

AN ACT

To amend sections 2903.06, 2903.08, 4507.16, and 4549.99 of the Revised Code to increase the penalty for failure to stop after an accident if the violation caused the death of a person, to modify the offenses of aggravated vehicular homicide and aggravated vehicular assault, and to amend the versions of sections 2903.06, 2903.08, 4549.02, and 4549.021 of the Revised Code that are scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2903.06, 2903.08, 4507.16, and 4549.99 of the Revised Code be amended to read as follows:

Sec. 2903.06. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1)(a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.

(2) Recklessly;

(3) Negligently;

(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of

any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

(B)(1) Whoever violates division (A)(1) or (2) of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions ~~(B)(1)(a)(2)~~ and ~~(b)(3)~~ of this section.

~~(2)(a)~~ Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the second degree. Aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the first degree if; at any of the following apply:

(i) At the time of the offense, the offender was driving under a suspension imposed under Chapter 4507. or any other provision of the Revised Code or if the,

(ii) The offender previously has been convicted of or pleaded guilty to a violation of this section;

(iii) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense;

(iv) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years;
~~or.~~

(v) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(vi) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(vii) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of this section.

(viii) The offender previously has been convicted of or pleaded guilty to a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.

(b) In addition to any other sanctions imposed pursuant to division (B)(2)(a) of this section for aggravated vehicular homicide committed in violation of division (A)(1) of this section, the court shall permanently revoke the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege

pursuant to section 4507.16 of the Revised Code.

~~(b)~~(3) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the third degree. Aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4507. of the Revised Code or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of three years to life pursuant to section 4507.16 of the Revised Code.

~~(c)~~(C) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony of the fourth degree if, at the time of the offense, the offender was driving under a suspension or revocation imposed under Chapter 4507. or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to five years pursuant to section 4507.16 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, for a definite period of two to ten years pursuant to that section.

~~(d)~~(D) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4507. of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division, the

court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of three months to two years pursuant to section 4507.16 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, for a definite period of one to five years pursuant to that section.

~~(C)~~(E) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(1) of this section. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2) or (3) of this section if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

(2) At the time of the offense, the offender was driving under suspension under Chapter 4507. of the Revised Code.

~~(D)~~(F)(1) As used in this section:

(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to ~~the effective date of this amendment~~ March 23, 2000.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn in either of the following ways:

(1)(a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent

municipal ordinance:

(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.

(2) Recklessly.

(B)(1) Whoever violates division (A)(1) of this section is guilty of aggravated vehicular assault. Except as otherwise provided in this division, aggravated vehicular assault is a felony of the third degree. Aggravated vehicular assault is a felony of the second degree if, ~~at~~ any of the following apply:

(a) At the time of the offense, the offender was driving under a suspension imposed under Chapter 4507. or any other provision of the Revised Code or if the,

(b) The offender previously has been convicted of or pleaded guilty to a violation of this section;

(c) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense;

(d) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance within the previous six years;
~~or,~~

(e) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(f) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(g) The offender previously has been convicted of or pleaded guilty to three or more prior violations of any combination of the offenses listed in division (B)(1)(d), (e), or (f) of this section.

(h) The offender previously has been convicted of or pleaded guilty to a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.

(2) In addition to any other sanctions imposed pursuant to division (B)(1) of this section, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to ten years pursuant to section 4507.16 of the Revised Code or, if the offender

previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, for a definite period of three years to life pursuant to that section.

~~(2)~~(C) Whoever violates division (A)(2) of this section is guilty of vehicular assault. Except as otherwise provided in this division, vehicular assault is a felony of the fourth degree. Vehicular assault is a felony of the third degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4507. of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to five years pursuant to section 4507.16 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, for a definite period of two to ten years pursuant to that section.

~~(C)~~(D) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(1) of this section. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2) of this section if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.06 of the Revised Code.

(2) At the time of the offense, the offender was driving under suspension under Chapter 4507. or any other provision of the Revised Code.

~~(D)~~(E) As used in this section:

(1) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Traffic-related homicide, manslaughter, or assault offense" has the same meaning as in section 2903.06 of the Revised Code.

~~(E)~~(F) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

Sec. 4507.16. (A)(1) The trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance,

shall suspend for not less than thirty days or more than three years or shall revoke the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to any of the following:

(a) Perjury or the making of a false affidavit under this chapter, or any other law of this state requiring the registration of motor vehicles or regulating their operation on the highway;

(b) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;

(c) Failing to stop and disclose identity at the scene of the accident when required by law or ordinance to do so;

(d) Street racing as defined in section 4511.251 of the Revised Code or any substantially similar municipal ordinance;

(e) Willfully eluding or fleeing a police officer;

(f) Trafficking in cigarettes with the intent to avoid payment of the cigarette tax under division (A) of section 5743.112 of the Revised Code.

