

As Reported by the House Criminal Justice Committee

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Sub. H. B. No. 50

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

To amend sections 2903.06, 2903.08, 4507.16, and 1
4549.99 of the Revised Code to increase the 2
penalty for failure to stop after an accident if 3
the violation caused the death of a person, to 4
modify the offenses of aggravated vehicular 5
homicide and aggravated vehicular assault, and to 6
amend the versions of sections 2903.06, 2903.08, 7
4549.02, and 4549.021 of the Revised Code that are 8
scheduled to take effect January 1, 2004, to 9
continue the provisions of this act on and after 10
that effective date. 11

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

Section 1. That sections 2903.06, 2903.08, 4507.16, and 12
4549.99 of the Revised Code be amended to read as follows: 13

Sec. 2903.06. (A) No person, while operating or participating 14
in the operation of a motor vehicle, motorcycle, snowmobile, 15
locomotive, watercraft, or aircraft, shall cause the death of 16
another or the unlawful termination of another's pregnancy in any 17
of the following ways: 18

(1)(a) As the proximate result of committing a violation of 19
division (A) of section 4511.19 of the Revised Code or of a 20
substantially equivalent municipal ordinance; 21

(b) As the proximate result of committing a violation of 22
division (A) of section 1547.11 of the Revised Code or of a 23
substantially equivalent municipal ordinance; 24

(c) As the proximate result of committing a violation of 25
division (A)(3) of section 4561.15 of the Revised Code or of a 26
substantially equivalent municipal ordinance. 27

(2) Recklessly; 28

(3) Negligently; 29

(4) As the proximate result of committing a violation of any 30
provision of any section contained in Title XLV of the Revised 31
Code that is a minor misdemeanor or of a municipal ordinance that, 32
regardless of the penalty set by ordinance for the violation, is 33
substantially equivalent to any provision of any section contained 34
in Title XLV of the Revised Code that is a minor misdemeanor. 35

(B)~~(1)~~ Whoever violates division (A)(1) or (2) of this 36
section is guilty of aggravated vehicular homicide and shall be 37
punished as provided in divisions ~~(B)(1)(a)~~(C), (D), (E), and 38
~~(b)~~(F) of this section. 39

~~(a)~~(C) Except as otherwise provided in this ~~division~~ section, 40
aggravated vehicular homicide committed in violation of division 41
(A)(1) of this section is a felony of the second degree. 42
Aggravated vehicular homicide committed in violation of division 43
(A)(1) of this section is a felony of the first degree if, at the 44
time of the offense, ~~the~~ any of the following apply: 45

(1) The offender was driving under a suspension imposed under 46
Chapter 4507. or any other provision of the Revised Code ~~or if~~ 47
~~the.~~ 48

(2) The offender previously has been convicted of or pleaded 49
guilty to a violation of this section. 50

(3) The offender previously has been convicted of or pleaded 51
guilty to any traffic-related homicide, manslaughter, or assault 52
offense. 53

(4) The offender previously has been convicted of or pleaded 54
guilty to three prior violations of section 4511.19 of the Revised 55
Code or of a substantially equivalent municipal ordinance within 56
the previous six years. 57

(5) The offender previously has been convicted of or pleaded 58
guilty to a second or subsequent felony violation of division (A) 59
of section 4511.19 of the Revised Code. 60

(6) The offender previously has been convicted of or pleaded 61
guilty to three prior violations of division (A)(3) of section 62
4561.15 of the Revised Code or of a substantially equivalent 63
municipal ordinance within the previous six years. 64

(7) The offender previously has been convicted of or pleaded 65
guilty to any combination of three of the offenses listed in 66
division (C)(4), (5), or (6) of this section. 67

(8) The offender previously has been convicted of or pleaded 68
guilty to a second or subsequent felony violation of division (A) 69
of section 4511.19 of the Revised Code. 70

(D) In addition to any other sanctions imposed pursuant to 71
division (C) of this section, the court shall permanently revoke 72
the offender's driver's license, commercial driver's license, 73
temporary instruction permit, probationary license, or nonresident 74
operating privilege pursuant to section 4507.16 of the Revised 75
Code. 76

~~(b)~~(E) Except as otherwise provided in this division, 77
aggravated vehicular homicide committed in violation of division 78

(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.

~~(2)~~(F) 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. 111

~~(3)~~(G) Whoever violates division (A)(4) of this section is 112
guilty of vehicular manslaughter. Except as otherwise provided in 113
this division, vehicular manslaughter is a misdemeanor of the 114
second degree. Vehicular manslaughter is a misdemeanor of the 115
first degree if, at the time of the offense, the offender was 116
driving under a suspension imposed under Chapter 4507. of the 117
Revised Code or if the offender previously has been convicted of 118
or pleaded guilty to a violation of this section or any 119
traffic-related homicide, manslaughter, or assault offense. 120

In addition to any other sanctions imposed pursuant to this 121
division, the court shall suspend the offender's driver's license, 122
commercial driver's license, temporary instruction permit, 123
probationary license, or nonresident operating privilege for a 124
definite period of three months to two years pursuant to section 125
4507.16 of the Revised Code or, if the offender previously has 126
been convicted of or pleaded guilty to a violation of this section 127
or any traffic-related homicide, manslaughter, or assault offense, 128
for a definite period of one to five years pursuant to that 129
section. 130

~~(C)~~(H) The court shall impose a mandatory prison term on an 131
offender who is convicted of or pleads guilty to a violation of 132
division (A)(1) of this section. The court shall impose a 133
mandatory prison term on an offender who is convicted of or pleads 134
guilty to a violation of division (A)(2) or (3) of this section if 135
either of the following applies: 136

(1) The offender previously has been convicted of or pleaded 137
guilty to a violation of this section or section 2903.08 of the 138
Revised Code. 139

(2) At the time of the offense, the offender was driving 140
under suspension under Chapter 4507. of the Revised Code. 141

(D) (I)(1) As used in this section:	142
(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	143 144
(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 <u>March 23, 2000</u> .	145 146 147 148 149 150 151
(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.	152 153 154 155 156 157 158
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:	159 160 161 162 163
(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;	164 165 166
<u>(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;</u>	167 168 169
<u>(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a</u>	170 171

