

**As Reported by the House Infrastructure, Homeland Security and
Veterans Affairs Committee**

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Representative Batchelder

**Cosponsors: Representatives Patton, Uecker, Wachtmann, Harwood,
Combs, Brinkman, Setzer, Blessing, Collier, Hughes, Flowers, Stebelton,
Aslanides, Fessler, Otterman, J., Reinhard, Widowfield**

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A B I L L

To amend section 2903.06 and to enact section 1
4506.091 of the Revised Code to require that 2
commercial driver's license tests be given in 3
English and to provide that the penalty 4
enhancement for aggravated vehicular homicide, 5
vehicular homicide, and vehicular manslaughter for 6
driving under a license suspension and the 7
requirement for a mandatory prison term in certain 8
cases of aggravated vehicular homicide and 9
vehicular homicide for driving under suspension 10
also apply to driving under cancellation and 11
driving without a license. 12

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

Section 1. That section 2903.06 be amended and section 13
4506.091 of the Revised Code be enacted to read as follows: 14

Sec. 2903.06. (A) No person, while operating or participating 15
in the operation of a motor vehicle, motorcycle, snowmobile, 16

locomotive, watercraft, or aircraft, shall cause the death of 17
another or the unlawful termination of another's pregnancy in any 18
of the following ways: 19

(1)(a) As the proximate result of committing a violation of 20
division (A) of section 4511.19 of the Revised Code or of a 21
substantially equivalent municipal ordinance; 22

(b) As the proximate result of committing a violation of 23
division (A) of section 1547.11 of the Revised Code or of a 24
substantially equivalent municipal ordinance; 25

(c) As the proximate result of committing a violation of 26
division (A)(3) of section 4561.15 of the Revised Code or of a 27
substantially equivalent municipal ordinance. 28

(2) In one of the following ways: 29

(a) Recklessly; 30

(b) As the proximate result of committing, while operating or 31
participating in the operation of a motor vehicle or motorcycle in 32
a construction zone, a reckless operation offense, provided that 33
this division applies only if the person whose death is caused or 34
whose pregnancy is unlawfully terminated is in the construction 35
zone at the time of the offender's commission of the reckless 36
operation offense in the construction zone and does not apply as 37
described in division (F) of this section. 38

(3) In one of the following ways: 39

(a) Negligently; 40

(b) As the proximate result of committing, while operating or 41
participating in the operation of a motor vehicle or motorcycle in 42
a construction zone, a speeding offense, provided that this 43
division applies only if the person whose death is caused or whose 44
pregnancy is unlawfully terminated is in the construction zone at 45
the time of the offender's commission of the speeding offense in 46

the construction zone and does not apply as described in division 47
(F) of this section. 48

(4) As the proximate result of committing a violation of any 49
provision of any section contained in Title XLV of the Revised 50
Code that is a minor misdemeanor or of a municipal ordinance that, 51
regardless of the penalty set by ordinance for the violation, is 52
substantially equivalent to any provision of any section contained 53
in Title XLV of the Revised Code that is a minor misdemeanor. 54

(B)(1) Whoever violates division (A)(1) or (2) of this 55
section is guilty of aggravated vehicular homicide and shall be 56
punished as provided in divisions (B)(2) and (3) of this section. 57

(2)(a) Except as otherwise provided in division (B)(2)(b) or 58
(c) of this section, aggravated vehicular homicide committed in 59
violation of division (A)(1) of this section is a felony of the 60
second degree and the court shall impose a mandatory prison term 61
on the offender as described in division (E) of this section. 62

(b) Except as otherwise provided in division (B)(2)(c) of 63
this section, aggravated vehicular homicide committed in violation 64
of division (A)(1) of this section is a felony of the first 65
degree, and the court shall impose a mandatory prison term on the 66
offender as described in division (E) of this section, if any of 67
the following apply: 68

(i) At the time of the offense, the offender was driving 69
under a suspension or cancellation imposed under Chapter 4510. or 70
any other provision of the Revised Code or was operating a motor 71
vehicle or motorcycle, did not have a valid driver's license, 72
commercial driver's license, temporary instruction permit, 73
probationary license, or nonresident operating privilege, and was 74
not eligible for renewal of the offender's driver's license or 75
commercial driver's license without examination under section 76
4507.10 of the Revised Code. 77

(ii) The offender previously has been convicted of or pleaded 78
guilty to a violation of this section. 79

(iii) The offender previously has been convicted of or 80
pleaded guilty to any traffic-related homicide, manslaughter, or 81
assault offense. 82

