

As Introduced

**127th General Assembly
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H. B. No. 310

Representative Yuko

**Cosponsors: Representatives Evans, Ujvagi, Brown, Brady, Fende, Okey,
Chandler**

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A BILL

To amend sections 2921.331, 4510.036, and 4510.31 of 1
the Revised Code to prohibit a person who is not 2
operating a motor vehicle from fleeing from a law 3
enforcement officer who gives a lawful order to 4
stop and to increase the minimum penalty for 5
fleeing and eluding a police officer in a motor 6
vehicle after receiving a visible or audible 7
signal to stop. 8

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

Section 1. That sections 2921.331, 4510.036, and 4510.31 of 9
the Revised Code be amended to read as follows: 10

Sec. 2921.331. (A) No person shall fail to comply with any 11
lawful order or direction of any police officer invested with 12
authority to direct, control, or regulate traffic. 13

(B) No person shall operate a motor vehicle so as willfully 14
to elude or flee a police officer after receiving a visible or 15
audible signal from a police officer to bring the person's motor 16
vehicle to a stop. 17

(C) No person who is not operating a motor vehicle shall 18

knowingly and with intent to elude or flee a law enforcement officer disobey a lawful order or direction to stop given by a law enforcement officer. 19
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(D)(1) Whoever violates division (A) or (B) of this section is guilty of failure to comply with an order or signal of a police officer. 22
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(2) A violation of division (A) of this section is a misdemeanor of the first degree. 25
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(3) Except as provided in divisions ~~(C)~~(D)(4) and (5) of this section, a violation of division (B) of this section is a ~~misdemeanor~~ felony of the ~~first~~ fifth degree. 27
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(4) Except as provided in division ~~(C)~~(D)(5) of this section, a violation of division (B) of this section is a felony of the fourth degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that, in committing the offense, the offender was fleeing immediately after the commission of a felony. 30
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(5)(a) A violation of division (B) of this section is a felony of the third degree if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt: 35
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(i) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property. 38
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(ii) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property. 40
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(b) If a police officer pursues an offender who is violating division (B) of this section and division ~~(C)~~(D)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in sections 43
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2929.12 and 2929.13 of the Revised Code that are required to be	49
considered, all of the following:	50
(i) The duration of the pursuit;	51
(ii) The distance of the pursuit;	52
(iii) The rate of speed at which the offender operated the	53
motor vehicle during the pursuit;	54
(iv) Whether the offender failed to stop for traffic lights	55
or stop signs during the pursuit;	56
(v) The number of traffic lights or stop signs for which the	57
offender failed to stop during the pursuit;	58
(vi) Whether the offender operated the motor vehicle during	59
the pursuit without lighted lights during a time when lighted	60
lights are required;	61
(vii) Whether the offender committed a moving violation	62
during the pursuit;	63
(viii) The number of moving violations the offender committed	64
during the pursuit;	65
(ix) Any other relevant factors indicating that the	66
offender's conduct is more serious than conduct normally	67
constituting the offense.	68
(D) <u>(E)</u> If an offender is sentenced pursuant to division	69
(C)(4) or (5) <u>(D)</u> of this section for a violation of division (B)	70
of this section, and if the offender is sentenced to a prison term	71
for that violation, the offender shall serve the prison term	72
consecutively to any other prison term or mandatory prison term	73
imposed upon the offender.	74
(E) <u>(F)</u> In addition to any other sanction imposed for a	75
violation of <u>division (A) or (B) of</u> this section, the court shall	76
impose a class two suspension from the range specified in division	77
(A)(2) of section 4510.02 of the Revised Code. If the offender	78

previously has been found guilty of an offense under this section, 79
the court shall impose a class one suspension as described in 80
division (A)(1) of that section. The court shall not grant limited 81
driving privileges to the offender. No judge shall suspend the 82
first three years of suspension under a class two suspension of an 83
offender's license, permit, or privilege required by this division 84
on any portion of the suspension under a class one suspension of 85
an offender's license, permit, or privilege required by this 86
division. 87

~~(F)~~(G)(1) Whoever violates division (C) of this section is 88
guilty of fleeing from a law enforcement officer. 89

(2) Except as provided in divisions (G)(3) and (4) of this 90
section, a violation of division (C) of this section is a 91
misdemeanor of the second degree. 92