<u>substantially equivalent municipal ordinance.</u>	172
(2) Recklessly.	173
(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 the time of the offense, the <u>any of the following apply:</u>	174 175 176 177 178 179
(a) <u>The</u> offender was driving under a suspension imposed under Chapter 4507. or any other provision of the Revised Code or if <u>the.</u>	180 181 182
(b) <u>The</u> offender previously has been convicted of or pleaded guilty to a violation of this section + .	183 184
(c) <u>The offender previously has been convicted of or pleaded guilty to</u> any traffic-related homicide, manslaughter, or assault offense + .	185 186 187
(d) <u>The offender previously has been convicted of or pleaded guilty to</u> three prior violations of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance within the previous six years + or.	188 189 190 191
(e) <u>The offender previously has been convicted of or pleaded guilty to three 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.</u>	192 193 194 195
(f) <u>The offender previously has been convicted of or pleaded guilty to three 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.</u>	196 197 198 199
(g) <u>The offender previously has been convicted of or pleaded guilty to any combination of three of the offenses listed in</u>	200 201

division (B)(1)(d), (e), or (f) of this section. 202

(h) The offender previously has been convicted of or pleaded 203
guilty to a second or subsequent felony violation of division (A) 204
of section 4511.19 of the Revised Code. 205

(2) In addition to any other sanctions imposed pursuant to 206
division (B)(1) of this section, the court shall suspend the 207
offender's driver's license, commercial driver's license, 208
temporary instruction permit, probationary license, or nonresident 209
operating privilege for a definite period of two to ten years 210
pursuant to section 4507.16 of the Revised Code or, if the 211
offender previously has been convicted of or pleaded guilty to a 212
violation of this section or any traffic-related homicide, 213
manslaughter, or assault offense, for a definite period of three 214
years to life pursuant to that section. 215

~~(2)~~(C) Whoever violates division (A)(2) of this section is 216
guilty of vehicular assault. Except as otherwise provided in this 217
division, vehicular assault is a felony of the fourth degree. 218
Vehicular assault is a felony of the third degree if, at the time 219
of the offense, the offender was driving under a suspension 220
imposed under Chapter 4507. of the Revised Code or if the offender 221
previously has been convicted of or pleaded guilty to a violation 222
of this section or any traffic-related homicide, manslaughter, or 223
assault offense. 224

In addition to any other sanctions imposed, the court shall 225
suspend the offender's driver's license, commercial driver's 226
license, temporary instruction permit, probationary license, or 227
nonresident operating privilege for a definite period of one to 228
five years pursuant to section 4507.16 of the Revised Code or, if 229
the offender previously has been convicted of or pleaded guilty to 230
a violation of this section or any traffic-related homicide, 231
manslaughter, or assault offense, for a definite period of two to 232

ten years pursuant to that section. 233

~~(C)~~(D) The court shall impose a mandatory prison term on an 234
offender who is convicted of or pleads guilty to a violation of 235
division (A)(1) of this section. The court shall impose a 236
mandatory prison term on an offender who is convicted of or pleads 237
guilty to a violation of division (A)(2) of this section if either 238
of the following applies: 239

(1) The offender previously has been convicted of or pleaded 240
guilty to a violation of this section or section 2903.06 of the 241
Revised Code. 242

(2) At the time of the offense, the offender was driving 243
under suspension under Chapter 4507. or any other provision of the 244
Revised Code. 245

~~(D)~~(E) As used in this section: 246

(1) "Mandatory prison term" has the same meaning as in 247
section 2929.01 of the Revised Code. 248

(2) "Traffic-related homicide, manslaughter, or assault 249
offense" has the same meaning as in section 2903.06 of the Revised 250
Code. 251

~~(E)~~(F) For the purposes of this section, when a penalty or 252
suspension is enhanced because of a prior or current violation of 253
a specified law or a prior or current specified offense, the 254
reference to the violation of the specified law or the specified 255
offense includes any violation of any substantially equivalent 256
municipal ordinance, former law of this state, or current or 257
former law of another state or the United States. 258

Sec. 4507.16. (A)(1) The trial judge of any court of record, 259
in addition to or independent of all other penalties provided by 260
law or by ordinance, shall suspend for not less than thirty days 261
or more than three years or shall revoke the driver's or 262

commercial driver's license or permit or nonresident operating	263
privilege of any person who is convicted of or pleads guilty to	264
any of the following:	265
(a) Perjury or the making of a false affidavit under this	266
chapter, or any other law of this state requiring the registration	267
of motor vehicles or regulating their operation on the highway;	268
(b) Any crime punishable as a felony under the motor vehicle	269
laws of this state or any other felony in the commission of which	270
a motor vehicle is used;	271
(c) Failing to stop and disclose identity at the scene of the	272
accident when required by law or ordinance to do so;	273
(d) Street racing as defined in section 4511.251 of the	274
Revised Code or any substantially similar municipal ordinance;	275
(e) Willfully eluding or fleeing a police officer;	276
(f) Trafficking in cigarettes with the intent to avoid	277
payment of the cigarette tax under division (A) of section	278
5743.112 of the Revised Code.	279
(2) Subject to division (D)(1) of this section, the trial	280
judge of any court of record, in addition to or independent of all	281
other penalties provided by law or by ordinance, shall suspend the	282
driver's or commercial driver's license or permit or nonresident	283
operating privilege of any person who is convicted of or pleads	284
guilty to a violation of section 2903.06 or 2903.08 of the Revised	285
Code. The suspension shall be for the period of time specified in	286
section 2903.06 or 2903.08 of the Revised Code, whichever is	287
applicable.	288
(3) If a person is convicted of or pleads guilty to a	289
violation of section 2907.24 of the Revised Code, an attempt to	290
commit a violation of that section, or a violation of or an	291
attempt to commit a violation of a municipal ordinance that is	292

substantially equivalent to that section and if the person, in 293
committing or attempting to commit the violation, was in, was on, 294
or used a motor vehicle, the trial judge of a court of record, in 295
addition to or independent of all other penalties provided by law 296
or ordinance, shall suspend for thirty days the person's driver's 297
or commercial driver's license or permit. 298

The trial judge of any court of record, in addition to 299
suspensions or revocations of licenses, permits, or privileges 300
pursuant to this division and in addition to or independent of all 301
other penalties provided by law or by ordinance, shall impose a 302
suspended jail sentence not to exceed six months, if imprisonment 303
was not imposed for the offense for which the person was 304
convicted. 305

(4) If the trial judge of any court of record suspends or 306
revokes the driver's or commercial driver's license or permit or 307
nonresident operating privilege of a person who is convicted of or 308
pleads guilty to any offense for which such suspension or 309
revocation is provided by law or ordinance, in addition to all 310
other penalties provided by law or ordinance, the judge may issue 311
an order prohibiting the offender from registering, renewing, or 312
transferring the registration of any vehicle during the period 313
that the offender's license, permit, or privilege is suspended or 314
revoked. The court promptly shall send a copy of the order to the 315
registrar of motor vehicles. 316