(c) Aggravated vehicular homicide committed in violation of 83
division (A)(1) of this section is a felony of the first degree, 84
and the court shall sentence the offender to a mandatory prison 85
term as provided in section 2929.142 of the Revised Code and 86
described in division (E) of this section if any of the following 87
apply: 88

(i) The offender previously has been convicted of or pleaded 89
guilty to three or more prior violations of section 4511.19 of the 90
Revised Code or of a substantially equivalent municipal ordinance 91
within the previous six years. 92

(ii) The offender previously has been convicted of or pleaded 93
guilty to three or more prior violations of division (A) of 94
section 1547.11 of the Revised Code or of a substantially 95
equivalent municipal ordinance within the previous six years. 96

(iii) The offender previously has been convicted of or 97
pleaded guilty to three or more prior violations of division 98
(A)(3) of section 4561.15 of the Revised Code or of a 99
substantially equivalent municipal ordinance within the previous 100
six years. 101

(iv) The offender previously has been convicted of or pleaded 102
guilty to three or more prior violations of division (A)(1) of 103
this section within the previous six years. 104

(v) The offender previously has been convicted of or pleaded 105
guilty to three or more prior violations of division (A)(1) of 106
section 2903.08 of the Revised Code within the previous six years. 107

(vi) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 2903.04 of the Revised Code within the previous six years in circumstances in which division (D) of that section applied regarding the violations.

(vii) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), (v), or (vi) of this section within the previous six years.

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

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

(3) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the third degree. Aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without

examination under section 4507.10 of the Revised Code or if the 140
offender previously has been convicted of or pleaded guilty to a 141
violation of this section or any traffic-related homicide, 142
manslaughter, or assault offense. The court shall impose a 143
mandatory prison term on the offender when required by division 144
(E) of this section. 145

In addition to any other sanctions imposed pursuant to this 146
division for a violation of division (A)(2) of this section, the 147
court shall impose upon the offender a class two suspension of the 148
offender's driver's license, commercial driver's license, 149
temporary instruction permit, probationary license, or nonresident 150
operating privilege from the range specified in division (A)(2) of 151
section 4510.02 of the Revised Code or, if the offender previously 152
has been convicted of or pleaded guilty to a traffic-related 153
murder, felonious assault, or attempted murder offense, a class 154
one suspension of the offender's driver's license, commercial 155
driver's license, temporary instruction permit, probationary 156
license, or nonresident operating privilege as specified in 157
division (A)(1) of that section. 158

(C) Whoever violates division (A)(3) of this section is 159
guilty of vehicular homicide. Except as otherwise provided in this 160
division, vehicular homicide is a misdemeanor of the first degree. 161
Vehicular homicide committed in violation of division (A)(3) of 162
this section is a felony of the fourth degree if, at the time of 163
the offense, the offender was driving under a suspension or 164
~~revocation~~ cancellation imposed under Chapter ~~4507-~~ 4510. or any 165
other provision of the Revised Code or was operating a motor 166
vehicle or motorcycle, did not have a valid driver's license, 167
commercial driver's license, temporary instruction permit, 168
probationary license, or nonresident operating privilege, and was 169
not eligible for renewal of the offender's driver's license or 170
commercial driver's license without examination under section 171

4507.10 of the Revised Code or if the offender previously has been 172
convicted of or pleaded guilty to a violation of this section or 173
any traffic-related homicide, manslaughter, or assault offense. 174
The court shall impose a mandatory jail term or a mandatory prison 175
term on the offender when required by division (E) of this 176
section. 177

In addition to any other sanctions imposed pursuant to this 178
division, the court shall impose upon the offender a class four 179
suspension of the offender's driver's license, commercial driver's 180
license, temporary instruction permit, probationary license, or 181
nonresident operating privilege from the range specified in 182
division (A)(4) of section 4510.02 of the Revised Code, or, if the 183
offender previously has been convicted of or pleaded guilty to a 184
violation of this section or any traffic-related homicide, 185
manslaughter, or assault offense, a class three suspension of the 186
offender's driver's license, commercial driver's license, 187
temporary instruction permit, probationary license, or nonresident 188
operating privilege from the range specified in division (A)(3) of 189
that section, or, if the offender previously has been convicted of 190
or pleaded guilty to a traffic-related murder, felonious assault, 191
or attempted murder offense, a class two suspension of the 192
offender's driver's license, commercial driver's license, 193
temporary instruction permit, probationary license, or nonresident 194
operating privilege as specified in division (A)(2) of that 195
section. 196

