

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 50**

**Representatives Hughes, Latta, Flowers, J. Stewart, Gilb, McGregor, DePiero, Redfern, Allen, Seaver, Schaffer, Barrett, Young, Schmidt, Grendell, Mason, S. Smith, Brown, Jerse, Oelslager, D. Evans, Beatty, Book, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, Distel, Fessler, Harwood, Hollister, Hoops, Jolivette, Kilbane, Niehaus, Olman, Otterman, S. Patton, T. Patton, Perry, Price, Reidelbach, Schlichter, Schneider, Sferra, G. Smith, D. Stewart, Strahorn, Wagner, Walcher, Webster, Widener, Wilson, Wolpert**

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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)(2) and ~~(b)~~(3) of this 38  
section. 39

(2)(a) Except as otherwise provided in this division, 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 any~~ any  
of the following apply: 44  
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(i) At the time of the offense, the offender was driving 46  
under a suspension imposed under Chapter 4507. or any other 47  
provision of the Revised Code ~~or if the.~~ 48

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

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

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

(v) The offender previously has been convicted of or pleaded 58  
guilty to three or more prior violations of division (A) of 59  
section 1547.11 of the Revised Code or of a substantially 60  
equivalent municipal ordinance within the previous six years. 61

(vi) The offender previously has been convicted of or pleaded 62  
guilty to three or more prior violations of division (A)(3) of 63  
section 4561.15 of the Revised Code or of a substantially 64  
equivalent municipal ordinance within the previous six years. 65

(vii) The offender previously has been convicted of or 66  
pleaded guilty to three or more violations of any combination of 67  
the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of 68  
this section. 69

(viii) The offender previously has been convicted of or 70  
pleaded guilty to a second or subsequent felony violation of 71  
division (A) of section 4511.19 of the Revised Code. 72

(b) In addition to any other sanctions imposed pursuant to 73

division (B)(2)(a) of this section for aggravated vehicular 74  
homicide committed in violation of division (A)(1) of this 75  
section, the court shall permanently revoke the offender's 76  
driver's license, commercial driver's license, temporary 77  
instruction permit, probationary license, or nonresident operating 78  
privilege pursuant to section 4507.16 of the Revised Code. 79

~~(b)(3)~~ Except as otherwise provided in this division, 80  
aggravated vehicular homicide committed in violation of division 81  
(A)(2) of this section is a felony of the third degree. Aggravated 82  
vehicular homicide committed in violation of division (A)(2) of 83  
this section is a felony of the second degree if, at the time of 84  
the offense, the offender was driving under a suspension imposed 85  
under Chapter 4507. of the Revised Code or any other provision of 86  
the Revised Code or if the offender previously has been convicted 87  
of or pleaded guilty to a violation of this section or any 88  
traffic-related homicide, manslaughter, or assault offense. 89

In addition to any other sanctions imposed pursuant to this 90  
division, the court shall suspend the offender's driver's license, 91  
commercial driver's license, temporary instruction permit, 92  
probationary license, or nonresident operating privilege for a 93  
definite period of three years to life pursuant to section 4507.16 94  
of the Revised Code. 95

~~(2)(C)~~ Whoever violates division (A)(3) of this section is 96  
guilty of vehicular homicide. Except as otherwise provided in this 97  
division, vehicular homicide is a misdemeanor of the first degree. 98  
Vehicular homicide is a felony of the fourth degree if, at the 99  
time of the offense, the offender was driving under a suspension 100  
or revocation imposed under Chapter 4507. or any other provision 101  
of the Revised Code or if the offender previously has been 102  
convicted of or pleaded guilty to a violation of this section or 103  
any traffic-related homicide, manslaughter, or assault offense. 104

In addition to any other sanctions imposed pursuant to this 105

division, the court shall suspend the offender's driver's license, 106  
commercial driver's license, temporary instruction permit, 107  
probationary license, or nonresident operating privilege for a 108  
definite period of one to five years pursuant to section 4507.16 109  
of the Revised Code or, if the offender previously has been 110  
convicted of or pleaded guilty to a violation of this section or 111  
any traffic-related homicide, manslaughter, or assault offense, 112  
for a definite period of two to ten years pursuant to that 113  
section. 114

~~(3)~~(D) Whoever violates division (A)(4) of this section is 115  
guilty of vehicular manslaughter. Except as otherwise provided in 116  
this division, vehicular manslaughter is a misdemeanor of the 117  
second degree. Vehicular manslaughter is a misdemeanor of the 118  
first degree if, at the time of the offense, the offender was 119  
driving under a suspension imposed under Chapter 4507. of the 120  
Revised Code or if the offender previously has been convicted of 121  
or pleaded guilty to a violation of this section or any 122  
traffic-related homicide, manslaughter, or assault offense. 123

In addition to any other sanctions imposed pursuant to this 124  
division, the court shall suspend the offender's driver's license, 125  
commercial driver's license, temporary instruction permit, 126  
probationary license, or nonresident operating privilege for a 127  
definite period of three months to two years pursuant to section 128  
4507.16 of the Revised Code or, if the offender previously has 129  
been convicted of or pleaded guilty to a violation of this section 130  
or any traffic-related homicide, manslaughter, or assault offense, 131  
for a definite period of one to five years pursuant to that 132  
section. 133

~~(C)~~(E) The court shall impose a mandatory prison term on an 134  
offender who is convicted of or pleads guilty to a violation of 135  
division (A)(1) of this section. The court shall impose a 136  
mandatory prison term on an offender who is convicted of or pleads 137

guilty to a violation of division (A)(2) or (3) of this section if 138  
either of the following applies: 139

(1) The offender previously has been convicted of or pleaded 140  
guilty to a violation of this section or section 2903.08 of the 141  
Revised Code. 142

(2) At the time of the offense, the offender was driving 143  
under suspension under Chapter 4507. of the Revised Code. 144

~~(D)~~(F)(1) As used in this section: 145

(a) "Mandatory prison term" has the same meaning as in 146  
section 2929.01 of the Revised Code. 147

