted in the collection of additional fine revenue.
- Adds a requirement that the Ohio Department of Transportation (ODOT) Director specify that signs are required to be posted for every construction zone, regardless of the expected duration or length of the construction zone on the road or highway.
- Removes a provision pertaining to ODOT's usage of video cameras in construction zones. ODOT already had the authority provided in the previous version of the bill.