(3) Except as provided in division (G)(4) of this section, a 93
violation of division (C) of this section is a felony of the 94
fourth degree if the jury or judge as trier of fact finds by proof 95
beyond a reasonable doubt that in committing the offense the 96
offender was fleeing immediately after the commission of a felony. 97

(4) A violation of division (C) of this section is a felony 98
of the third degree if the jury or judge as trier of fact finds by 99
proof beyond a reasonable doubt that in fleeing or eluding the law 100
enforcement officer the offender proximately caused serious 101
physical harm to persons or property or created a substantial risk 102
of serious physical harm to persons or property. 103

(H) As used in this section: 104

(1) "Motor vehicle" has the same meaning as in section 105
4501.01 of the Revised Code. 106

(2) "Moving violation" has the same meaning as in section 107
2743.70 of the Revised Code. 108

~~(2)~~(3) "Police officer" has the same meaning as in section 109
4511.01 of the Revised Code. 110

Sec. 4510.036. (A) The bureau of motor vehicles shall record 111
within ten days, after receipt, and shall keep at its main office, 112
all abstracts received under this section or section 4510.03, 113
4510.031, 4510.032, or 4510.034 of the Revised Code and shall 114
maintain records of convictions and bond forfeitures for any 115
violation of a state law or a municipal ordinance regulating the 116
operation of vehicles, streetcars, and trackless trolleys on 117
highways and streets, except a violation related to parking a 118
motor vehicle. 119

(B) Every court of record or mayor's court before which a 120
person is charged with a violation for which points are chargeable 121
by this section shall assess and transcribe to the abstract of 122
conviction that is furnished by the bureau to the court the number 123
of points chargeable by this section in the correct space assigned 124
on the reporting form. A United States district court that has 125
jurisdiction within this state and before which a person is 126
charged with a violation for which points are chargeable by this 127
section may assess and transcribe to the abstract of conviction 128
report that is furnished by the bureau the number of points 129
chargeable by this section in the correct space assigned on the 130
reporting form. If the federal court so assesses and transcribes 131
the points chargeable for the offense and furnishes the report to 132
the bureau, the bureau shall record the points in the same manner 133
as those assessed and transcribed by a court of record or mayor's 134
court. 135

(C) A court shall assess the following points for an offense 136
based on the following formula: 137

(1) Aggravated vehicular homicide, vehicular homicide, 138
vehicular manslaughter, aggravated vehicular assault, or vehicular 139

assault when the offense involves the operation of a vehicle,	140
streetcar, or trackless trolley on a highway or street	141
6 points	142
(2) A violation of <u>division (A) or (B) of</u> section 2921.331 of	143
the Revised Code or any ordinance prohibiting the willful fleeing	144
or eluding of a law enforcement officer 6 points	145
(3) A violation of section 4549.02 or 4549.021 of the Revised	146
Code or any ordinance requiring the driver of a vehicle to stop	147
and disclose identity at the scene of an accident 6	148
points	149
(4) A violation of section 4511.251 of the Revised Code or	150
any ordinance prohibiting street racing 6 points	151
(5) A violation of section 4510.11, 4510.14, 4510.16, or	152
4510.21 of the Revised Code or any ordinance prohibiting the	153
operation of a motor vehicle while the driver's or commercial	154
driver's license is under suspension 6 points	155
(6) A violation of division (A) of section 4511.19 of the	156
Revised Code, any ordinance prohibiting the operation of a vehicle	157
while under the influence of alcohol, a drug of abuse, or a	158
combination of them, or any ordinance substantially equivalent to	159
division (A) of section 4511.19 of the Revised Code prohibiting	160
the operation of a vehicle with a prohibited concentration of	161
alcohol, a controlled substance, or a metabolite of a controlled	162
substance in the whole blood, blood serum or plasma, breath, or	163
urine 6 points	164
(7) A violation of section 2913.03 of the Revised Code that	165
does not involve an aircraft or motorboat or any ordinance	166
prohibiting the operation of a vehicle without the consent of the	167
owner 6 points	168
(8) Any offense under the motor vehicle laws of this state	169
that is a felony, or any other felony in the commission of which a	170

motor vehicle was used	6 points	171
(9) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine	4 points	172 173 174 175 176
(10) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property	4 points	177 178 179 180
(11) A violation of any law or ordinance pertaining to speed:		181
(a) Notwithstanding divisions (C)(11)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more	4 points	182 183 184
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour	2 points	185 186 187
(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour	2 points	188 189 190
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section	0 points	191 192 193
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar	2 points	194 195
(13) All other moving violations reported under this section	2 points	196 197
(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for		198 199 200

a bond forfeiture if the driver is acquitted of the offense for 201
which bond was posted. 202