(2) Subject to division (D)(1) of this section, the trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall suspend the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of section 2903.06 or 2903.08 of the Revised Code. The suspension shall be for the period of time specified in section 2903.06 or 2903.08 of the Revised Code, whichever is applicable.

(3) If a person is convicted of or pleads guilty to a violation of section 2907.24 of the Revised Code, an attempt to commit a violation of that section, or a violation of or an attempt to commit a violation of a municipal ordinance that is substantially equivalent to that section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the trial judge of a court of record, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for thirty days the person's driver's or commercial driver's license or permit.

The trial judge of any court of record, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence not to exceed six months, if imprisonment was not imposed for the offense for which the person was convicted.

(4) If the trial judge of any court of record suspends or revokes the

driver's or commercial driver's license or permit or nonresident operating privilege of a person who is convicted of or pleads guilty to any offense for which such suspension or revocation is provided by law or ordinance, in addition to all other penalties provided by law or ordinance, the judge may issue an order prohibiting the offender from registering, renewing, or transferring the registration of any vehicle during the period that the offender's license, permit, or privilege is suspended or revoked. The court promptly shall send a copy of the order to the registrar of motor vehicles.

Upon receipt of such an order, neither the registrar nor any deputy registrar shall accept any application for the registration, registration renewal, or transfer of registration of any motor vehicle owned or leased by the person named in the order during the period that the person's license, permit, or privilege is suspended or revoked, unless the registrar is properly notified by the court that the order of suspension or revocation has been canceled. When the period of suspension or revocation expires or the order is canceled, the registrar or deputy registrar shall accept the application for registration, registration renewal, or transfer of registration of the person named in the order.

(B) Except as otherwise provided in this section, the trial judge of any court of record and the mayor of a mayor's court, in addition to or independent of all other penalties provided by law or by ordinance, shall revoke the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of division (A) of section 4511.19 of the Revised Code, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance that is substantially equivalent to division (A) of section 4511.19 of the Revised Code relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine or suspend the license, permit, or privilege as follows:

(1) Except when division (B)(2), (3), or (4) of this section applies and the judge or mayor is required to suspend or revoke the offender's license or permit pursuant to that division, the judge or mayor shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than six months nor more than three years.

(2) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a

municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06 or 2903.08 of the Revised Code, former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to former section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than one year nor more than five years.

(3) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations described in division (B)(2) of this section, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than one year nor more than ten years.

(4) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations described in division (B)(2) of this section, a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, or if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony and regardless of when the violation and the conviction or guilty plea occurred, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a period of time set by the court but not less than three years, and the judge may permanently revoke the offender's driver's or commercial driver's license or permit or nonresident operating privilege.

(5) The filing of an appeal by a person whose driver's or commercial driver's license is suspended or revoked under division (B)(1), (2), (3), or (4) of this section regarding any aspect of the person's trial or sentence does not

stay the operation of the suspension or revocation.

(C) The trial judge of any court of record or the mayor of a mayor's court, in addition to or independent of all other penalties provided by law or by ordinance, may suspend the driver's or commercial driver's license or permit or nonresident operating privilege of any person who violates a requirement or prohibition of the court imposed under division (F) of this section or division (G)(1) of section 2951.02 of the Revised Code as follows:

(1) For not more than one year, upon conviction for a first violation of the requirement or prohibition;

(2) For not more than five years, upon conviction for a second or subsequent violation of the requirement or prohibition during the same period of required use of an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code.

(D)(1) The trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall permanently revoke the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of section 2903.04 or 2903.06 of the Revised Code in a case in which division (D) of section 2903.04 or division ~~(B)~~(D) of section 2903.06 of the Revised Code requires the judge to permanently revoke the license, permit, or privilege.

(2) In addition to any prison term authorized or required by the section that establishes the offense and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under the section that establishes the offense or sections 2929.11 to 2929.182 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code either shall revoke or, if it does not revoke, shall suspend for not less than six months or more than five years, as specified in the section that establishes the offense, the person's driver's or commercial driver's license or permit. If the person's driver's or commercial driver's license or permit is under suspension on the date the court imposes sentence upon the person, any revocation imposed upon the person that is referred to in division (D)(2) of this section shall take effect immediately. If the person's driver's or commercial driver's license or permit is under suspension on the date the court imposes sentence upon the person, any period of suspension imposed upon the person that is referred to in division (D)(2) of this section shall take

effect on the next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and is a resident of this state but does not have a current, valid Ohio driver's or commercial driver's license or permit, the court shall order the registrar to deny to the person the issuance of a driver's or commercial driver's license or permit for six months beginning on the date the court imposes a sentence upon the person. If the person has not attained the age of sixteen years on the date the court sentences the person for the violation, the period of denial shall commence on the date the person attains the age of sixteen years.