(b) "Traffic-related homicide, manslaughter, or assault 148  
offense" means a violation of section 2903.04 of the Revised Code 149  
in circumstances in which division (D) of that section applies, a 150  
violation of section 2903.06 or 2903.08 of the Revised Code, or a 151  
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 152  
Code as they existed prior to ~~the effective date of this amendment~~ 153  
March 23, 2000. 154

(2) For the purposes of this section, when a penalty or 155  
suspension is enhanced because of a prior or current violation of 156  
a specified law or a prior or current specified offense, the 157  
reference to the violation of the specified law or the specified 158  
offense includes any violation of any substantially equivalent 159  
municipal ordinance, former law of this state, or current or 160  
former law of another state or the United States. 161

**Sec. 2903.08.** (A) No person, while operating or participating 162  
in the operation of a motor vehicle, motorcycle, snowmobile, 163  
locomotive, watercraft, or aircraft, shall cause serious physical 164  
harm to another person or another's unborn in either of the 165  
following ways: 166

(1)(a) As the proximate result of committing a violation of 167

division (A) of section 4511.19 of the Revised Code or of a 168  
substantially equivalent municipal ordinance; 169

(b) As the proximate result of committing a violation of 170  
division (A) of section 1547.11 of the Revised Code or of a 171  
substantially equivalent municipal ordinance; 172

(c) As the proximate result of committing a violation of 173  
division (A)(3) of section 4561.15 of the Revised Code or of a 174  
substantially equivalent municipal ordinance. 175

(2) Recklessly. 176

(B)(1) Whoever violates division (A)(1) of this section is 177  
guilty of aggravated vehicular assault. Except as otherwise 178  
provided in this division, aggravated vehicular assault is a 179  
felony of the third degree. Aggravated vehicular assault is a 180  
felony of the second degree if, ~~at~~ any of the following apply: 181

(a) At the time of the offense, the offender was driving 182  
under a suspension imposed under Chapter 4507. or any other 183  
provision of the Revised Code ~~or if the.~~ 184

(b) The offender previously has been convicted of or pleaded 185  
guilty to a violation of this section. 186

(c) The offender previously has been convicted of or pleaded 187  
guilty to any traffic-related homicide, manslaughter, or assault 188  
offense. 189

(d) The offender previously has been convicted of or pleaded 190  
guilty to three or more prior violations of section 4511.19 of the 191  
Revised Code or a substantially equivalent municipal ordinance 192  
within the previous six years. 193

(e) The offender previously has been convicted of or pleaded 194  
guilty to three or more prior violations of division (A) of 195  
section 1547.11 of the Revised Code or of a substantially 196  
equivalent municipal ordinance within the previous six years. 197

(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. 198  
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(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. 202  
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(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. 206  
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(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. 209  
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~~(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. 219  
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In addition to any other sanctions imposed, the court shall 228

suspend the offender's driver's license, commercial driver's 229  
license, temporary instruction permit, probationary license, or 230  
nonresident operating privilege for a definite period of one to 231  
five years pursuant to section 4507.16 of the Revised Code or, if 232  
the offender previously has been convicted of or pleaded guilty to 233  
a violation of this section or any traffic-related homicide, 234  
manslaughter, or assault offense, for a definite period of two to 235  
ten years pursuant to that section. 236

~~(C)~~(D) The court shall impose a mandatory prison term on an 237  
offender who is convicted of or pleads guilty to a violation of 238  
division (A)(1) of this section. The court shall impose a 239  
mandatory prison term on an offender who is convicted of or pleads 240  
guilty to a violation of division (A)(2) of this section if either 241  
of the following applies: 242

(1) The offender previously has been convicted of or pleaded 243  
guilty to a violation of this section or section 2903.06 of the 244  
Revised Code. 245

(2) At the time of the offense, the offender was driving 246  
under suspension under Chapter 4507. or any other provision of the 247  
Revised Code. 248

~~(D)~~(E) As used in this section: 249

(1) "Mandatory prison term" has the same meaning as in 250  
section 2929.01 of the Revised Code. 251

(2) "Traffic-related homicide, manslaughter, or assault 252  
offense" has the same meaning as in section 2903.06 of the Revised 253  
Code. 254

~~(E)~~(F) For the purposes of this section, when a penalty or 255  
suspension is enhanced because of a prior or current violation of 256  
a specified law or a prior or current specified offense, the 257  
reference to the violation of the specified law or the specified 258  
offense includes any violation of any substantially equivalent 259

municipal ordinance, former law of this state, or current or 260  
former law of another state or the United States. 261

**Sec. 4507.16.** (A)(1) The trial judge of any court of record, 262  
in addition to or independent of all other penalties provided by 263  
law or by ordinance, shall suspend for not less than thirty days 264  
or more than three years or shall revoke the driver's or 265  
commercial driver's license or permit or nonresident operating 266  
privilege of any person who is convicted of or pleads guilty to 267  
any of the following: 268

(a) Perjury or the making of a false affidavit under this 269  
chapter, or any other law of this state requiring the registration 270  
of motor vehicles or regulating their operation on the highway; 271

(b) Any crime punishable as a felony under the motor vehicle 272  
laws of this state or any other felony in the commission of which 273  
a motor vehicle is used; 274

(c) Failing to stop and disclose identity at the scene of the 275  
accident when required by law or ordinance to do so; 276

(d) Street racing as defined in section 4511.251 of the 277  
Revised Code or any substantially similar municipal ordinance; 278

(e) Willfully eluding or fleeing a police officer; 279

(f) Trafficking in cigarettes with the intent to avoid 280  
payment of the cigarette tax under division (A) of section 281  
5743.112 of the Revised Code. 282

(2) Subject to division (D)(1) of this section, the trial 283  
judge of any court of record, in addition to or independent of all 284  
other penalties provided by law or by ordinance, shall suspend the 285  
driver's or commercial driver's license or permit or nonresident 286  
operating privilege of any person who is convicted of or pleads 287  
guilty to a violation of section 2903.06 or 2903.08 of the Revised 288  
Code. The suspension shall be for the period of time specified in 289

section 2903.06 or 2903.08 of the Revised Code, whichever is 290  
applicable. 291

