

As Introduced

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H. B. No. 473

Representative Ujvagi

**Cosponsors: Representatives Fende, Szollosi, Harwood, Lundy, Dodd,
Okey, Flowers, McGregor, J., Gardner, Collier, Williams, B., Hagan, R., Yuko,
Hite**

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A B I L L

To amend sections 1531.01, 1533.01, and 2923.16 and 1
to enact section 1533.103 of the Revised Code to 2
require the Chief of the Division of Wildlife in 3
the Department of Natural Resources to issue 4
electric-powered all-purpose vehicle permits to 5
allow mobility impaired persons to hunt in public 6
wildlife areas using electric-powered all-purpose 7
vehicles. 8

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

Section 1. That sections 1531.01, 1533.01, and 2923.16 be 9
amended and section 1533.103 of the Revised Code be enacted to 10
read as follows: 11

Sec. 1531.01. As used in this chapter and Chapter 1533. of 12
the Revised Code: 13

(A) "Person" means a person as defined in section 1.59 of the 14
Revised Code or a company; an employee, agent, or officer of such 15
a person or company; a combination of individuals; the state; a 16
political subdivision of the state; an interstate body created by 17

a compact; or the federal government or a department, agency, or
instrumentality of it.

(B) "Resident" means any individual who has resided in this
state for not less than six months next preceding the date of
making application for a license.

(C) "Nonresident" means any individual who does not qualify
as a resident.

(D) "Division rule" or "rule" means any rule adopted by the
chief of the division of wildlife under section 1531.10 of the
Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which
the taking of wild animals protected by this chapter and Chapter
1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the
taking of wild animals protected by this chapter and Chapter 1533.
of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting,
killing, trapping, angling, fishing with a trotline, or netting
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle,
wild bird, or wild quadruped, and any lesser act, such as
wounding, or placing, setting, drawing, or using any other device
for killing or capturing any wild animal, whether it results in
killing or capturing the animal or not. "Take or taking" includes
every attempt to kill or capture and every act of assistance to
any other person in killing or capturing or attempting to kill or
capture a wild animal.

(H) "Possession" means both actual and constructive
possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild

birds, and wild quadrupeds permitted to be taken.	48
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	49 50
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	51 52
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	53 54 55 56
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	57 58 59 60 61 62 63 64
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	65 66 67
(O) "Fish" means a cold-blooded vertebrate having fins.	68
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	69 70
(Q) "Wild birds" includes game birds and nongame birds.	71
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	72 73
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or	74 75 76 77

jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules,	78
duck, geese, brant, and crows.	79
(T) "Nongame birds" includes all other wild birds not	80
included and defined as game birds or migratory game birds.	81
(U) "Wild quadrupeds" includes game quadrupeds and	82
fur-bearing animals.	83
(V) "Game quadrupeds" includes cottontail rabbits, gray	84
squirrels, black squirrels, fox squirrels, red squirrels, flying	85
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer,	86
wild boar, and black bears.	87
(W) "Fur-bearing animals" includes minks, weasels, raccoons,	88
skunks, opossums, muskrats, fox, beavers, badgers, otters,	89
coyotes, and bobcats.	90
(X) "Wild animals" includes mollusks, crustaceans, aquatic	91
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	92
and all other wild mammals, but does not include domestic deer.	93
(Y) "Hunting" means pursuing, shooting, killing, following	94
after or on the trail of, lying in wait for, shooting at, or	95
wounding wild birds or wild quadrupeds while employing any device	96
commonly used to kill or wound wild birds or wild quadrupeds	97
whether or not the acts result in killing or wounding. "Hunting"	98
includes every attempt to kill or wound and every act of	99
assistance to any other person in killing or wounding or	100
attempting to kill or wound wild birds or wild quadrupeds.	101
(Z) "Trapping" means securing or attempting to secure	102
possession of a wild bird or wild quadruped by means of setting,	103
placing, drawing, or using any device that is designed to close	104
upon, hold fast, confine, or otherwise capture a wild bird or wild	105
quadruped whether or not the means results in capture. "Trapping"	106
includes every act of assistance to any other person in capturing	107
wild birds or wild quadrupeds by means of the device whether or	108

not the means results in capture.	109
(AA) "Muskrat spear" means any device used in spearing muskrats.	110 111
(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.	112 113 114
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.	115 116
(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.	117 118 119 120 121 122 123 124 125 126 127
(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.	128 129 130
(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.	131 132 133
(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.	134 135
(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife	136 137 138

(Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin	139
(Amia calva), burbot (Lota lota), carp (Cyprinus carpio),	140
smallmouth buffalo (Ictiobus bubalus), bigmouth buffalo (Ictiobus	141
cyprinellus), black bullhead (Ictalurus melas), yellow bullhead	142
(Ictalurus natalis), brown bullhead (Ictalurus nebulosus), channel	143
catfish (Ictalurus punctatus), flathead catfish (Pylodictis	144
olivaris), whitefish (Coregonus sp.), cisco (Coregonus sp.),	145
freshwater drum or sheepshead (Aplodinotus grunniens), gar	146
(Lepisosteus sp.), gizzard shad (Dorosoma cepedianum), goldfish	147
(Carassius auratus), lake trout (Salvelinus namaycush), mooneye	148
(Hiodon tergisus), quillback (Carpiodes cyprinus), smelt	149
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus	150
sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other	151
than buffalo and quillback (Carpiodes sp., Catostomus sp.,	152
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone	153
chrysops), white perch (Roccus americanus), and yellow perch	154
(Perca flavescens). When the common name of a fish is used in this	155
chapter or Chapter 1533. of the Revised Code, it refers to the	156
fish designated by the scientific name in this definition.	157
(II) "Fishing" means taking or attempting to take fish by any	158
method, and all other acts such as placing, setting, drawing, or	159
using any device commonly used to take fish whether resulting in a	160
taking or not.	161
(JJ) "Fillet" means the pieces of flesh taken or cut from	162
both sides of a fish, joined to form one piece of flesh.	163
(KK) "Part fillet" means a piece of flesh taken or cut from	164
one side of a fish.	165
(LL) "Round" when used in describing fish means with head and	166
tail intact.	167
(MM) "Migrate" means the transit or movement of fish to or	168
from one place to another as a result of natural forces or	169

instinct and includes, but is not limited to, movement of fish 170
induced or caused by changes in the water flow. 171

(NN) "Spreader bar" means a brail or rigid bar placed across 172
the entire width of the back, at the top and bottom of the cars in 173
all trap, crib, and fyke nets for the purpose of keeping the 174
meshes hanging squarely while the nets are fishing. 175

(OO) "Fishing guide" means any person who, for consideration 176
or hire, operates a boat, rents, leases, or otherwise furnishes 177
angling devices, ice fishing shanties or shelters of any kind, or 178
other fishing equipment, and accompanies, guides, directs, or 179
assists any other person in order for the other person to engage 180
in fishing. 181

(PP) "Net" means fishing devices with meshes composed of 182
twine or synthetic material and includes, but is not limited to, 183
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 184
seines, except minnow seines and minnow dip nets. 185

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 186
nets, dip nets, carp aprons, trotlines, other similar gear, and 187
any boat used in conjunction with that gear, but does not include 188
gill nets. 189

(RR) "Native wildlife" means any species of the animal 190
kingdom indigenous to this state. 191

(SS) "Gill net" means a single section of fabric or netting 192
seamed to a float line at the top and a lead line at the bottom, 193
which is designed to entangle fish in the net openings as they 194
swim into it. 195

(TT) "Tag fishing tournament" means a contest in which a 196
participant pays a fee, or gives other valuable consideration, for 197
a chance to win a prize by virtue of catching a tagged or 198
otherwise specifically marked fish within a limited period of 199
time. 200

(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.

(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita map turtle (*Graptemys pseudogeographica ouachitensis*), midland painted turtle (*Chrysemys picta marginata*), red-eared slider (*Trachemys scripta elegans*), eastern spiny softshell turtle (*Apalone spinifera spinifera*), midland smooth softshell turtle (*Apalone mutica mutica*), northern fence lizard (*Sceloporus undulatus hyacinthinus*), ground skink (*Scincella lateralis*), five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces laticeps*), northern coal skink (*Eumeces anthracinus anthracinus*), European wall lizard (*Podarcis muralis*), queen snake (*Regina septemvittata*), Kirtland's snake (*Clonophis kirtlandii*), northern water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia erythrogaster neglecta*), northern brown snake (*Storeria dekayi dekayi*), midland brown snake (*Storeria dekayi wrightorum*), northern redbelly snake (*Storeria occipitomaculata occipitomaculata*), eastern garter snake (*Thamnophis sirtalis sirtalis*), eastern plains garter snake (*Thamnophis radix radix*), Butler's garter snake (*Thamnophis butleri*), shorthead garter snake (*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis sauritus sauritus*), northern ribbon snake (*Thamnophis sauritus*