Upon receipt of such an order, neither the registrar nor any 317
deputy registrar shall accept any application for the 318
registration, registration renewal, or transfer of registration of 319
any motor vehicle owned or leased by the person named in the order 320
during the period that the person's license, permit, or privilege 321
is suspended or revoked, unless the registrar is properly notified 322
by the court that the order of suspension or revocation has been 323
canceled. When the period of suspension or revocation expires or 324

the order is canceled, the registrar or deputy registrar shall 325
accept the application for registration, registration renewal, or 326
transfer of registration of the person named in the order. 327

(B) Except as otherwise provided in this section, the trial 328
judge of any court of record and the mayor of a mayor's court, in 329
addition to or independent of all other penalties provided by law 330
or by ordinance, shall revoke the driver's or commercial driver's 331
license or permit or nonresident operating privilege of any person 332
who is convicted of or pleads guilty to a violation of division 333
(A) of section 4511.19 of the Revised Code, of a municipal 334
ordinance relating to operating a vehicle while under the 335
influence of alcohol, a drug of abuse, or alcohol and a drug of 336
abuse, or of a municipal ordinance that is substantially 337
equivalent to division (A) of section 4511.19 of the Revised Code 338
relating to operating a vehicle with a prohibited concentration of 339
alcohol in the blood, breath, or urine or suspend the license, 340
permit, or privilege as follows: 341

(1) Except when division (B)(2), (3), or (4) of this section 342
applies and the judge or mayor is required to suspend or revoke 343
the offender's license or permit pursuant to that division, the 344
judge or mayor shall suspend the offender's driver's or commercial 345
driver's license or permit or nonresident operating privilege for 346
not less than six months nor more than three years. 347

(2) Subject to division (B)(4) of this section, if, within 348
six years of the offense, the offender has been convicted of or 349
pleaded guilty to one violation of division (A) or (B) of section 350
4511.19 of the Revised Code, a municipal ordinance relating to 351
operating a vehicle while under the influence of alcohol, a drug 352
of abuse, or alcohol and a drug of abuse, a municipal ordinance 353
relating to operating a motor vehicle with a prohibited 354
concentration of alcohol in the blood, breath, or urine, section 355
2903.04 of the Revised Code in a case in which the offender was 356

subject to the sanctions described in division (D) of that 357
section, section 2903.06 or 2903.08 of the Revised Code, former 358
section 2903.07 of the Revised Code, or a municipal ordinance that 359
is substantially similar to former section 2903.07 of the Revised 360
Code in a case in which the jury or judge found that the offender 361
was under the influence of alcohol, a drug of abuse, or alcohol 362
and a drug of abuse, or a statute of the United States or of any 363
other state or a municipal ordinance of a municipal corporation 364
located in any other state that is substantially similar to 365
division (A) or (B) of section 4511.19 of the Revised Code, the 366
judge shall suspend the offender's driver's or commercial driver's 367
license or permit or nonresident operating privilege for not less 368
than one year nor more than five years. 369

(3) Subject to division (B)(4) of this section, if, within 370
six years of the offense, the offender has been convicted of or 371
pleaded guilty to two violations described in division (B)(2) of 372
this section, or a statute of the United States or of any other 373
state or a municipal ordinance of a municipal corporation located 374
in any other state that is substantially similar to division (A) 375
or (B) of section 4511.19 of the Revised Code, the judge shall 376
suspend the offender's driver's or commercial driver's license or 377
permit or nonresident operating privilege for not less than one 378
year nor more than ten years. 379

(4) If, within six years of the offense, the offender has 380
been convicted of or pleaded guilty to three or more violations 381
described in division (B)(2) of this section, a statute of the 382
United States or of any other state or a municipal ordinance of a 383
municipal corporation located in any other state that is 384
substantially similar to division (A) or (B) of section 4511.19 of 385
the Revised Code, or if the offender previously has been convicted 386
of or pleaded guilty to a violation of division (A) of section 387
4511.19 of the Revised Code under circumstances in which the 388

violation was a felony and regardless of when the violation and 389
the conviction or guilty plea occurred, the judge shall suspend 390
the offender's driver's or commercial driver's license or permit 391
or nonresident operating privilege for a period of time set by the 392
court but not less than three years, and the judge may permanently 393
revoke the offender's driver's or commercial driver's license or 394
permit or nonresident operating privilege. 395

(5) The filing of an appeal by a person whose driver's or 396
commercial driver's license is suspended or revoked under division 397
(B)(1), (2), (3), or (4) of this section regarding any aspect of 398
the person's trial or sentence does not stay the operation of the 399
suspension or revocation. 400

(C) The trial judge of any court of record or the mayor of a 401
mayor's court, in addition to or independent of all other 402
penalties provided by law or by ordinance, may suspend the 403
driver's or commercial driver's license or permit or nonresident 404
operating privilege of any person who violates a requirement or 405
prohibition of the court imposed under division (F) of this 406
section or division (G)(1) of section 2951.02 of the Revised Code 407
as follows: 408

(1) For not more than one year, upon conviction for a first 409
violation of the requirement or prohibition; 410

(2) For not more than five years, upon conviction for a 411
second or subsequent violation of the requirement or prohibition 412
during the same period of required use of an ignition interlock 413
device that is certified pursuant to section 4511.83 of the 414
Revised Code. 415

(D)(1) The trial judge of any court of record, in addition to 416
or independent of all other penalties provided by law or by 417
ordinance, shall permanently revoke the driver's or commercial 418
driver's license or permit or nonresident operating privilege of 419

any person who is convicted of or pleads guilty to a violation of 420
section 2903.04 or 2903.06 of the Revised Code in a case in which 421
division (D) of section 2903.04 or division ~~(B)~~(D) of section 422
2903.06 of the Revised Code requires the judge to permanently 423
revoke the license, permit, or privilege. 424