(3) If a person is convicted of or pleads guilty to a 292  
violation of section 2907.24 of the Revised Code, an attempt to 293  
commit a violation of that section, or a violation of or an 294  
attempt to commit a violation of a municipal ordinance that is 295  
substantially equivalent to that section and if the person, in 296  
committing or attempting to commit the violation, was in, was on, 297  
or used a motor vehicle, the trial judge of a court of record, in 298  
addition to or independent of all other penalties provided by law 299  
or ordinance, shall suspend for thirty days the person's driver's 300  
or commercial driver's license or permit. 301

The trial judge of any court of record, in addition to 302  
suspensions or revocations of licenses, permits, or privileges 303  
pursuant to this division and in addition to or independent of all 304  
other penalties provided by law or by ordinance, shall impose a 305  
suspended jail sentence not to exceed six months, if imprisonment 306  
was not imposed for the offense for which the person was 307  
convicted. 308

(4) If the trial judge of any court of record suspends or 309  
revokes the driver's or commercial driver's license or permit or 310  
nonresident operating privilege of a person who is convicted of or 311  
pleads guilty to any offense for which such suspension or 312  
revocation is provided by law or ordinance, in addition to all 313  
other penalties provided by law or ordinance, the judge may issue 314  
an order prohibiting the offender from registering, renewing, or 315  
transferring the registration of any vehicle during the period 316  
that the offender's license, permit, or privilege is suspended or 317  
revoked. The court promptly shall send a copy of the order to the 318  
registrar of motor vehicles. 319

Upon receipt of such an order, neither the registrar nor any 320  
deputy registrar shall accept any application for the 321

registration, registration renewal, or transfer of registration of 322  
any motor vehicle owned or leased by the person named in the order 323  
during the period that the person's license, permit, or privilege 324  
is suspended or revoked, unless the registrar is properly notified 325  
by the court that the order of suspension or revocation has been 326  
canceled. When the period of suspension or revocation expires or 327  
the order is canceled, the registrar or deputy registrar shall 328  
accept the application for registration, registration renewal, or 329  
transfer of registration of the person named in the order. 330

(B) Except as otherwise provided in this section, the trial 331  
judge of any court of record and the mayor of a mayor's court, in 332  
addition to or independent of all other penalties provided by law 333  
or by ordinance, shall revoke the driver's or commercial driver's 334  
license or permit or nonresident operating privilege of any person 335  
who is convicted of or pleads guilty to a violation of division 336  
(A) of section 4511.19 of the Revised Code, of a municipal 337  
ordinance relating to operating a vehicle while under the 338  
influence of alcohol, a drug of abuse, or alcohol and a drug of 339  
abuse, or of a municipal ordinance that is substantially 340  
equivalent to division (A) of section 4511.19 of the Revised Code 341  
relating to operating a vehicle with a prohibited concentration of 342  
alcohol in the blood, breath, or urine or suspend the license, 343  
permit, or privilege as follows: 344

(1) Except when division (B)(2), (3), or (4) of this section 345  
applies and the judge or mayor is required to suspend or revoke 346  
the offender's license or permit pursuant to that division, the 347  
judge or mayor shall suspend the offender's driver's or commercial 348  
driver's license or permit or nonresident operating privilege for 349  
not less than six months nor more than three years. 350

(2) Subject to division (B)(4) of this section, if, within 351  
six years of the offense, the offender has been convicted of or 352  
pleaded guilty to one violation of division (A) or (B) of section 353

4511.19 of the Revised Code, a municipal ordinance relating to 354  
operating a vehicle while under the influence of alcohol, a drug 355  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 356  
relating to operating a motor vehicle with a prohibited 357  
concentration of alcohol in the blood, breath, or urine, section 358  
2903.04 of the Revised Code in a case in which the offender was 359  
subject to the sanctions described in division (D) of that 360  
section, section 2903.06 or 2903.08 of the Revised Code, former 361  
section 2903.07 of the Revised Code, or a municipal ordinance that 362  
is substantially similar to former section 2903.07 of the Revised 363  
Code in a case in which the jury or judge found that the offender 364  
was under the influence of alcohol, a drug of abuse, or alcohol 365  
and a drug of abuse, or a statute of the United States or of any 366  
other state or a municipal ordinance of a municipal corporation 367  
located in any other state that is substantially similar to 368  
division (A) or (B) of section 4511.19 of the Revised Code, the 369  
judge shall suspend the offender's driver's or commercial driver's 370  
license or permit or nonresident operating privilege for not less 371  
than one year nor more than five years. 372

(3) Subject to division (B)(4) of this section, if, within 373  
six years of the offense, the offender has been convicted of or 374  
pleaded guilty to two violations described in division (B)(2) of 375  
this section, or a statute of the United States or of any other 376  
state or a municipal ordinance of a municipal corporation located 377  
in any other state that is substantially similar to division (A) 378  
or (B) of section 4511.19 of the Revised Code, the judge shall 379  
suspend the offender's driver's or commercial driver's license or 380  
permit or nonresident operating privilege for not less than one 381  
year nor more than ten years. 382

(4) If, within six years of the offense, the offender has 383  
been convicted of or pleaded guilty to three or more violations 384  
described in division (B)(2) of this section, a statute of the 385

United States or of any other state or a municipal ordinance of a 386  
municipal corporation located in any other state that is 387  
substantially similar to division (A) or (B) of section 4511.19 of 388  
the Revised Code, or if the offender previously has been convicted 389  
of or pleaded guilty to a violation of division (A) of section 390  
4511.19 of the Revised Code under circumstances in which the 391  
violation was a felony and regardless of when the violation and 392  
the conviction or guilty plea occurred, the judge shall suspend 393  
the offender's driver's or commercial driver's license or permit 394  
or nonresident operating privilege for a period of time set by the 395  
court but not less than three years, and the judge may permanently 396  
revoke the offender's driver's or commercial driver's license or 397  
permit or nonresident operating privilege. 398

(5) The filing of an appeal by a person whose driver's or 399  
commercial driver's license is suspended or revoked under division 400  
(B)(1), (2), (3), or (4) of this section regarding any aspect of 401  
the person's trial or sentence does not stay the operation of the 402  
suspension or revocation. 403