septentrionalis), eastern hognose snake (<i>Heterodon platirhinos</i>),	233
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	234
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	235
(<i>Carphophis amoenus helenae</i>), eastern worm snake (<i>Carphophis</i>	236
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	237
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	238
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis</i>	239
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	240
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	241
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	242
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	243
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	244
rattlesnake (<i>Crotalus horridus horridus</i>).	245
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	246
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	247
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	248
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	249
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	250
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	251
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	252
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	253
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	254
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	255
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	256
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	257
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	258
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	259
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	260
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	261
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	262
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	263
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	264
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	265

two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog (<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>), bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>), northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood frog (<i>Rana sylvatica</i>).	266 267 268 269 270 271 272 273 274 275 276
(YY) "Deer" means white-tailed deer (<i>Odocoileus virginianus</i>).	277 278
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	279 280 281
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>); doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants (<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and woodcock and snipe (<i>Scolopacidae</i>).	282 283 284 285
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	286 287 288
<u>(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes. "Electric-powered all-purpose vehicle" does not include a</u>	289 290 291 292 293 294 295 296

utility vehicle as defined in section 4501.01 of the Revised Code, 297
any vehicle that is principally used in playing golf, any motor 298
vehicle or aircraft that is required to be registered under 299
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 300
excluded from the definition of "motor vehicle" as provided in 301
division (B) of section 4501.01 of the Revised Code. 302

Sec. 1533.01. As used in this chapter, "person," "resident," 303
"nonresident," "division rule," "rule," "closed season," "open 304
season," "take or taking," "possession," "bag limit," "transport 305
and transportation," "sell and sale," "whole to include part," 306
"angling," "trotline," "fish," "measurement of fish," "wild 307
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 308
"game quadrupeds," "fur-bearing animals," "wild animals," 309
"hunting," "trapping," "muskrat spear," "channels and passages," 310
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 311
fish," "fishing," "fillet," "part fillet," "round," "migrate," 312
"spreader bar," "fishing guide," "net," "commercial fishing gear," 313
"native wildlife," "gill net," "tag fishing tournament," "tenant," 314
"nonnative wildlife," "reptiles," "amphibians," and "deer," 315
"domestic deer," "migratory game bird," "accompany," and 316
"electric-powered all-purpose vehicle" have the same meanings as 317
in section 1531.01 of the Revised Code. 318

Sec. 1533.103. The chief of the division of wildlife shall 319
adopt rules under section 1531.10 of the Revised Code that are 320
necessary to administer the issuance of permits for the use of 321
electric-powered all-purpose vehicles or motor vehicles by persons 322
with mobility impairments to hunt wild quadrupeds or game birds in 323
public wildlife areas. The rules shall establish eligibility 324
requirements, an application procedure, a fee requirement and the 325
amount of the fee, the duration of a permit, identification and 326
designation of public wildlife areas in which electric-powered 327

all-purpose vehicles or motor vehicles may be used by permit 328
holders, and any other procedures and requirements governing the 329
permits that the chief determines are necessary. 330

Sec. 2923.16. (A) No person shall knowingly discharge a 331
firearm while in or on a motor vehicle. 332

(B) No person shall knowingly transport or have a loaded 333
firearm in a motor vehicle in such a manner that the firearm is 334
accessible to the operator or any passenger without leaving the 335
vehicle. 336

(C) No person shall knowingly transport or have a firearm in 337
a motor vehicle, unless it is unloaded and is carried in one of 338
the following ways: 339

(1) In a closed package, box, or case; 340

(2) In a compartment that can be reached only by leaving the 341
vehicle; 342

(3) In plain sight and secured in a rack or holder made for 343
the purpose; 344

(4) In plain sight with the action open or the weapon 345
stripped, or, if the firearm is of a type on which the action will 346
not stay open or which cannot easily be stripped, in plain sight. 347

(D) No person shall knowingly transport or have a loaded 348
handgun in a motor vehicle if, at the time of that transportation 349
or possession, any of the following applies: 350

(1) The person is under the influence of alcohol, a drug of 351
abuse, or a combination of them. 352

(2) The person's whole blood, blood serum or plasma, breath, 353
or urine contains a concentration of alcohol prohibited for 354
persons operating a vehicle, as specified in division (A) of 355
section 4511.19 of the Revised Code, regardless of whether the 356

person at the time of the transportation or possession as 357
described in this division is the operator of or a passenger in 358
the motor vehicle. 359

(E) No person who has been issued a license or temporary 360
emergency license to carry a concealed handgun under section 361
2923.125 or 2923.1213 of the Revised Code shall do any of the 362
following: 363