(E) Except as otherwise provided in this section, the trial judge of any court of record and the mayor of a mayor's court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than sixty days nor more than two years the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code or of a municipal ordinance substantially equivalent to that division relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(F)(1) A person is not entitled to request, and a judge or mayor shall not grant to the person, occupational driving privileges under division (F) of this section if a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (B) or (C) of this section or pursuant to division (F) of section 4511.191 of the Revised Code, and the person, within the preceding seven years, has been convicted of or pleaded guilty to three or more violations of one or more of the following:

- (a) Division (A) or (B) of section 4511.19 of the Revised Code;
- (b) A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (c) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;
- (d) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;
- (e) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;
- (f) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the

person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(g) A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code.

(2) Any other person who is not described in division (F)(1) of this section and whose driver's or commercial driver's license or nonresident operating privilege has been suspended under any of those divisions may file a petition that alleges that the suspension would seriously affect the person's ability to continue the person's employment. The petition of a person whose license, permit, or privilege was suspended pursuant to division (F) of section 4511.191 of the Revised Code shall be filed in the court specified in division (I)(4) of that section, and the petition of a person whose license, permit, or privilege was suspended under division (B) or (C) of this section shall be filed in the municipal, county, mayor's, or in the case of a minor, juvenile court that has jurisdiction over the place of arrest. Upon satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment, the judge of the court or mayor of the mayor's court may grant the person occupational driving privileges during the period during which the suspension otherwise would be imposed, except that the judge or mayor shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 3123.611 or 4506.16 of the Revised Code or whose commercial driver's license or commercial driver's temporary ~~instruction~~ instruction permit has been suspended under section 3123.58 of the Revised Code, and shall not grant occupational driving privileges during any of the following periods of time:

(a) The first fifteen days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(1) of this section or division (F)(1) of section 4511.191 of the Revised Code. On or after the sixteenth day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.

(b) The first thirty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(2) of this section or division (F)(2) of section 4511.191 of the Revised Code. On or

after the thirty-first day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.

(c) The first one hundred eighty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(3) of this section or division (F)(3) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions on or after the one hundred eighty-first day of the suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender, while exercising the occupational driving privileges during the period commencing with the one hundred eighty-first day of suspension and ending with the first year of suspension, from operating any motor vehicle unless it is equipped with a certified ignition interlock device. After the first year of the suspension, the court may authorize the offender to continue exercising the occupational driving privileges in vehicles that are not equipped with ignition interlock devices. If the offender does not petition for occupational driving privileges until after the first year of suspension and if division (F) of this section does not prohibit the judge from granting the privileges, the judge may grant the offender occupational driving privileges without requiring the use of a certified ignition interlock device.

(d) The first three years of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(4) of this section or division (F)(4) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions after the first three years of suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender from operating any motor vehicle, for the period of suspension following the first three years of suspension, unless the motor vehicle is equipped with a certified ignition interlock device.

(G) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (E) of this section, and the person, within the preceding seven years, has been convicted of or pleaded guilty to three or more violations identified in division (F)(1) of this section, the person is not entitled to request, and the

judge or mayor shall not grant to the person, occupational driving privileges under this division. Any other person whose driver's or commercial driver's license or nonresident operating privilege has been suspended under division (E) of this section may file a petition that alleges that the suspension would seriously affect the person's ability to continue the person's employment. The petition shall be filed in the municipal, county, or mayor's court that has jurisdiction over the place of arrest. Upon satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment, the judge of the court or mayor of the mayor's court may grant the person occupational driving privileges during the period during which the suspension otherwise would be imposed, except that the judge or mayor shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code, and shall not grant occupational driving privileges during the first sixty days of suspension imposed upon an offender whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended pursuant to division (E) of this section.

(H)(1) After a driver's or commercial driver's license or permit has been suspended or revoked pursuant to this section, the judge of the court or mayor of the mayor's court that suspended or revoked the license or permit shall cause the offender to deliver the license or permit to the court. The judge, mayor, or clerk of the court or mayor's court, if the license or permit has been suspended or revoked in connection with any of the offenses listed in this section, forthwith shall forward it to the registrar with notice of the action of the court.