(C) The trial judge of any court of record or the mayor of a 404  
mayor's court, in addition to or independent of all other 405  
penalties provided by law or by ordinance, may suspend the 406  
driver's or commercial driver's license or permit or nonresident 407  
operating privilege of any person who violates a requirement or 408  
prohibition of the court imposed under division (F) of this 409  
section or division (G)(1) of section 2951.02 of the Revised Code 410  
as follows: 411

(1) For not more than one year, upon conviction for a first 412  
violation of the requirement or prohibition; 413

(2) For not more than five years, upon conviction for a 414  
second or subsequent violation of the requirement or prohibition 415  
during the same period of required use of an ignition interlock 416  
device that is certified pursuant to section 4511.83 of the 417

Revised Code. 418

(D)(1) The trial judge of any court of record, in addition to 419  
or independent of all other penalties provided by law or by 420  
ordinance, shall permanently revoke the driver's or commercial 421  
driver's license or permit or nonresident operating privilege of 422  
any person who is convicted of or pleads guilty to a violation of 423  
section 2903.04 or 2903.06 of the Revised Code in a case in which 424  
division (D) of section 2903.04 or division ~~(B)~~(D) of section 425  
2903.06 of the Revised Code requires the judge to permanently 426  
revoke the license, permit, or privilege. 427

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

period of suspension. If the person is sixteen years of age or 450  
older and is a resident of this state but does not have a current, 451  
valid Ohio driver's or commercial driver's license or permit, the 452  
court shall order the registrar to deny to the person the issuance 453  
of a driver's or commercial driver's license or permit for six 454  
months beginning on the date the court imposes a sentence upon the 455  
person. If the person has not attained the age of sixteen years on 456  
the date the court sentences the person for the violation, the 457  
period of denial shall commence on the date the person attains the 458  
age of sixteen years. 459

(E) Except as otherwise provided in this section, the trial 460  
judge of any court of record and the mayor of a mayor's court, in 461  
addition to or independent of all other penalties provided by law 462  
or ordinance, shall suspend for not less than sixty days nor more 463  
than two years the driver's or commercial driver's license or 464  
permit or nonresident operating privilege of any person who is 465  
convicted of or pleads guilty to a violation of division (B) of 466  
section 4511.19 of the Revised Code or of a municipal ordinance 467  
substantially equivalent to that division relating to operating a 468  
vehicle with a prohibited concentration of alcohol in the blood, 469  
breath, or urine. 470

(F)(1) A person is not entitled to request, and a judge or 471  
mayor shall not grant to the person, occupational driving 472  
privileges under division (F) of this section if a person's 473  
driver's or commercial driver's license or permit or nonresident 474  
operating privilege has been suspended pursuant to division (B) or 475  
(C) of this section or pursuant to division (F) of section 476  
4511.191 of the Revised Code, and the person, within the preceding 477  
seven years, has been convicted of or pleaded guilty to three or 478  
more violations of one or more of the following: 479

(a) Division (A) or (B) of section 4511.19 of the Revised 480  
Code; 481

(b) A municipal ordinance relating to operating a vehicle 482  
while under the influence of alcohol, a drug of abuse, or alcohol 483  
and a drug of abuse; 484

(c) A municipal ordinance relating to operating a vehicle 485  
with a prohibited concentration of alcohol in the blood, breath, 486  
or urine; 487

(d) Section 2903.04 of the Revised Code in a case in which 488  
the person was subject to the sanctions described in division (D) 489  
of that section; 490

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 491  
section 2903.08 of the Revised Code or a municipal ordinance that 492  
is substantially similar to either of those divisions; 493

(f) Division (A)(2), (3), or (4) of section 2903.06, division 494  
(A)(2) of section 2903.08, or former section 2903.07 of the 495  
Revised Code, or a municipal ordinance that is substantially 496  
similar to any of those divisions or that former section, in a 497  
case in which the jury or judge found that the person was under 498  
the influence of alcohol, a drug of abuse, or alcohol and a drug 499  
of abuse; 500

(g) A statute of the United States or of any other state or a 501  
municipal ordinance of a municipal corporation located in any 502  
other state that is substantially similar to division (A) or (B) 503  
of section 4511.19 of the Revised Code. 504

(2) Any other person who is not described in division (F)(1) 505  
of this section and whose driver's or commercial driver's license 506  
or nonresident operating privilege has been suspended under any of 507  
those divisions may file a petition that alleges that the 508  
suspension would seriously affect the person's ability to continue 509  
the person's employment. The petition of a person whose license, 510  
permit, or privilege was suspended pursuant to division (F) of 511  
section 4511.191 of the Revised Code shall be filed in the court 512

specified in division (I)(4) of that section, and the petition of 513  
a person whose license, permit, or privilege was suspended under 514  
division (B) or (C) of this section shall be filed in the 515  
municipal, county, mayor's, or in the case of a minor, juvenile 516  
court that has jurisdiction over the place of arrest. Upon 517  
satisfactory proof that there is reasonable cause to believe that 518  
the suspension would seriously affect the person's ability to 519  
continue the person's employment, the judge of the court or mayor 520  
of the mayor's court may grant the person occupational driving 521  
privileges during the period during which the suspension otherwise 522  
would be imposed, except that the judge or mayor shall not grant 523  
occupational driving privileges for employment as a driver of 524  
commercial motor vehicles to any person who is disqualified from 525  
operating a commercial motor vehicle under section 3123.611 or 526  
4506.16 of the Revised Code or whose commercial driver's license 527  
or commercial driver's temporary ~~instruction~~ instruction permit has 528  
been suspended under section 3123.58 of the Revised Code, and 529  
shall not grant occupational driving privileges during any of the 530  
following periods of time: 531

(a) The first fifteen days of suspension imposed upon an 532  
offender whose license, permit, or privilege is suspended pursuant 533  
to division (B)(1) of this section or division (F)(1) of section 534  
4511.191 of the Revised Code. On or after the sixteenth day of 535  
suspension, the court may grant the offender occupational driving 536  
privileges, but the court may provide that the offender shall not 537  
exercise the occupational driving privileges unless the vehicles 538  
the offender operates are equipped with ignition interlock 539  
devices. 540