(2) In addition to any prison term authorized or required by 425
the section that establishes the offense and sections 2929.13 and 426
2929.14 of the Revised Code, and in addition to any other sanction 427
imposed for the offense under the section that establishes the 428
offense or sections 2929.11 to 2929.182 of the Revised Code, the 429
court that sentences an offender who is convicted of or pleads 430
guilty to a violation of section 2925.02, 2925.03, 2925.04, 431
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 432
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 433
Revised Code either shall revoke or, if it does not revoke, shall 434
suspend for not less than six months or more than five years, as 435
specified in the section that establishes the offense, the 436
person's driver's or commercial driver's license or permit. If the 437
person's driver's or commercial driver's license or permit is 438
under suspension on the date the court imposes sentence upon the 439
person, any revocation imposed upon the person that is referred to 440
in division (D)(2) of this section shall take effect immediately. 441
If the person's driver's or commercial driver's license or permit 442
is under suspension on the date the court imposes sentence upon 443
the person, any period of suspension imposed upon the person that 444
is referred to in division (D)(2) of this section shall take 445
effect on the next day immediately following the end of that 446
period of suspension. If the person is sixteen years of age or 447
older and is a resident of this state but does not have a current, 448
valid Ohio driver's or commercial driver's license or permit, the 449
court shall order the registrar to deny to the person the issuance 450
of a driver's or commercial driver's license or permit for six 451
months beginning on the date the court imposes a sentence upon the 452

person. If the person has not attained the age of sixteen years on 453
the date the court sentences the person for the violation, the 454
period of denial shall commence on the date the person attains the 455
age of sixteen years. 456

(E) Except as otherwise provided in this section, the trial 457
judge of any court of record and the mayor of a mayor's court, in 458
addition to or independent of all other penalties provided by law 459
or ordinance, shall suspend for not less than sixty days nor more 460
than two years the driver's or commercial driver's license or 461
permit or nonresident operating privilege of any person who is 462
convicted of or pleads guilty to a violation of division (B) of 463
section 4511.19 of the Revised Code or of a municipal ordinance 464
substantially equivalent to that division relating to operating a 465
vehicle with a prohibited concentration of alcohol in the blood, 466
breath, or urine. 467

(F)(1) A person is not entitled to request, and a judge or 468
mayor shall not grant to the person, occupational driving 469
privileges under division (F) of this section if a person's 470
driver's or commercial driver's license or permit or nonresident 471
operating privilege has been suspended pursuant to division (B) or 472
(C) of this section or pursuant to division (F) of section 473
4511.191 of the Revised Code, and the person, within the preceding 474
seven years, has been convicted of or pleaded guilty to three or 475
more violations of one or more of the following: 476

(a) Division (A) or (B) of section 4511.19 of the Revised 477
Code; 478

(b) A municipal ordinance relating to operating a vehicle 479
while under the influence of alcohol, a drug of abuse, or alcohol 480
and a drug of abuse; 481

(c) A municipal ordinance relating to operating a vehicle 482
with a prohibited concentration of alcohol in the blood, breath, 483

or urine; 484

(d) Section 2903.04 of the Revised Code in a case in which 485
the person was subject to the sanctions described in division (D) 486
of that section; 487

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 488
section 2903.08 of the Revised Code or a municipal ordinance that 489
is substantially similar to either of those divisions; 490

(f) Division (A)(2), (3), or (4) of section 2903.06, division 491
(A)(2) of section 2903.08, or former section 2903.07 of the 492
Revised Code, or a municipal ordinance that is substantially 493
similar to any of those divisions or that former section, in a 494
case in which the jury or judge found that the person was under 495
the influence of alcohol, a drug of abuse, or alcohol and a drug 496
of abuse; 497

(g) A statute of the United States or of any other state or a 498
municipal ordinance of a municipal corporation located in any 499
other state that is substantially similar to division (A) or (B) 500
of section 4511.19 of the Revised Code. 501

(2) Any other person who is not described in division (F)(1) 502
of this section and whose driver's or commercial driver's license 503
or nonresident operating privilege has been suspended under any of 504
those divisions may file a petition that alleges that the 505
suspension would seriously affect the person's ability to continue 506
the person's employment. The petition of a person whose license, 507
permit, or privilege was suspended pursuant to division (F) of 508
section 4511.191 of the Revised Code shall be filed in the court 509
specified in division (I)(4) of that section, and the petition of 510
a person whose license, permit, or privilege was suspended under 511
division (B) or (C) of this section shall be filed in the 512
municipal, county, mayor's, or in the case of a minor, juvenile 513
court that has jurisdiction over the place of arrest. Upon 514

satisfactory proof that there is reasonable cause to believe that 515
the suspension would seriously affect the person's ability to 516
continue the person's employment, the judge of the court or mayor 517
of the mayor's court may grant the person occupational driving 518
privileges during the period during which the suspension otherwise 519
would be imposed, except that the judge or mayor shall not grant 520
occupational driving privileges for employment as a driver of 521
commercial motor vehicles to any person who is disqualified from 522
operating a commercial motor vehicle under section 3123.611 or 523
4506.16 of the Revised Code or whose commercial driver's license 524
or commercial driver's temporary ~~instruction~~ instruction permit has 525
been suspended under section 3123.58 of the Revised Code, and 526
shall not grant occupational driving privileges during any of the 527
following periods of time: 528

(a) The first fifteen days of suspension imposed upon an 529
offender whose license, permit, or privilege is suspended pursuant 530
to division (B)(1) of this section or division (F)(1) of section 531
4511.191 of the Revised Code. On or after the sixteenth day of 532
suspension, the court may grant the offender occupational driving 533
privileges, but the court may provide that the offender shall not 534
exercise the occupational driving privileges unless the vehicles 535
the offender operates are equipped with ignition interlock 536
devices. 537

(b) The first thirty days of suspension imposed upon an 538
offender whose license, permit, or privilege is suspended pursuant 539
to division (B)(2) of this section or division (F)(2) of section 540
4511.191 of the Revised Code. On or after the thirty-first day of 541
suspension, the court may grant the offender occupational driving 542
privileges, but the court may provide that the offender shall not 543
exercise the occupational driving privileges unless the vehicles 544
the offender operates are equipped with ignition interlock 545
devices. 546

(c) The first one hundred eighty days of suspension imposed 547
upon an offender whose license, permit, or privilege is suspended 548
pursuant to division (B)(3) of this section or division (F)(3) of 549
section 4511.191 of the Revised Code. The judge may grant 550
occupational driving privileges to an offender who receives a 551
suspension under either of those divisions on or after the one 552
hundred eighty-first day of the suspension only if division (F) of 553
this section does not prohibit the judge from granting the 554
privileges and only if the judge, at the time of granting the 555
privileges, also issues an order prohibiting the offender, while 556
exercising the occupational driving privileges during the period 557
commencing with the one hundred eighty-first day of suspension and 558
ending with the first year of suspension, from operating any motor 559
vehicle unless it is equipped with a certified ignition interlock 560
device. After the first year of the suspension, the court may 561
authorize the offender to continue exercising the occupational 562
driving privileges in vehicles that are not equipped with ignition 563
interlock devices. If the offender does not petition for 564
occupational driving privileges until after the first year of 565
suspension and if division (F) of this section does not prohibit 566
the judge from granting the privileges, the judge may grant the 567
offender occupational driving privileges without requiring the use 568
of a certified ignition interlock device. 569