(E) If a person is convicted of or forfeits bail for two or 203
more offenses arising out of the same facts and points are 204
chargeable for each of the offenses, points shall be charged for 205
only the conviction or bond forfeiture for which the greater 206
number of points is chargeable, and, if the number of points 207
chargeable for each offense is equal, only one offense shall be 208
recorded, and points shall be charged only for that offense. 209

Sec. 4510.31. (A)(1) Except as provided in division (C) of 210
this section, the registrar of motor vehicles shall suspend the 211
probationary driver's license, restricted license, or temporary 212
instruction permit issued to any person when the person has been 213
convicted of, pleaded guilty to, or been adjudicated in juvenile 214
court of having committed, prior to the person's eighteenth 215
birthday, any of the following: 216

(a) Three separate violations of section 2903.06, 2903.08, 217
~~2921.331,~~ 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 218
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 219
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised 220
Code, division (A) or (B) of section 2921.331 of the Revised Code, 221
section 4510.14 of the Revised Code involving a suspension imposed 222
under section 4511.191 or 4511.196 of the Revised Code, section 223
2903.04 of the Revised Code in a case in which the person would 224
have been subject to the sanctions described in division (D) of 225
that section had the person been convicted of the violation of 226
that section, former section 2903.07 of the Revised Code, or any 227
municipal ordinances similarly relating to the offenses referred 228
to in those sections; 229

(b) One violation of section 4511.19 of the Revised Code or a 230
substantially similar municipal ordinance; 231

(c) Two separate violations of any of the Revised Code sections referred to in division (A)(1)(a) of this section, or any municipal ordinance that is substantially similar to any of those sections.

(2) Any person whose license or permit is suspended under division (A)(1)(a), (b), or (c) of this section shall mail or deliver the person's probationary driver's license, restricted license, or temporary instruction permit to the registrar within fourteen days of notification of the suspension. The registrar shall retain the license or permit during the period of the suspension. A suspension pursuant to division (A)(1)(a) of this section shall be a class C suspension, a suspension pursuant to division (A)(1)(b) of this section shall be a class D suspension, and a suspension pursuant to division (A)(1)(c) of this section shall be a class E suspension, all for the periods of time specified in division (B) of section 4510.02 of the Revised Code. If the person's probationary driver's license, restricted license, or temporary instruction permit is under suspension on the date the court imposes sentence upon the person for a violation described in division (A)(1)(b) of this section, the suspension shall take effect on the next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and pleads guilty to or is convicted of a violation described in division (A)(1)(b) of this section and the person does not have a current, valid probationary driver's license, restricted license, or temporary instruction permit, the registrar shall deny the issuance to the person of a probationary driver's license, restricted license, driver's license, commercial driver's license, or temporary instruction permit, as the case may be, for six months beginning on the date the court imposes sentence upon the person for the violation. If the person has not attained the age of sixteen years on the date the court imposes sentence upon the person for the violation, the period of denial shall commence

on the date the person attains the age of sixteen years. 265

(3) The registrar shall suspend the person's license or 266
permit under division (A) of this section regardless of whether 267
the disposition of the case in juvenile court occurred after the 268
person's eighteenth birthday. 269

(B) The registrar also shall impose a class D suspension for 270
the period of time specified in division (B)(4) of section 4510.02 271
of the Revised Code of the temporary instruction permit or 272
probationary driver's license of any person under the age of 273
eighteen who has been adjudicated an unruly child, delinquent 274
child, or juvenile traffic offender for having committed any act 275
that if committed by an adult would be a drug abuse offense or a 276
violation of division (B) of section 2917.11 of the Revised Code. 277
The registrar, in the registrar's discretion, may terminate the 278
suspension if the child, at the discretion of the court, attends 279
and satisfactorily completes a drug abuse or alcohol abuse 280
education, intervention, or treatment program specified by the 281
court. Any person whose temporary instruction permit or 282
probationary driver's license is suspended under this division 283
shall mail or deliver the person's permit or license to the 284
registrar within fourteen days of notification of the suspension. 285
The registrar shall retain the permit or license during the period 286
of the suspension. 287