(2) Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under this chapter during the period of the suspension.

(I) No judge shall suspend the first thirty days of suspension of a driver's or commercial driver's license or permit or a nonresident operating privilege required under division (A) of this section, no judge or mayor shall suspend

the first six months of suspension required under division (B)(1) of this section, no judge shall suspend the first year of suspension required under division (B)(2) of this section, no judge shall suspend the first year of suspension required under division (B)(3) of this section, no judge shall suspend the first three years of suspension required under division (B)(4) of this section, no judge or mayor shall suspend the revocation required by division (D) of this section, and no judge or mayor shall suspend the first sixty days of suspension required under division (E) of this section, except that the court shall credit any period of suspension imposed pursuant to section 4511.191 or 4511.196 of the Revised Code against any time of suspension imposed pursuant to division (B) or (E) of this section as described in division (J) of this section.

(J) The judge of the court or mayor of the mayor's court shall credit any time during which an offender was subject to an administrative suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to division (E) or (F) of section 4511.191 or a suspension imposed by a judge, referee, or mayor pursuant to division (B)(1) or (2) of section 4511.196 of the Revised Code against the time to be served under a related suspension imposed pursuant to this section.

(K) The judge or mayor shall notify the bureau of any determinations made, and of any suspensions or revocations imposed, pursuant to division (B) of this section.

(L)(1) If a court issues an ignition interlock order under division (F) of this section, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with a certified ignition interlock device. The court shall provide the offender with a copy of an ignition interlock order issued under division (F) of this section, and the copy of the order shall be used by the offender in lieu of an Ohio driver's or commercial driver's license or permit until the registrar or a deputy registrar issues the offender a restricted license.

An order issued under division (F) of this section does not authorize or permit the offender to whom it has been issued to operate a vehicle during any time that the offender's driver's or commercial driver's license or permit is suspended or revoked under any other provision of law.

(2) The offender may present the ignition interlock order to the registrar or to a deputy registrar. Upon presentation of the order to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its

face a statement that the offender is prohibited during the period specified in the court order from operating any motor vehicle that is not equipped with a certified ignition interlock device, and except that the date of commencement and the date of termination of the period shall be indicated conspicuously upon the face of the license.

(3) As used in this section:

(a) "Ignition interlock device" has the same meaning as in section 4511.83 of the Revised Code.

(b) "Certified ignition interlock device" means an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code.

Sec. 4549.99. (A) Whoever violates section 4549.01, 4549.10, 4549.11, or 4549.12 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(B) Except as otherwise provided in this division, whoever violates section 4549.02, 4549.021, or 4549.03 of the Revised Code is guilty of a misdemeanor of the first degree. Whoever violates section 4549.02 or 4549.021 of the Revised Code when the accident or collision that is the basis of the violation results in serious physical harm ~~or death~~ to a person is guilty of a felony of the fifth degree and whoever violates those sections when the accident or collision that is the basis of the violation results in the death of a person is guilty of a felony of the third degree.

(C) Whoever violates section 4549.042 or sections 4549.41 to 4549.46 of the Revised Code is guilty of a felony of the fourth degree on a first offense and a felony of the third degree on each subsequent offense. The prosecuting attorney of the proper county, or the attorney general by information or complaint, may bring a criminal action in the courts of common pleas of this state, or in any other court of competent jurisdiction, to enforce the provisions of sections 4549.41 to 4549.51 of the Revised Code. The attorney general and the prosecuting attorney of the county in which a person licensed or granted a permit under Chapter 4517. of the Revised Code is convicted of, or pleads guilty to, a violation of sections 4549.41 to 4549.46 of the Revised Code shall report the conviction or guilty plea to the registrar of motor vehicles within five business days.

(D) Whoever violates section 4549.08 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(E) Whoever violates section 4549.18 or division (D)(4)(c) of section 4549.62 of the Revised Code is guilty of a minor misdemeanor.

(F) Whoever violates division (A), (B), (C), or (D)(1) of section 4549.62 of the Revised Code is guilty of a felony of the fifth degree on a first offense

and a felony of the fourth degree on each subsequent offense.

SECTION 2. That existing sections 2903.06, 2903.08, 4507.16, and 4549.99 of the Revised Code are hereby repealed.

SECTION 3. (A) The amendment by this act of section 4507.16 of the Revised Code has interim effect and does not supersede the earlier amendment, with delayed effective date, of the section by Am. Sub. S.B. 123 of the 124th General Assembly.