(d) The first three years of suspension imposed upon an 570
offender whose license, permit, or privilege is suspended pursuant 571
to division (B)(4) of this section or division (F)(4) of section 572
4511.191 of the Revised Code. The judge may grant occupational 573
driving privileges to an offender who receives a suspension under 574
either of those divisions after the first three years of 575
suspension only if division (F) of this section does not prohibit 576
the judge from granting the privileges and only if the judge, at 577
the time of granting the privileges, also issues an order 578

prohibiting the offender from operating any motor vehicle, for the 579
period of suspension following the first three years of 580
suspension, unless the motor vehicle is equipped with a certified 581
ignition interlock device. 582

(G) If a person's driver's or commercial driver's license or 583
permit or nonresident operating privilege has been suspended under 584
division (E) of this section, and the person, within the preceding 585
seven years, has been convicted of or pleaded guilty to three or 586
more violations identified in division (F)(1) of this section, the 587
person is not entitled to request, and the judge or mayor shall 588
not grant to the person, occupational driving privileges under 589
this division. Any other person whose driver's or commercial 590
driver's license or nonresident operating privilege has been 591
suspended under division (E) of this section may file a petition 592
that alleges that the suspension would seriously affect the 593
person's ability to continue the person's employment. The petition 594
shall be filed in the municipal, county, or mayor's court that has 595
jurisdiction over the place of arrest. Upon satisfactory proof 596
that there is reasonable cause to believe that the suspension 597
would seriously affect the person's ability to continue the 598
person's employment, the judge of the court or mayor of the 599
mayor's court may grant the person occupational driving privileges 600
during the period during which the suspension otherwise would be 601
imposed, except that the judge or mayor shall not grant 602
occupational driving privileges for employment as a driver of 603
commercial motor vehicles to any person who is disqualified from 604
operating a commercial motor vehicle under section 4506.16 of the 605
Revised Code, and shall not grant occupational driving privileges 606
during the first sixty days of suspension imposed upon an offender 607
whose driver's or commercial driver's license or permit or 608
nonresident operating privilege is suspended pursuant to division 609
(E) of this section. 610

(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 643
(E) of this section, except that the court shall credit any period 644
of suspension imposed pursuant to section 4511.191 or 4511.196 of 645
the Revised Code against any time of suspension imposed pursuant 646
to division (B) or (E) of this section as described in division 647
(J) of this section. 648

(J) The judge of the court or mayor of the mayor's court 649
shall credit any time during which an offender was subject to an 650
administrative suspension of the offender's driver's or commercial 651
driver's license or permit or nonresident operating privilege 652
imposed pursuant to division (E) or (F) of section 4511.191 or a 653
suspension imposed by a judge, referee, or mayor pursuant to 654
division (B)(1) or (2) of section 4511.196 of the Revised Code 655
against the time to be served under a related suspension imposed 656
pursuant to this section. 657

(K) The judge or mayor shall notify the bureau of any 658
determinations made, and of any suspensions or revocations 659
imposed, pursuant to division (B) of this section. 660

(L)(1) If a court issues an ignition interlock order under 661
division (F) of this section, the order shall authorize the 662
offender during the specified period to operate a motor vehicle 663
only if it is equipped with a certified ignition interlock device. 664
The court shall provide the offender with a copy of an ignition 665
interlock order issued under division (F) of this section, and the 666
copy of the order shall be used by the offender in lieu of an Ohio 667
driver's or commercial driver's license or permit until the 668
registrar or a deputy registrar issues the offender a restricted 669
license. 670

An order issued under division (F) of this section does not 671
authorize or permit the offender to whom it has been issued to 672
operate a vehicle during any time that the offender's driver's or 673
commercial driver's license or permit is suspended or revoked 674

under any other provision of law. 675

(2) The offender may present the ignition interlock order to 676
the registrar or to a deputy registrar. Upon presentation of the 677
order to the registrar or a deputy registrar, the registrar or 678
deputy registrar shall issue the offender a restricted license. A 679
restricted license issued under this division shall be identical 680
to an Ohio driver's license, except that it shall have printed on 681
its face a statement that the offender is prohibited during the 682
period specified in the court order from operating any motor 683
vehicle that is not equipped with a certified ignition interlock 684
device, and except that the date of commencement and the date of 685
termination of the period shall be indicated conspicuously upon 686
the face of the license. 687

(3) As used in this section: 688

(a) "Ignition interlock device" has the same meaning as in 689
section 4511.83 of the Revised Code. 690

(b) "Certified ignition interlock device" means an ignition 691
interlock device that is certified pursuant to section 4511.83 of 692
the Revised Code. 693

Sec. 4549.99. (A) Whoever violates section 4549.01, 4549.10, 694
4549.11, or 4549.12 of the Revised Code is guilty of a minor 695
misdemeanor on a first offense and a misdemeanor of the fourth 696
degree on each subsequent offense. 697

(B) Except as otherwise provided in this division, whoever 698
violates section 4549.02, 4549.021, or 4549.03 of the Revised Code 699
is guilty of a misdemeanor of the first degree. Whoever violates 700
section 4549.02 or 4549.021 of the Revised Code when the accident 701
or collision that is the basis of the violation results in serious 702
physical harm ~~or death~~ to a person is guilty of a felony of the 703
fifth degree and whoever violates those sections when the accident 704

or collision that is the basis of the violation results in the 705
death of a person is guilty of a felony of the third degree. 706

(C) Whoever violates section 4549.042 or sections 4549.41 to 707
4549.46 of the Revised Code is guilty of a felony of the fourth 708
degree on a first offense and a felony of the third degree on each 709
subsequent offense. The prosecuting attorney of the proper county, 710
or the attorney general by information or complaint, may bring a 711
criminal action in the courts of common pleas of this state, or in 712
any other court of competent jurisdiction, to enforce the 713
provisions of sections 4549.41 to 4549.51 of the Revised Code. The 714
attorney general and the prosecuting attorney of the county in 715
which a person licensed or granted a permit under Chapter 4517. of 716
the Revised Code is convicted of, or pleads guilty to, a violation 717
of sections 4549.41 to 4549.46 of the Revised Code shall report 718
the conviction or guilty plea to the registrar of motor vehicles 719
within five business days. 720

(D) Whoever violates section 4549.08 of the Revised Code is 721
guilty of a misdemeanor of the fourth degree on a first offense 722
and a misdemeanor of the third degree on each subsequent offense. 723

