

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 50

**Representatives Hughes, Latta, Flowers, J. Stewart, Gilb, McGregor, DePiero,
Redfern, Allen, Seaver, Schaffer, Barrett, Young, Schmidt, Grendell**

A B I L L

To amend section 4549.99 of the Revised Code to 1
increase the penalty for failure to stop after an 2
accident if the violation caused the death of a 3
person and to amend the versions of sections 4
4549.02 and 4549.021 of the Revised Code that are 5
scheduled to take effect January 1, 2004, to 6
continue the provisions of this act on and after 7
that effective date. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4549.99 of the Revised Code be 9
amended to read as follows: 10

Sec. 4549.99. (A) Whoever violates section 4549.01, 4549.10, 11
4549.11, or 4549.12 of the Revised Code is guilty of a minor 12
misdemeanor on a first offense and a misdemeanor of the fourth 13
degree on each subsequent offense. 14

(B) Except as otherwise provided in this division, whoever 15
violates section 4549.02, 4549.021, or 4549.03 of the Revised Code 16
is guilty of a misdemeanor of the first degree. Whoever violates 17
section 4549.02 or 4549.021 of the Revised Code when the accident 18
or collision that is the basis of the violation results in serious 19

physical harm ~~or death~~ to a person is guilty of a felony of the 20
fifth degree and whoever violates those sections when the accident 21
or collision that is the basis of the violation results in the 22
death of a person is guilty of a felony of the third degree. 23

(C) Whoever violates section 4549.042 or sections 4549.41 to 24
4549.46 of the Revised Code is guilty of a felony of the fourth 25
degree on a first offense and a felony of the third degree on each 26
subsequent offense. The prosecuting attorney of the proper county, 27
or the attorney general by information or complaint, may bring a 28
criminal action in the courts of common pleas of this state, or in 29
any other court of competent jurisdiction, to enforce the 30
provisions of sections 4549.41 to 4549.51 of the Revised Code. The 31
attorney general and the prosecuting attorney of the county in 32
which a person licensed or granted a permit under Chapter 4517. of 33
the Revised Code is convicted of, or pleads guilty to, a violation 34
of sections 4549.41 to 4549.46 of the Revised Code shall report 35
the conviction or guilty plea to the registrar of motor vehicles 36
within five business days. 37

(D) Whoever violates section 4549.08 of the Revised Code is 38
guilty of a misdemeanor of the fourth degree on a first offense 39
and a misdemeanor of the third degree on each subsequent offense. 40

(E) Whoever violates section 4549.18 or division (D)(4)(c) of 41
section 4549.62 of the Revised Code is guilty of a minor 42
misdemeanor. 43

(F) Whoever violates division (A), (B), (C), or (D)(1) of 44
section 4549.62 of the Revised Code is guilty of a felony of the 45
fifth degree on a first offense and a felony of the fourth degree 46
on each subsequent offense. 47

Section 2. That existing section 4549.99 of the Revised Code 48
is hereby repealed. 49

Section 3. 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 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. 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. 80
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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. 82
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(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. 87
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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 101
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motor vehicle, and, if available, exhibit the driver's or 111
operator's driver's or commercial driver's license. 112

If the owner or person in charge of the damaged property is 113
not furnished such information, the driver of the motor vehicle 114
involved in the accident or collision, within twenty-four hours 115
after the accident or collision, shall forward to the police 116
department of the city or village in which the accident or 117
collision occurred or if it occurred outside the corporate limits 118
of a city or village to the sheriff of the county in which the 119
accident or collision occurred the same information required to be 120
given to the owner or person in control of the damaged property 121
and give the date, time, and location of the accident or 122
collision. 123

If the accident or collision is with an unoccupied or 124
unattended motor vehicle, the operator who collides with the motor 125
vehicle shall securely attach the information required to be given 126
in this section, in writing, to a conspicuous place in or on the 127
unoccupied or unattended motor vehicle. 128

(B) Whoever violates division (A) of this section is guilty 129
of failure to stop after a nonpublic road accident, a misdemeanor 130
of the first degree. If the violation results in serious physical 131
harm ~~or death~~ to a person, failure to stop after a nonpublic road 132
accident is a felony of the fifth degree. If the violation results 133
in the death of a person, failure to stop after a nonpublic road 134
accident is a felony of the third degree. The court, in addition 135
to any other penalties provided by law, shall impose upon the 136
offender a class five suspension of the offender's driver's 137
license, commercial driver's license, temporary instruction 138
permit, probationary license, or nonresident operating privilege 139
from the range specified in division (A)(5) of section 4510.02 of 140
the Revised Code. No judge shall suspend the first six months of 141

suspension of an offender's license, permit, or privilege required 142
by this division. 143

Section 5. That the existing versions of sections 4549.02 and 144
4549.021 of the Revised Code that are scheduled to take effect 145
January 1, 2004, are hereby repealed. 146

Section 6. Sections 4 and 5 of this act take effect January 147
1, 2004. 148