(b) The first thirty days of suspension imposed upon an 541  
offender whose license, permit, or privilege is suspended pursuant 542  
to division (B)(2) of this section or division (F)(2) of section 543  
4511.191 of the Revised Code. On or after the thirty-first day of 544

suspension, the court may grant the offender occupational driving 545  
privileges, but the court may provide that the offender shall not 546  
exercise the occupational driving privileges unless the vehicles 547  
the offender operates are equipped with ignition interlock 548  
devices. 549

(c) The first one hundred eighty days of suspension imposed 550  
upon an offender whose license, permit, or privilege is suspended 551  
pursuant to division (B)(3) of this section or division (F)(3) of 552  
section 4511.191 of the Revised Code. The judge may grant 553  
occupational driving privileges to an offender who receives a 554  
suspension under either of those divisions on or after the one 555  
hundred eighty-first day of the suspension only if division (F) of 556  
this section does not prohibit the judge from granting the 557  
privileges and only if the judge, at the time of granting the 558  
privileges, also issues an order prohibiting the offender, while 559  
exercising the occupational driving privileges during the period 560  
commencing with the one hundred eighty-first day of suspension and 561  
ending with the first year of suspension, from operating any motor 562  
vehicle unless it is equipped with a certified ignition interlock 563  
device. After the first year of the suspension, the court may 564  
authorize the offender to continue exercising the occupational 565  
driving privileges in vehicles that are not equipped with ignition 566  
interlock devices. If the offender does not petition for 567  
occupational driving privileges until after the first year of 568  
suspension and if division (F) of this section does not prohibit 569  
the judge from granting the privileges, the judge may grant the 570  
offender occupational driving privileges without requiring the use 571  
of a certified ignition interlock device. 572

(d) The first three years of suspension imposed upon an 573  
offender whose license, permit, or privilege is suspended pursuant 574  
to division (B)(4) of this section or division (F)(4) of section 575  
4511.191 of the Revised Code. The judge may grant occupational 576

driving privileges to an offender who receives a suspension under 577  
either of those divisions after the first three years of 578  
suspension only if division (F) of this section does not prohibit 579  
the judge from granting the privileges and only if the judge, at 580  
the time of granting the privileges, also issues an order 581  
prohibiting the offender from operating any motor vehicle, for the 582  
period of suspension following the first three years of 583  
suspension, unless the motor vehicle is equipped with a certified 584  
ignition interlock device. 585

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

during the first sixty days of suspension imposed upon an offender 610  
whose driver's or commercial driver's license or permit or 611  
nonresident operating privilege is suspended pursuant to division 612  
(E) of this section. 613

(H)(1) After a driver's or commercial driver's license or 614  
permit has been suspended or revoked pursuant to this section, the 615  
judge of the court or mayor of the mayor's court that suspended or 616  
revoked the license or permit shall cause the offender to deliver 617  
the license or permit to the court. The judge, mayor, or clerk of 618  
the court or mayor's court, if the license or permit has been 619  
suspended or revoked in connection with any of the offenses listed 620  
in this section, forthwith shall forward it to the registrar with 621  
notice of the action of the court. 622

(2) Suspension of a commercial driver's license under this 623  
section shall be concurrent with any period of disqualification 624  
under section 3123.611 or 4506.16 of the Revised Code or any 625  
period of suspension under section 3123.58 of the Revised Code. No 626  
person who is disqualified for life from holding a commercial 627  
driver's license under section 4506.16 of the Revised Code shall 628  
be issued a driver's license under this chapter during the period 629  
for which the commercial driver's license was suspended under this 630  
section, and no person whose commercial driver's license is 631  
suspended under this section shall be issued a driver's license 632  
under this chapter during the period of the suspension. 633

(I) No judge shall suspend the first thirty days of 634  
suspension of a driver's or commercial driver's license or permit 635  
or a nonresident operating privilege required under division (A) 636  
of this section, no judge or mayor shall suspend the first six 637  
months of suspension required under division (B)(1) of this 638  
section, no judge shall suspend the first year of suspension 639  
required under division (B)(2) of this section, no judge shall 640  
suspend the first year of suspension required under division 641

(B)(3) of this section, no judge shall suspend the first three 642  
years of suspension required under division (B)(4) of this 643  
section, no judge or mayor shall suspend the revocation required 644  
by division (D) of this section, and no judge or mayor shall 645  
suspend the first sixty days of suspension required under division 646  
(E) of this section, except that the court shall credit any period 647  
of suspension imposed pursuant to section 4511.191 or 4511.196 of 648  
the Revised Code against any time of suspension imposed pursuant 649  
to division (B) or (E) of this section as described in division 650  
(J) of this section. 651

(J) The judge of the court or mayor of the mayor's court 652  
shall credit any time during which an offender was subject to an 653  
administrative suspension of the offender's driver's or commercial 654  
driver's license or permit or nonresident operating privilege 655  
imposed pursuant to division (E) or (F) of section 4511.191 or a 656  
suspension imposed by a judge, referee, or mayor pursuant to 657  
division (B)(1) or (2) of section 4511.196 of the Revised Code 658  
against the time to be served under a related suspension imposed 659  
pursuant to this section. 660

(K) The judge or mayor shall notify the bureau of any 661  
determinations made, and of any suspensions or revocations 662  
imposed, pursuant to division (B) of this section. 663

(L)(1) If a court issues an ignition interlock order under 664  
division (F) of this section, the order shall authorize the 665  
offender during the specified period to operate a motor vehicle 666  
only if it is equipped with a certified ignition interlock device. 667  
The court shall provide the offender with a copy of an ignition 668  
interlock order issued under division (F) of this section, and the 669  
copy of the order shall be used by the offender in lieu of an Ohio 670  
driver's or commercial driver's license or permit until the 671  
registrar or a deputy registrar issues the offender a restricted 672  
license. 673

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 704  
or collision that is the basis of the violation results in serious 705  
physical harm ~~or death~~ to a person is guilty of a felony of the 706  
fifth degree and whoever violates those sections when the accident 707  
or collision that is the basis of the violation results in the 708  
death of a person is guilty of a felony of the third degree. 709