(E) Whoever violates section 4549.18 or division (D)(4)(c) of 724
section 4549.62 of the Revised Code is guilty of a minor 725
misdemeanor. 726

(F) Whoever violates division (A), (B), (C), or (D)(1) of 727
section 4549.62 of the Revised Code is guilty of a felony of the 728
fifth degree on a first offense and a felony of the fourth degree 729
on each subsequent offense. 730

Section 2. That existing sections 2903.06, 2903.08, 4507.16, 731
and 4549.99 of the Revised Code are hereby repealed. 732

Section 3. (A) The amendment by this act of section 4507.16 733
of the Revised Code has interim effect and does not supersede the 734

earlier amendment, with delayed effective date, of the section by 735
Am. Sub. S.B. 123 of the 124th General Assembly. 736

(B) The amendment of section 4549.99 of the Revised Code by 737
this act is not intended to supersede the earlier repeal, with 738
delayed effective date, of that section by Am. Sub. S.B. 123 of 739
the 124th General Assembly. 740

Section 4. That the versions of sections 2903.06, 2903.08, 741
4549.02, and 4549.021 of the Revised Code that are scheduled to 742
take effect January 1, 2004, be amended to read as follows: 743

Sec. 2903.06. (A) No person, while operating or participating 744
in the operation of a motor vehicle, motorcycle, snowmobile, 745
locomotive, watercraft, or aircraft, shall cause the death of 746
another or the unlawful termination of another's pregnancy in any 747
of the following ways: 748

(1)(a) As the proximate result of committing a violation of 749
division (A) of section 4511.19 of the Revised Code or of a 750
substantially equivalent municipal ordinance; 751

(b) As the proximate result of committing a violation of 752
division (A) of section 1547.11 of the Revised Code or of a 753
substantially equivalent municipal ordinance; 754

(c) As the proximate result of committing a violation of 755
division (A)(3) of section 4561.15 of the Revised Code or of a 756
substantially equivalent municipal ordinance. 757

(2) Recklessly; 758

(3) Negligently; 759

(4) As the proximate result of committing a violation of any 760
provision of any section contained in Title XLV of the Revised 761
Code that is a minor misdemeanor or of a municipal ordinance that, 762

regardless of the penalty set by ordinance for the violation, is 763
substantially equivalent to any provision of any section contained 764
in Title XLV of the Revised Code that is a minor misdemeanor. 765

(B)~~(1)~~ Whoever violates division (A)(1) or (2) of this 766
section is guilty of aggravated vehicular homicide and shall be 767
punished as provided in divisions ~~(B)(1)(a)~~(C), (D), (E), and 768
~~(b)~~(F) of this section. 769

~~(a)~~(C) Except as otherwise provided in this ~~division~~ section, 770
aggravated vehicular homicide committed in violation of division 771
(A)(1) of this section is a felony of the second degree. 772
Aggravated vehicular homicide committed in violation of division 773
(A)(1) of this section is a felony of the first degree if, at the 774
time of the offense, ~~the~~ any of the following apply: 775

(1) The offender was driving under a suspension imposed under 776
Chapter 4510. or any other provision of the Revised Code ~~or if~~ 777
~~the.~~ 778

(2) The offender previously has been convicted of or pleaded 779
guilty to a violation of this section~~;~~. 780

(3) The offender previously has been convicted of or pleaded 781
guilty to any traffic-related homicide, manslaughter, or assault 782
offense~~;~~. 783

(4) The offender previously has been convicted of or pleaded 784
guilty to three prior violations of section 4511.19 of the Revised 785
Code or of a substantially equivalent municipal ordinance within 786
the previous six years~~;~~~~or~~. 787

(5) The offender previously has been convicted of or pleaded 788
guilty to a second or subsequent felony violation of division (A) 789
of section 4511.19 of the Revised Code. 790

(6) The offender previously has been convicted of or pleaded 791
guilty to three prior violations of division (A)(3) of section 792

4561.15 of the Revised Code or of a substantially equivalent 793
municipal ordinance within the previous six years. 794

(7) The offender previously has been convicted of or pleaded 795
guilty to any combination of three of the offenses listed in 796
division (C)(4), (5), or (6) of this section. 797

(8) The offender previously has been convicted of or pleaded 798
guilty to a second or subsequent felony violation of division (A) 799
of section 4511.19 of the Revised Code. 800

(D) In addition to any other sanctions imposed pursuant to 801
division (C) of this section, the court shall impose upon the 802
offender a class one suspension of the offender's driver's 803
license, commercial driver's license, temporary instruction 804
permit, probationary license, or nonresident operating privilege 805
as specified in division (A)(1) of section 4510.02 of the Revised 806
Code. 807

~~(b)~~(E) Except as otherwise provided in this division, 808
aggravated vehicular homicide committed in violation of division 809
(A)(2) of this section is a felony of the third degree. Aggravated 810
vehicular homicide committed in violation of division (A)(2) of 811
this section is a felony of the second degree if, at the time of 812
the offense, the offender was driving under a suspension imposed 813
under Chapter 4510. or any other provision of the Revised Code or 814
if the offender previously has been convicted of or pleaded guilty 815
to a violation of this section or any traffic-related homicide, 816
manslaughter, or assault offense. 817

In addition to any other sanctions imposed pursuant to this 818
division, the court shall impose upon the offender a class two 819
suspension of the offender's driver's license, commercial driver's 820
license, temporary instruction permit, probationary license, or 821
nonresident operating privilege from the range specified in 822
division (A)(2) of section 4510.02 of the Revised Code. 823

~~(2)~~(F) Whoever violates division (A)(3) of this section is 824
guilty of vehicular homicide. Except as otherwise provided in this 825
division, vehicular homicide is a misdemeanor of the first degree. 826
Vehicular homicide is a felony of the fourth degree if, at the 827
time of the offense, the offender was driving under a suspension 828
or revocation imposed under Chapter 4507. or any other provision 829
of the Revised Code or if the offender previously has been 830
convicted of or pleaded guilty to a violation of this section or 831
any traffic-related homicide, manslaughter, or assault offense. 832

In addition to any other sanctions imposed pursuant to this 833
division, the court shall impose upon the offender a class four 834
suspension of the offender's driver's license, commercial driver's 835
license, temporary instruction permit, probationary license, or 836
nonresident operating privilege from the range specified in 837
division (A)(4) of section 4510.02 of the Revised Code or, if the 838
offender previously has been convicted of or pleaded guilty to a 839
violation of this section or any traffic-related homicide, 840
manslaughter, or assault offense, a class three suspension of the 841
offender's driver's license, commercial driver's license, 842
temporary instruction permit, probationary license, or nonresident 843
operating privilege from the range specified in division (A)(3) of 844
that section. 845