(1) Knowingly transport or have a loaded handgun in a motor 364
vehicle unless one of the following applies: 365

(a) The loaded handgun is in a holster on the person's 366
person. 367

(b) The loaded handgun is in a closed case, bag, box, or 368
other container that is in plain sight and that has a lid, a 369
cover, or a closing mechanism with a zipper, snap, or buckle, 370
which lid, cover, or closing mechanism must be opened for a person 371
to gain access to the handgun. 372

(c) The loaded handgun is securely encased by being stored in 373
a closed, locked glove compartment or in a case that is locked. 374

(2) If the person is transporting or has a loaded handgun in 375
a motor vehicle in a manner authorized under division (E)(1) of 376
this section, knowingly remove or attempt to remove the loaded 377
handgun from the holster, case, bag, box, container, or glove 378
compartment, knowingly grasp or hold the loaded handgun, or 379
knowingly have contact with the loaded handgun by touching it with 380
the person's hands or fingers while the motor vehicle is being 381
operated on a street, highway, or public property unless the 382
person removes, attempts to remove, grasps, holds, or has the 383
contact with the loaded handgun pursuant to and in accordance with 384
directions given by a law enforcement officer; 385

(3) If the person is the driver or an occupant of a motor 386
vehicle that is stopped as a result of a traffic stop or a stop 387

for another law enforcement purpose or is the driver or an 388
occupant of a commercial motor vehicle that is stopped by an 389
employee of the motor carrier enforcement unit for the purposes 390
defined in section 5503.34 of the Revised Code, and if the person 391
is transporting or has a loaded handgun in the motor vehicle or 392
commercial motor vehicle in any manner, fail to do any of the 393
following that is applicable: 394

(a) If the person is the driver or an occupant of a motor 395
vehicle stopped as a result of a traffic stop or a stop for 396
another law enforcement purpose, fail to promptly inform any law 397
enforcement officer who approaches the vehicle while stopped that 398
the person has been issued a license or temporary emergency 399
license to carry a concealed handgun and that the person then 400
possesses or has a loaded handgun in the motor vehicle; 401

(b) If the person is the driver or an occupant of a 402
commercial motor vehicle stopped by an employee of the motor 403
carrier enforcement unit for any of the defined purposes, fail to 404
promptly inform the employee of the unit who approaches the 405
vehicle while stopped that the person has been issued a license or 406
temporary emergency license to carry a concealed handgun and that 407
the person then possesses or has a loaded handgun in the 408
commercial motor vehicle. 409

(4) If the person is the driver or an occupant of a motor 410
vehicle that is stopped as a result of a traffic stop or a stop 411
for another law enforcement purpose and if the person is 412
transporting or has a loaded handgun in the motor vehicle in any 413
manner, knowingly fail to remain in the motor vehicle while 414
stopped or knowingly fail to keep the person's hands in plain 415
sight at any time after any law enforcement officer begins 416
approaching the person while stopped and before the law 417
enforcement officer leaves, unless the failure is pursuant to and 418
in accordance with directions given by a law enforcement officer; 419

(5) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose, if the person is transporting or has a loaded handgun in the motor vehicle in a manner authorized under division (E)(1) of this section, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(6) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(F)(1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is

authorized to carry or have loaded or accessible firearms in motor 452
vehicles, and who is subject to and in compliance with the 453
requirements of section 109.801 of the Revised Code, unless the 454
appointing authority of the person has expressly specified that 455
the exemption provided in division (F)(1)(b) of this section does 456
not apply to the person. 457

(2) Division (A) of this section does not apply to a person 458
if all of the following circumstances apply: 459

(a) The person discharges a firearm from a motor vehicle at a 460
coyote or groundhog, the discharge is not during the deer gun 461
hunting season as set by the chief of the division of wildlife of 462
the department of natural resources, and the discharge at the 463
coyote or groundhog, but for the operation of this section, is 464
lawful. 465

(b) The motor vehicle from which the person discharges the 466
firearm is on real property that is located in an unincorporated 467
area of a township and that either is zoned for agriculture or is 468
used for agriculture. 469

(c) The person owns the real property described in division 470
(F)(2)(b) of this section, is the spouse or a child of another 471
person who owns that real property, is a tenant of another person 472
who owns that real property, or is the spouse or a child of a 473
tenant of another person who owns that real property. 474

(d) The person does not discharge the firearm in any of the 475
following manners: 476

(i) While under the influence of alcohol, a drug of abuse, or 477
alcohol and a drug of abuse; 478