(C) Whoever violates section 4549.042 or sections 4549.41 to 710  
4549.46 of the Revised Code is guilty of a felony of the fourth 711  
degree on a first offense and a felony of the third degree on each 712  
subsequent offense. The prosecuting attorney of the proper county, 713  
or the attorney general by information or complaint, may bring a 714  
criminal action in the courts of common pleas of this state, or in 715  
any other court of competent jurisdiction, to enforce the 716  
provisions of sections 4549.41 to 4549.51 of the Revised Code. The 717  
attorney general and the prosecuting attorney of the county in 718  
which a person licensed or granted a permit under Chapter 4517. of 719  
the Revised Code is convicted of, or pleads guilty to, a violation 720  
of sections 4549.41 to 4549.46 of the Revised Code shall report 721  
the conviction or guilty plea to the registrar of motor vehicles 722  
within five business days. 723

(D) Whoever violates section 4549.08 of the Revised Code is 724  
guilty of a misdemeanor of the fourth degree on a first offense 725  
and a misdemeanor of the third degree on each subsequent offense. 726

(E) Whoever violates section 4549.18 or division (D)(4)(c) of 727  
section 4549.62 of the Revised Code is guilty of a minor 728  
misdemeanor. 729

(F) Whoever violates division (A), (B), (C), or (D)(1) of 730  
section 4549.62 of the Revised Code is guilty of a felony of the 731  
fifth degree on a first offense and a felony of the fourth degree 732  
on each subsequent offense. 733

**Section 2.** That existing sections 2903.06, 2903.08, 4507.16, 734

and 4549.99 of the Revised Code are hereby repealed. 735

**Section 3.** (A) The amendment by this act of section 4507.16 736  
of the Revised Code has interim effect and does not supersede the 737  
earlier amendment, with delayed effective date, of the section by 738  
Am. Sub. S.B. 123 of the 124th General Assembly. 739

(B) The amendment of section 4549.99 of the Revised Code by 740  
this act is not intended to supersede the earlier repeal, with 741  
delayed effective date, of that section by Am. Sub. S.B. 123 of 742  
the 124th General Assembly. 743

**Section 4.** That the versions of sections 2903.06, 2903.08, 744  
4549.02, and 4549.021 of the Revised Code that are scheduled to 745  
take effect January 1, 2004, be amended to read as follows: 746

**Sec. 2903.06.** (A) No person, while operating or participating 747  
in the operation of a motor vehicle, motorcycle, snowmobile, 748  
locomotive, watercraft, or aircraft, shall cause the death of 749  
another or the unlawful termination of another's pregnancy in any 750  
of the following ways: 751

(1)(a) As the proximate result of committing a violation of 752  
division (A) of section 4511.19 of the Revised Code or of a 753  
substantially equivalent municipal ordinance; 754

(b) As the proximate result of committing a violation of 755  
division (A) of section 1547.11 of the Revised Code or of a 756  
substantially equivalent municipal ordinance; 757

(c) As the proximate result of committing a violation of 758  
division (A)(3) of section 4561.15 of the Revised Code or of a 759  
substantially equivalent municipal ordinance. 760

(2) Recklessly; 761

(3) Negligently; 762

(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 793  
equivalent municipal ordinance within the previous six years. 794

(vi) The offender previously has been convicted of or pleaded 795  
guilty to three or more prior violations of division (A)(3) of 796  
section 4561.15 of the Revised Code or of a substantially 797  
equivalent municipal ordinance within the previous six years. 798

(vii) The offender previously has been convicted of or 799  
pleaded guilty to three or more violations of any combination of 800  
the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of 801  
this section. 802

(viii) The offender previously has been convicted of or 803  
pleaded guilty to a second or subsequent felony violation of 804  
division (A) of section 4511.19 of the Revised Code. 805

(b) In addition to any other sanctions imposed pursuant to 806  
division (B)(2)(a) of this section for aggravated vehicular 807  
homicide committed in violation of division (A)(1) of this 808  
section, the court shall impose upon the offender a class one 809  
suspension of the offender's driver's license, commercial driver's 810  
license, temporary instruction permit, probationary license, or 811  
nonresident operating privilege as specified in division (A)(1) of 812  
section 4510.02 of the Revised Code. 813

~~(b)(3)~~ Except as otherwise provided in this division, 814  
aggravated vehicular homicide committed in violation of division 815  
(A)(2) of this section is a felony of the third degree. Aggravated 816  
vehicular homicide committed in violation of division (A)(2) of 817  
this section is a felony of the second degree if, at the time of 818  
the offense, the offender was driving under a suspension imposed 819  
under Chapter 4510. or any other provision of the Revised Code or 820  
if the offender previously has been convicted of or pleaded guilty 821  
to a violation of this section or any traffic-related homicide, 822  
manslaughter, or assault offense. 823

In addition to any other sanctions imposed pursuant to this 824  
division, the court shall impose upon the offender a class two 825  
suspension of the offender's driver's license, commercial driver's 826  
license, temporary instruction permit, probationary license, or 827  
nonresident operating privilege from the range specified in 828  
division (A)(2) of section 4510.02 of the Revised Code. 829

~~(2)~~(C) Whoever violates division (A)(3) of this section is 830  
guilty of vehicular homicide. Except as otherwise provided in this 831  
division, vehicular homicide is a misdemeanor of the first degree. 832  
Vehicular homicide is a felony of the fourth degree if, at the 833  
time of the offense, the offender was driving under a suspension 834  
or revocation imposed under Chapter 4507. or any other provision 835  
of the Revised Code or if the offender previously has been 836  
convicted of or pleaded guilty to a violation of this section or 837  
any traffic-related homicide, manslaughter, or assault offense. 838

In addition to any other sanctions imposed pursuant to this 839  
division, the court shall impose upon the offender a class four 840  
suspension of the offender's driver's license, commercial driver's 841  
license, temporary instruction permit, probationary license, or 842  
nonresident operating privilege from the range specified in 843  
division (A)(4) of section 4510.02 of the Revised Code or, if the 844  
offender previously has been convicted of or pleaded guilty to a 845  
violation of this section or any traffic-related homicide, 846  
manslaughter, or assault offense, a class three suspension of the 847  
offender's driver's license, commercial driver's license, 848  
temporary instruction permit, probationary license, or nonresident 849  
operating privilege from the range specified in division (A)(3) of 850  
that section. 851