~~(3)~~(G) Whoever violates division (A)(4) of this section is 846
guilty of vehicular manslaughter. Except as otherwise provided in 847
this division, vehicular manslaughter is a misdemeanor of the 848
second degree. Vehicular manslaughter is a misdemeanor of the 849
first degree if, at the time of the offense, the offender was 850
driving under a suspension imposed under Chapter 4510. or any 851
other provision of the Revised Code or if the offender previously 852
has been convicted of or pleaded guilty to a violation of this 853
section or any traffic-related homicide, manslaughter, or assault 854
offense. 855

In addition to any other sanctions imposed pursuant to this 856
division, the court shall impose upon the offender a class six 857
suspension of the offender's driver's license, commercial driver's 858
license, temporary instruction permit, probationary license, or 859
nonresident operating privilege from the range specified in 860
division (A)(6) of section 4510.02 of the Revised Code or, if the 861
offender previously has been convicted of or pleaded guilty to a 862
violation of this section or any traffic-related homicide, 863
manslaughter, or assault offense, a class four suspension of the 864
offender's driver's license, commercial driver's license, 865
temporary instruction permit, probationary license, or nonresident 866
operating privilege from the range specified in division (A)(4) of 867
that section. 868

~~(C)~~(H) The court shall impose a mandatory prison term on an 869
offender who is convicted of or pleads guilty to a violation of 870
division (A)(1) of this section. The court shall impose a 871
mandatory prison term on an offender who is convicted of or pleads 872
guilty to a violation of division (A)(2) or (3) of this section if 873
either of the following applies: 874

(1) The offender previously has been convicted of or pleaded 875
guilty to a violation of this section or section 2903.08 of the 876
Revised Code. 877

(2) At the time of the offense, the offender was driving 878
under suspension under Chapter 4510. or any other provision of the 879
Revised Code. 880

~~(D)~~(I)(1) As used in this section: 881

(a) "Mandatory prison term" has the same meaning as in 882
section 2929.01 of the Revised Code. 883

(b) "Traffic-related homicide, manslaughter, or assault 884
offense" means a violation of section 2903.04 of the Revised Code 885
in circumstances in which division (D) of that section applies, a 886

violation of section 2903.06 or 2903.08 of the Revised Code, or a 887
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 888
Code as they existed prior to March 23, 2000. 889

(2) For the purposes of this section, when a penalty or 890
suspension is enhanced because of a prior or current violation of 891
a specified law or a prior or current specified offense, the 892
reference to the violation of the specified law or the specified 893
offense includes any violation of any substantially equivalent 894
municipal ordinance, former law of this state, or current or 895
former law of another state or the United States. 896

Sec. 2903.08. (A) No person, while operating or participating 897
in the operation of a motor vehicle, motorcycle, snowmobile, 898
locomotive, watercraft, or aircraft, shall cause serious physical 899
harm to another person or another's unborn in either of the 900
following ways: 901

(1)(a) As the proximate result of committing a violation of 902
division (A) of section 4511.19 of the Revised Code or of a 903
substantially equivalent municipal ordinance; 904

(b) As the proximate result of committing a violation of 905
division (A) of section 1547.11 of the Revised Code or of a 906
substantially equivalent municipal ordinance; 907

(c) As the proximate result of committing a violation of 908
division (A)(3) of section 4561.15 of the Revised Code or of a 909
substantially equivalent municipal ordinance. 910

(2) Recklessly. 911

(B)(1) Whoever violates division (A)(1) of this section is 912
guilty of aggravated vehicular assault. Except as otherwise 913
provided in this division, aggravated vehicular assault is a 914
felony of the third degree. Aggravated vehicular assault is a 915
felony of the second degree if, at the time of the offense, ~~the~~ 916

any of the following apply: 917

(a) The offender was driving under a suspension imposed under 918
Chapter 4510. or any other provision of the Revised Code ~~or if~~ 919
the. 920

(b) The offender previously has been convicted of or pleaded 921
guilty to a violation of this section. 922

(c) The offender previously has been convicted of or pleaded 923
guilty to any traffic-related homicide, manslaughter, or assault 924
offense. 925

(d) The offender previously has been convicted of or pleaded 926
guilty to three prior violations of section 4511.19 of the Revised 927
Code or a substantially equivalent municipal ordinance within the 928
previous six years. 929

(e) The offender previously has been convicted of or pleaded 930
guilty to three prior violations of division (A) of section 931
1547.11 of the Revised Code or of a substantially equivalent 932
municipal ordinance within the previous six years. 933

(f) The offender previously has been convicted of or pleaded 934
guilty to three prior violations of division (A)(3) of section 935
4561.15 of the Revised Code or of a substantially equivalent 936
municipal ordinance within the previous six years. 937

(g) The offender previously has been convicted of or pleaded 938
guilty to any combination of three of the offenses listed in 939
division (B)(1)(d), (e), or (f) of this section. 940

(h) The offender previously has been convicted of or pleaded 941
guilty to a second or subsequent felony violation of division (A) 942
of section 4511.19 of the Revised Code. 943

(2) In addition to any other sanctions imposed pursuant to 944
division (B)(1) of this section, the court shall impose upon the 945
offender a class three suspension of the offender's driver's 946

license, commercial driver's license, temporary instruction 947
permit, probationary license, or nonresident operating privilege 948
from the range specified in division (A)(3) of section 4510.02 of 949
the Revised Code or, if the offender previously has been convicted 950
of or pleaded guilty to a violation of this section or any 951
traffic-related homicide, manslaughter, or assault offense, a 952
class two suspension of the offender's driver's license, 953
commercial driver's license, temporary instruction permit, 954
probationary license, or nonresident operating privilege from the 955
range specified in division (A)(2) of that section. 956

~~(2)(C)~~ Whoever violates division (A)(2) of this section is 957
guilty of vehicular assault. Except as otherwise provided in this 958
division, vehicular assault is a felony of the fourth degree. 959
Vehicular assault is a felony of the third degree if, at the time 960
of the offense, the offender was driving under a suspension 961
imposed under Chapter 4510. or any other provision of the Revised 962
Code or if the offender previously has been convicted of or 963
pleaded guilty to a violation of this section or any 964
traffic-related homicide, manslaughter, or assault offense. 965