(C)(1) Except as provided in division (C)(3) of this section, 288
for any person who is convicted of, pleads guilty to, or is 289
adjudicated in juvenile court of having committed a second or 290
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 291
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 292
4511.75 of the Revised Code or any similar municipal ordinances 293
and whose license or permit is suspended under division (A)(1)(a) 294
or (c) of this section, the court in which the second or third 295
conviction, finding, plea, or adjudication resulting in the 296

suspension was made, upon petition of the person, may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed under division (A)(1)(a) or (c) of this section if the court finds reasonable cause to believe that the suspension will seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment. In granting the limited driving privileges, the court shall specify the purposes, times, and places of the privileges and may impose any other conditions upon the person's driving a motor vehicle that the court considers reasonable and necessary.

A court that grants limited driving privileges to a person under this division shall retain the person's probationary driver's license, restricted license, or temporary instruction permit during the period the license or permit is suspended and also during the period for which limited driving privileges are granted, and shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.

The court immediately shall notify the registrar, in writing, of a grant of limited driving privileges under this division. The notification shall specify the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle. The registrar shall not suspend the probationary driver's license, restricted license, or temporary instruction permit of any person pursuant to division (A) of this section during any period for which the person has been granted limited

driving privileges as provided in this division, if the registrar 329
has received the notification described in this division from the 330
court. 331

(2) Except as provided in division (C)(3) of this section, in 332
any case in which the temporary instruction permit or probationary 333
driver's license of a person under eighteen years of age has been 334
suspended under division (A) or (B) of this section or any other 335
provision of law, the court may grant the person limited driving 336
privileges for the purpose of the person's practicing of driving 337
with the person's parent, guardian, or other custodian during the 338
period of the suspension. Any grant of limited driving privileges 339
under this division shall comply with division (D) of section 340
4510.021 of the Revised Code. 341

(3) A court shall not grant limited driving privileges to a 342
person identified in division (C)(1) or (2) of this section if the 343
person, within the preceding six years, has been convicted of, 344
pleaded guilty to, or adjudicated in juvenile court of having 345
committed three or more violations of one or more of the divisions 346
or sections set forth in divisions (G)(2)(b) to (g) of section 347
2919.22 of the Revised Code. 348

(D) If a person who has been granted limited driving 349
privileges under division (C) of this section is convicted of, 350
pleads guilty to, or is adjudicated in juvenile court of having 351
committed, a violation of Chapter 4510. of the Revised Code, or a 352
subsequent violation of any of the sections of the Revised Code 353
listed in division (A)(1)(a) of this section or any similar 354
municipal ordinance during the period for which the person was 355
granted limited driving privileges, the court that granted the 356
limited driving privileges shall suspend the person's permit card. 357
The court or the clerk of the court immediately shall forward the 358
person's probationary driver's license, restricted license, or 359
temporary instruction permit together with written notification of 360

the court's action to the registrar. Upon receipt of the license 361
or permit and notification, the registrar shall impose a class C 362
suspension of the person's probationary driver's license, 363
restricted license, or temporary instruction permit for the period 364
of time specified in division (B)(3) of section 4510.02 of the 365
Revised Code. The registrar shall retain the license or permit 366
during the period of suspension, and no further limited driving 367
privileges shall be granted during that period. 368

(E) No application for a driver's or commercial driver's 369
license shall be received from any person whose probationary 370
driver's license, restricted license, or temporary instruction 371
permit has been suspended under this section until each of the 372
following has occurred: 373

(1) The suspension period has expired; 374

(2) A temporary instruction permit or commercial driver's 375
license temporary instruction permit has been issued; 376

(3) The person successfully completes a juvenile driver 377
improvement program approved by the registrar under section 378
4510.311 of the Revised Code; 379

(4) The applicant has submitted to the examination for a 380
driver's license as provided for in section 4507.11 or a 381
commercial driver's license as provided in Chapter 4506. of the 382
Revised Code. 383

Section 2. That existing sections 2921.331, 4510.036, and 384
4510.31 of the Revised Code are hereby repealed. 385