~~(3)~~(D) Whoever violates division (A)(4) of this section is 852  
guilty of vehicular manslaughter. Except as otherwise provided in 853  
this division, vehicular manslaughter is a misdemeanor of the 854  
second degree. Vehicular manslaughter is a misdemeanor of the 855

first degree if, at the time of the offense, the offender was 856  
driving under a suspension imposed under Chapter 4510. or any 857  
other provision of the Revised Code or if the offender previously 858  
has been convicted of or pleaded guilty to a violation of this 859  
section or any traffic-related homicide, manslaughter, or assault 860  
offense. 861

In addition to any other sanctions imposed pursuant to this 862  
division, the court shall impose upon the offender a class six 863  
suspension of the offender's driver's license, commercial driver's 864  
license, temporary instruction permit, probationary license, or 865  
nonresident operating privilege from the range specified in 866  
division (A)(6) of section 4510.02 of the Revised Code or, if the 867  
offender previously has been convicted of or pleaded guilty to a 868  
violation of this section or any traffic-related homicide, 869  
manslaughter, or assault offense, a class four suspension of the 870  
offender's driver's license, commercial driver's license, 871  
temporary instruction permit, probationary license, or nonresident 872  
operating privilege from the range specified in division (A)(4) of 873  
that section. 874

~~(C)~~(E) The court shall impose a mandatory prison term on an 875  
offender who is convicted of or pleads guilty to a violation of 876  
division (A)(1) of this section. The court shall impose a 877  
mandatory prison term on an offender who is convicted of or pleads 878  
guilty to a violation of division (A)(2) or (3) of this section if 879  
either of the following applies: 880

(1) The offender previously has been convicted of or pleaded 881  
guilty to a violation of this section or section 2903.08 of the 882  
Revised Code. 883

(2) At the time of the offense, the offender was driving 884  
under suspension under Chapter 4510. or any other provision of the 885  
Revised Code. 886

~~(D)~~(F)(1) As used in this section: 887

(a) "Mandatory prison term" has the same meaning as in 888  
section 2929.01 of the Revised Code. 889

(b) "Traffic-related homicide, manslaughter, or assault 890  
offense" means a violation of section 2903.04 of the Revised Code 891  
in circumstances in which division (D) of that section applies, a 892  
violation of section 2903.06 or 2903.08 of the Revised Code, or a 893  
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 894  
Code as they existed prior to March 23, 2000. 895

(2) For the purposes of this section, when a penalty or 896  
suspension is enhanced because of a prior or current violation of 897  
a specified law or a prior or current specified offense, the 898  
reference to the violation of the specified law or the specified 899  
offense includes any violation of any substantially equivalent 900  
municipal ordinance, former law of this state, or current or 901  
former law of another state or the United States. 902

**Sec. 2903.08.** (A) No person, while operating or participating 903  
in the operation of a motor vehicle, motorcycle, snowmobile, 904  
locomotive, watercraft, or aircraft, shall cause serious physical 905  
harm to another person or another's unborn in either of the 906  
following ways: 907

(1)(a) As the proximate result of committing a violation of 908  
division (A) of section 4511.19 of the Revised Code or of a 909  
substantially equivalent municipal ordinance; 910

(b) As the proximate result of committing a violation of 911  
division (A) of section 1547.11 of the Revised Code or of a 912  
substantially equivalent municipal ordinance; 913

(c) As the proximate result of committing a violation of 914  
division (A)(3) of section 4561.15 of the Revised Code or of a 915  
substantially equivalent municipal ordinance. 916

(2) Recklessly. 917

(B)(1) Whoever violates division (A)(1) of this section is 918  
guilty of aggravated vehicular assault. Except as otherwise 919  
provided in this division, aggravated vehicular assault is a 920  
felony of the third degree. Aggravated vehicular assault is a 921  
felony of the second degree if, ~~at~~ any of the following apply: 922

(a) At the time of the offense, the offender was driving 923  
under a suspension imposed under Chapter 4510. or any other 924  
provision of the Revised Code ~~or if the.~~ 925

(b) The offender previously has been convicted of or pleaded 926  
guilty to a violation of this section~~;~~. 927

(c) The offender previously has been convicted of or pleaded 928  
guilty to any traffic-related homicide, manslaughter, or assault 929  
offense;. 930

(d) The offender previously has been convicted of or pleaded 931  
guilty to three or more prior violations of section 4511.19 of the 932  
Revised Code or a substantially equivalent municipal ordinance 933  
within the previous six years~~;~~ ~~or.~~ 934

(e) The offender previously has been convicted of or pleaded 935  
guilty to three or more prior violations of division (A) of 936  
section 1547.11 of the Revised Code or of a substantially 937  
equivalent municipal ordinance within the previous six years. 938

(f) The offender previously has been convicted of or pleaded 939  
guilty to three or more prior violations of division (A)(3) of 940  
section 4561.15 of the Revised Code or of a substantially 941  
equivalent municipal ordinance within the previous six years. 942

(g) The offender previously has been convicted of or pleaded 943  
guilty to three or more prior violations of any combination of the 944  
offenses listed in division (B)(1)(d), (e), or (f) of this 945  
section. 946

(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. 947  
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(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. 950  
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~~(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. 963  
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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 972  
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or any traffic-related homicide, manslaughter, or assault offense, 979  
a class three suspension of the offender's driver's license, 980  
commercial driver's license, temporary instruction permit, 981  
probationary license, or nonresident operating privilege from the 982  
range specified in division (A)(3) of that section. 983

~~(C)~~(D) The court shall impose a mandatory prison term on an 984  
offender who is convicted of or pleads guilty to a violation of 985  
division (A)(1) of this section. The court shall impose a 986  
mandatory prison term on an offender who is convicted of or pleads 987  
guilty to a violation of division (A)(2) of this section if either 988  
of the following applies: 989