(D) Whoever violates division (A)(4) of this section is 197
guilty of vehicular manslaughter. Except as otherwise provided in 198
this division, vehicular manslaughter is a misdemeanor of the 199
second degree. Vehicular manslaughter is a misdemeanor of the 200
first degree if, at the time of the offense, the offender was 201
driving under a suspension or cancellation imposed under Chapter 202
4510. or any other provision of the Revised Code or was operating 203

a motor vehicle or motorcycle, did not have a valid driver's 204
license, commercial driver's license, temporary instruction 205
permit, probationary license, or nonresident operating privilege, 206
and was not eligible for renewal of the offender's driver's 207
license or commercial driver's license without examination under 208
section 4507.10 of the Revised Code or if the offender previously 209
has been convicted of or pleaded guilty to a violation of this 210
section or any traffic-related homicide, manslaughter, or assault 211
offense. 212

In addition to any other sanctions imposed pursuant to this 213
division, the court shall impose upon the offender a class six 214
suspension of the offender's driver's license, commercial driver's 215
license, temporary instruction permit, probationary license, or 216
nonresident operating privilege from the range specified in 217
division (A)(6) of section 4510.02 of the Revised Code or, if the 218
offender previously has been convicted of or pleaded guilty to a 219
violation of this section, any traffic-related homicide, 220
manslaughter, or assault offense, or a traffic-related murder, 221
felonious assault, or attempted murder offense, a class four 222
suspension of the offender's driver's license, commercial driver's 223
license, temporary instruction permit, probationary license, or 224
nonresident operating privilege from the range specified in 225
division (A)(4) of that section. 226

(E) The court shall impose a mandatory prison term on an 227
offender who is convicted of or pleads guilty to a violation of 228
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 229
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 230
to an offender who is convicted of or pleads guilty to the 231
violation of division (A)(1) of this section, the court shall 232
impose the mandatory prison term pursuant to section 2929.142 of 233
the Revised Code. The court shall impose a mandatory jail term of 234
at least fifteen days on an offender who is convicted of or pleads 235

guilty to a misdemeanor violation of division (A)(3)(b) of this 236
section and may impose upon the offender a longer jail term as 237
authorized pursuant to section 2929.24 of the Revised Code. The 238
court shall impose a mandatory prison term on an offender who is 239
convicted of or pleads guilty to a violation of division (A)(2) or 240
(3)(a) of this section or a felony violation of division (A)(3)(b) 241
of this section if either 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 2903.08 of the 244
Revised Code. 245

(2) At the time of the offense, the offender was driving 246
under suspension or cancellation under Chapter 4510. or any other 247
provision of the Revised Code or was operating a motor vehicle or 248
motorcycle, did not have a valid driver's license, commercial 249
driver's license, temporary instruction permit, probationary 250
license, or nonresident operating privilege, and was not eligible 251
for renewal of the offender's driver's license or commercial 252
driver's license without examination under section 4507.10 of the 253
Revised Code. 254

(F) Divisions (A)(2)(b) and (3)(b) of this section do not 255
apply in a particular construction zone unless signs of the type 256
described in section 2903.081 of the Revised Code are erected in 257
that construction zone in accordance with the guidelines and 258
design specifications established by the director of 259
transportation under section 5501.27 of the Revised Code. The 260
failure to erect signs of the type described in section 2903.081 261
of the Revised Code in a particular construction zone in 262
accordance with those guidelines and design specifications does 263
not limit or affect the application of division (A)(1), (A)(2)(a), 264
(A)(3)(a), or (A)(4) of this section in that construction zone or 265
the prosecution of any person who violates any of those divisions 266
in that construction zone. 267

(G)(1) As used in this section:	268
(a) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	269 270
(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000.	271 272 273 274 275 276
(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	277 278
(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code.	279 280 281
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	282 283
(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A)(2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.	284 285 286 287 288 289 290 291 292 293 294
(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	295 296
(2) For the purposes of this section, when a penalty or	297

suspension is enhanced because of a prior or current violation of 298
a specified law or a prior or current specified offense, the 299
reference to the violation of the specified law or the specified 300
offense includes any violation of any substantially equivalent 301
municipal ordinance, former law of this state, or current or 302
former law of another state or the United States. 303

Sec. 4506.091. To determine a person's ability to understand 304
highway warnings or traffic signs or directions, any test or 305
examination given to a person to obtain or retain a commercial 306
driver's license or commercial driver's temporary instruction 307
permit under this chapter shall be administered in the English 308
language only, without the assistance of an interpreter. 309

Section 2. That existing section 2903.06 of the Revised Code 310
is hereby repealed. 311