In addition to any other sanctions imposed, the court shall 966
impose upon the offender a class four suspension of the offender's 967
driver's license, commercial driver's license, temporary 968
instruction permit, probationary license, or nonresident operating 969
privilege from the range specified in division (A)(4) of section 970
4510.02 of the Revised Code or, if the offender previously has 971
been convicted of or pleaded guilty to a violation of this section 972
or any traffic-related homicide, manslaughter, or assault offense, 973
a class three suspension of the offender's driver's license, 974
commercial driver's license, temporary instruction permit, 975
probationary license, or nonresident operating privilege from the 976
range specified in division (A)(3) of that section. 977

~~(C)(D)~~ The court shall impose a mandatory prison term on an 978

offender who is convicted of or pleads guilty to a violation of 979
division (A)(1) of this section. The court shall impose a 980
mandatory prison term on an offender who is convicted of or pleads 981
guilty to a violation of division (A)(2) of this section if either 982
of the following applies: 983

(1) The offender previously has been convicted of or pleaded 984
guilty to a violation of this section or section 2903.06 of the 985
Revised Code. 986

(2) At the time of the offense, the offender was driving 987
under suspension under Chapter 4510. or any other provision of the 988
Revised Code. 989

~~(D)~~(E) As used in this section: 990

(1) "Mandatory prison term" has the same meaning as in 991
section 2929.01 of the Revised Code. 992

(2) "Traffic-related homicide, manslaughter, or assault 993
offense" has the same meaning as in section 2903.06 of the Revised 994
Code. 995

~~(E)~~(F) For the purposes of this section, when a penalty or 996
suspension is enhanced because of a prior or current violation of 997
a specified law or a prior or current specified offense, the 998
reference to the violation of the specified law or the specified 999
offense includes any violation of any substantially equivalent 1000
municipal ordinance, former law of this state, or current or 1001
former law of another state or the United States. 1002

Sec. 4549.02. (A) In case of accident to or collision with 1003
persons or property upon any of the public roads or highways, due 1004
to the driving or operation thereon of any motor vehicle, the 1005
person driving or operating the motor vehicle, having knowledge of 1006
the accident or collision, immediately shall stop the driver's or 1007
operator's motor vehicle at the scene of the accident or collision 1008

and shall remain at the scene of the accident or collision until 1009
the driver or operator has given the driver's or operator's name 1010
and address and, if the driver or operator is not the owner, the 1011
name and address of the owner of that motor vehicle, together with 1012
the registered number of that motor vehicle, to any person injured 1013
in the accident or collision or to the operator, occupant, owner, 1014
or attendant of any motor vehicle damaged in the accident or 1015
collision, or to any police officer at the scene of the accident 1016
or collision. 1017

In the event the injured person is unable to comprehend and 1018
record the information required to be given by this section, the 1019
other driver involved in the accident or collision forthwith shall 1020
notify the nearest police authority concerning the location of the 1021
accident or collision, and the driver's name, address, and the 1022
registered number of the motor vehicle the driver was operating, 1023
and then remain at the scene of the accident or collision until a 1024
police officer arrives, unless removed from the scene by an 1025
emergency vehicle operated by a political subdivision or an 1026
ambulance. 1027

If the accident or collision is with an unoccupied or 1028
unattended motor vehicle, the operator who collides with the motor 1029
vehicle shall securely attach the information required to be given 1030
in this section, in writing, to a conspicuous place in or on the 1031
unoccupied or unattended motor vehicle. 1032

(B) Whoever violates division (A) of this section is guilty 1033
of failure to stop after an accident, a misdemeanor of the first 1034
degree. If the violation results in serious physical harm ~~or death~~ 1035
to a person, failure to stop after an accident is a felony of the 1036
fifth degree. If the violation results in the death of a person, 1037
failure to stop after an accident is a felony of the third degree. 1038
The court, in addition to any other penalties provided by law, 1039

shall impose upon the offender a class five suspension of the 1040
offender's driver's license, commercial driver's license, 1041
temporary instruction permit, probationary license, or nonresident 1042
operating privilege from the range specified in division (A)(5) of 1043
section 4510.02 of the Revised Code. No judge shall suspend the 1044
first six months of suspension of an offender's license, permit, 1045
or privilege required by this division. 1046

Sec. 4549.021. (A) In case of accident or collision resulting 1047
in injury or damage to persons or property upon any public or 1048
private property other than public roads or highways, due to the 1049
driving or operation thereon of any motor vehicle, the person 1050
driving or operating the motor vehicle, having knowledge of the 1051
accident or collision, shall stop, and, upon request of the person 1052
injured or damaged, or any other person, shall give that person 1053
the driver's or operator's name and address, and, if the driver or 1054
operator is not the owner, the name and address of the owner of 1055
that motor vehicle, together with the registered number of that 1056
motor vehicle, and, if available, exhibit the driver's or 1057
operator's driver's or commercial driver's license. 1058

If the owner or person in charge of the damaged property is 1059
not furnished such information, the driver of the motor vehicle 1060
involved in the accident or collision, within twenty-four hours 1061
after the accident or collision, shall forward to the police 1062
department of the city or village in which the accident or 1063
collision occurred or if it occurred outside the corporate limits 1064
of a city or village to the sheriff of the county in which the 1065
accident or collision occurred the same information required to be 1066
given to the owner or person in control of the damaged property 1067
and give the date, time, and location of the accident or 1068
collision. 1069

If the accident or collision is with an unoccupied or 1070

unattended motor vehicle, the operator who collides with the motor 1071
vehicle shall securely attach the information required to be given 1072
in this section, in writing, to a conspicuous place in or on the 1073
unoccupied or unattended motor vehicle. 1074

(B) Whoever violates division (A) of this section is guilty 1075
of failure to stop after a nonpublic road accident, a misdemeanor 1076
of the first degree. If the violation results in serious physical 1077
harm ~~or death~~ to a person, failure to stop after a nonpublic road 1078
accident is a felony of the fifth degree. If the violation results 1079
in the death of a person, failure to stop after a nonpublic road 1080
accident is a felony of the third degree. The court, in addition 1081
to any other penalties provided by law, shall impose upon the 1082
offender a class five suspension of the offender's driver's 1083
license, commercial driver's license, temporary instruction 1084
permit, probationary license, or nonresident operating privilege 1085
from the range specified in division (A)(5) of section 4510.02 of 1086
the Revised Code. No judge shall suspend the first six months of 1087
suspension of an offender's license, permit, or privilege required 1088
by this division. 1089

Section 5. That the existing versions of sections 2903.06, 1090
2903.08, 4549.02, and 4549.021 of the Revised Code that are 1091
scheduled to take effect January 1, 2004, are hereby repealed. 1092

Section 6. Sections 4 and 5 of this act take effect January 1093
1, 2004. 1094