(1) The offender previously has been convicted of or pleaded 990  
guilty to a violation of this section or section 2903.06 of the 991  
Revised Code. 992

(2) At the time of the offense, the offender was driving 993  
under suspension under Chapter 4510. or any other provision of the 994  
Revised Code. 995

~~(D)~~(E) As used in this section: 996

(1) "Mandatory prison term" has the same meaning as in 997  
section 2929.01 of the Revised Code. 998

(2) "Traffic-related homicide, manslaughter, or assault 999  
offense" has the same meaning as in section 2903.06 of the Revised 1000  
Code. 1001

~~(E)~~(F) For the purposes of this section, when a penalty or 1002  
suspension is enhanced because of a prior or current violation of 1003  
a specified law or a prior or current specified offense, the 1004  
reference to the violation of the specified law or the specified 1005  
offense includes any violation of any substantially equivalent 1006  
municipal ordinance, former law of this state, or current or 1007  
former law of another state or the United States. 1008

Sec. 4549.02. (A) In case of accident to or collision with 1009  
persons or property upon any of the public roads or highways, due 1010  
to the driving or operation thereon of any motor vehicle, the 1011  
person driving or operating the motor vehicle, having knowledge of 1012  
the accident or collision, immediately shall stop the driver's or 1013  
operator's motor vehicle at the scene of the accident or collision 1014  
and shall remain at the scene of the accident or collision until 1015  
the driver or operator has given the driver's or operator's name 1016  
and address and, if the driver or operator is not the owner, the 1017  
name and address of the owner of that motor vehicle, together with 1018  
the registered number of that motor vehicle, to any person injured 1019  
in the accident or collision or to the operator, occupant, owner, 1020  
or attendant of any motor vehicle damaged in the accident or 1021  
collision, or to any police officer at the scene of the accident 1022  
or collision. 1023

In the event the injured person is unable to comprehend and 1024  
record the information required to be given by this section, the 1025  
other driver involved in the accident or collision forthwith shall 1026  
notify the nearest police authority concerning the location of the 1027  
accident or collision, and the driver's name, address, and the 1028  
registered number of the motor vehicle the driver was operating, 1029  
and then remain at the scene of the accident or collision until a 1030  
police officer arrives, unless removed from the scene by an 1031  
emergency vehicle operated by a political subdivision or an 1032  
ambulance. 1033

If the accident or collision is with an unoccupied or 1034  
unattended motor vehicle, the operator who collides with the motor 1035  
vehicle shall securely attach the information required to be given 1036  
in this section, in writing, to a conspicuous place in or on the 1037  
unoccupied or unattended motor vehicle. 1038

(B) Whoever violates division (A) of this section is guilty 1039

of failure to stop after an accident, a misdemeanor of the first 1040  
degree. If the violation results in serious physical harm ~~or death~~ 1041  
to a person, failure to stop after an accident is a felony of the 1042  
fifth degree. If the violation results in the death of a person, 1043  
failure to stop after an accident is a felony of the third degree. 1044  
The court, in addition to any other penalties provided by law, 1045  
shall impose upon the offender a class five suspension of the 1046  
offender's driver's license, commercial driver's license, 1047  
temporary instruction permit, probationary license, or nonresident 1048  
operating privilege from the range specified in division (A)(5) of 1049  
section 4510.02 of the Revised Code. No judge shall suspend the 1050  
first six months of suspension of an offender's license, permit, 1051  
or privilege required by this division. 1052

**Sec. 4549.021.** (A) In case of accident or collision resulting 1053  
in injury or damage to persons or property upon any public or 1054  
private property other than public roads or highways, due to the 1055  
driving or operation thereon of any motor vehicle, the person 1056  
driving or operating the motor vehicle, having knowledge of the 1057  
accident or collision, shall stop, and, upon request of the person 1058  
injured or damaged, or any other person, shall give that person 1059  
the driver's or operator's name and address, and, if the driver or 1060  
operator is not the owner, the name and address of the owner of 1061  
that motor vehicle, together with the registered number of that 1062  
motor vehicle, and, if available, exhibit the driver's or 1063  
operator's driver's or commercial driver's license. 1064

If the owner or person in charge of the damaged property is 1065  
not furnished such information, the driver of the motor vehicle 1066  
involved in the accident or collision, within twenty-four hours 1067  
after the accident or collision, shall forward to the police 1068  
department of the city or village in which the accident or 1069  
collision occurred or if it occurred outside the corporate limits 1070  
of a city or village to the sheriff of the county in which the 1071

accident or collision occurred the same information required to be 1072  
given to the owner or person in control of the damaged property 1073  
and give the date, time, and location of the accident or 1074  
collision. 1075

If the accident or collision is with an unoccupied or 1076  
unattended motor vehicle, the operator who collides with the motor 1077  
vehicle shall securely attach the information required to be given 1078  
in this section, in writing, to a conspicuous place in or on the 1079  
unoccupied or unattended motor vehicle. 1080

(B) Whoever violates division (A) of this section is guilty 1081  
of failure to stop after a nonpublic road accident, a misdemeanor 1082  
of the first degree. If the violation results in serious physical 1083  
harm ~~or death~~ to a person, failure to stop after a nonpublic road 1084  
accident is a felony of the fifth degree. If the violation results 1085  
in the death of a person, failure to stop after a nonpublic road 1086  
accident is a felony of the third degree. The court, in addition 1087  
to any other penalties provided by law, shall impose upon the 1088  
offender a class five suspension of the offender's driver's 1089  
license, commercial driver's license, temporary instruction 1090  
permit, probationary license, or nonresident operating privilege 1091  
from the range specified in division (A)(5) of section 4510.02 of 1092  
the Revised Code. No judge shall suspend the first six months of 1093  
suspension of an offender's license, permit, or privilege required 1094  
by this division. 1095

**Section 5.** That the existing versions of sections 2903.06, 1096  
2903.08, 4549.02, and 4549.021 of the Revised Code that are 1097  
scheduled to take effect January 1, 2004, are hereby repealed. 1098

**Section 6.** Sections 4 and 5 of this act take effect January 1099  
1, 2004. 1100