(B) The amendment of section 4549.99 of the Revised Code by this act is not intended to supersede the earlier repeal, with delayed effective date, of that section by Am. Sub. S.B. 123 of the 124th General Assembly.

SECTION 4. That the versions of sections 2903.06, 2903.08, 4549.02, and 4549.021 of the Revised Code that are scheduled to take effect January 1, 2004, be amended to read as follows:

Sec. 2903.06. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1)(a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.

(2) Recklessly;

(3) Negligently;

(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

(B)(1) Whoever violates division (A)(1) or (2) of this section is guilty of

aggravated vehicular homicide and shall be punished as provided in divisions ~~(B)(1)(a)(2)~~ and ~~(b)(3)~~ of this section.

(2)(a) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the second degree. Aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the first degree if; at any of the following apply:

(i) At the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code or if the

(ii) The offender previously has been convicted of or pleaded guilty to a violation of this section;

(iii) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense;

(iv) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years;
or.

(v) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(vi) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(vii) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of this section.

(viii) The offender previously has been convicted of or pleaded guilty to a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.

(b) In addition to any other sanctions imposed pursuant to division (B)(2)(a) of this section for aggravated vehicular homicide committed in violation of division (A)(1) of this section, the court shall impose upon the offender a class one suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A)(1) of section 4510.02 of the Revised Code.

~~(b)(3)~~ Except as otherwise provided in this division, aggravated

vehicular homicide committed in violation of division (A)(2) of this section is a felony of the third degree. Aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code.

~~(2)~~(C) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony of the fourth degree if, at the time of the offense, the offender was driving under a suspension or revocation imposed under Chapter 4507. or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of that section.

~~(3)~~(D) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of that section.

~~(C)~~(E) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(1) of this section. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2) or (3) of this section if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

(2) At the time of the offense, the offender was driving under suspension under Chapter 4510. or any other provision of the Revised Code.

~~(D)~~(F)(1) As used in this section:

(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn in either of the following ways:

(1)(a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent

municipal ordinance;

(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.

(2) Recklessly.

(B)(1) Whoever violates division (A)(1) of this section is guilty of aggravated vehicular assault. Except as otherwise provided in this division, aggravated vehicular assault is a felony of the third degree. Aggravated vehicular assault is a felony of the second degree if, ~~at~~ any of the following apply:

(a) At the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code ~~or if the~~.

(b) The offender previously has been convicted of or pleaded guilty to a violation of this section;

(c) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense;

(d) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance within the previous six years; ~~or.~~

(e) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(f) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(g) The offender previously has been convicted of or pleaded guilty to three or more prior violations of any combination of the offenses listed in division (B)(1)(d), (e), or (f) of this section.

(h) The offender previously has been convicted of or pleaded guilty to a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.

(2) In addition to any other sanctions imposed pursuant to division (B)(1) of this section, the court shall impose upon the offender a class three

suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of that section.

~~(2)~~(C) Whoever violates division (A)(2) of this section is guilty of vehicular assault. Except as otherwise provided in this division, vehicular assault is a felony of the fourth degree. Vehicular assault is a felony of the third degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of that section.

~~(C)~~(D) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(1) of this section. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2) of this section if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.06 of the Revised Code.

(2) At the time of the offense, the offender was driving under suspension under Chapter 4510. or any other provision of the Revised Code.

~~(D)~~(E) As used in this section:

(1) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Traffic-related homicide, manslaughter, or assault offense" has the same meaning as in section 2903.06 of the Revised Code.

~~(E)~~(F) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

Sec. 4549.02. (A) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address, and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) Whoever violates division (A) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the violation results in serious physical harm ~~or death~~ to a person, failure to stop after an accident is a felony of the fifth degree. If the violation results in the death of a person, failure to stop after an accident is a felony of the third degree. The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license,

commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

Sec. 4549.021. (A) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty-four hours after the accident or collision, shall forward to the police department of the city or village in which the accident or collision occurred or if it occurred outside the corporate limits of a city or village to the sheriff of the county in which the accident or collision occurred the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) Whoever violates division (A) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the violation results in serious physical harm ~~or death~~ to a person, failure to stop after a nonpublic road accident is a felony of the fifth degree. If the violation results in the death of a person, failure to stop after a nonpublic road accident is a felony of the third degree. The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

SECTION 5. That the existing versions of sections 2903.06, 2903.08, 4549.02, and 4549.021 of the Revised Code that are scheduled to take effect January 1, 2004, are hereby repealed.

SECTION 6. Sections 4 and 5 of this act take effect January 1, 2004.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20__

Approved _____, 20__

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____