(ii) In the direction of a street, highway, or other public 479
or private property used by the public for vehicular traffic or 480
parking; 481

(iii) At or into an occupied structure that is a permanent or temporary habitation; 482
483

(iv) In the commission of any violation of law, including, 484
but not limited to, a felony that includes, as an essential 485
element, purposely or knowingly causing or attempting to cause the 486
death of or physical harm to another and that was committed by 487
discharging a firearm from a motor vehicle. 488

(3) Division (A) of this section does not apply to a person 489
if all of the following apply: 490

(a) The person possesses a valid electric-powered all-purpose 491
vehicle permit issued under section 1533.103 of the Revised Code 492
by the chief of the division of wildlife. 493

(b) The person discharges a firearm at a wild quadruped or 494
game bird as defined in section 1531.01 of the Revised Code during 495
the open hunting season for the applicable wild quadruped or game 496
bird. 497

(c) The person discharges a firearm from a stationary 498
electric-powered all-purpose vehicle as defined in section 1531.01 499
of the Revised Code or a motor vehicle that is parked on a road 500
that is owned or administered by the division of wildlife, 501
provided that the road is identified by an electric-powered 502
all-purpose vehicle sign. 503

(d) The person does not discharge the firearm in any of the 504
following manners: 505

(i) While under the influence of alcohol, a drug of abuse, or 506
alcohol and a drug of abuse; 507

(ii) In the direction of a street, a highway, or other public 508
or private property that is used by the public for vehicular 509
traffic or parking; 510

(iii) At or into an occupied structure that is a permanent or 511

temporary habitation; 512

(iv) In the commission of any violation of law, including, 513
but not limited to, a felony that includes, as an essential 514
element, purposely or knowingly causing or attempting to cause the 515
death of or physical harm to another and that was committed by 516
discharging a firearm from a motor vehicle. 517

(4) Divisions (B) and (C) of this section do not apply to a 518
person if all of the following circumstances apply: 519

(a) At the time of the alleged violation of either of those 520
divisions, the person is the operator of or a passenger in a motor 521
vehicle. 522

(b) The motor vehicle is on real property that is located in 523
an unincorporated area of a township and that either is zoned for 524
agriculture or is used for agriculture. 525

(c) The person owns the real property described in division 526
(D)~~(3)~~(4)(b) of this section, is the spouse or a child of another 527
person who owns that real property, is a tenant of another person 528
who owns that real property, or is the spouse or a child of a 529
tenant of another person who owns that real property. 530

(d) The person, prior to arriving at the real property 531
described in division (D)~~(3)~~(4)(b) of this section, did not 532
transport or possess a firearm in the motor vehicle in a manner 533
prohibited by division (B) or (C) of this section while the motor 534
vehicle was being operated on a street, highway, or other public 535
or private property used by the public for vehicular traffic or 536
parking. 537

~~(4)~~(5) Divisions (B) and (C) of this section do not apply to 538
a person who transports or possesses a handgun in a motor vehicle 539
if, at the time of that transportation or possession, all of the 540
following apply: 541

(a) The person transporting or possessing the handgun is 542
carrying a valid license or temporary emergency license to carry a 543
concealed handgun issued to the person under section 2923.125 or 544
2923.1213 of the Revised Code or a license to carry a concealed 545
handgun that was issued by another state with which the attorney 546
general has entered into a reciprocity agreement under section 547
109.69 of the Revised Code. 548

(b) The person transporting or possessing the handgun is not 549
knowingly in a place described in division (B) of section 2923.126 550
of the Revised Code. 551

(c) One of the following applies: 552

(i) The handgun is in a holster on the person's person. 553

(ii) The handgun is in a closed case, bag, box, or other 554
container that is in plain sight and that has a lid, a cover, or a 555
closing mechanism with a zipper, snap, or buckle, which lid, 556
cover, or closing mechanism must be opened for a person to gain 557
access to the handgun. 558

(iii) The handgun is securely encased by being stored in a 559
closed, locked glove compartment or in a case that is locked. 560

(6) Divisions (B) and (C) of this section do not apply to a 561
person if all of the following apply: 562

(a) The person possesses a valid electric-powered all-purpose 563
vehicle permit issued under section 1533.103 of the Revised Code 564
by the chief of the division of wildlife. 565

(b) The person is on or in an electric-powered all-purpose 566
vehicle as defined in section 1531.01 of the Revised Code or a 567
motor vehicle during the open hunting season for a wild quadruped 568
or game bird. 569

(c) The person is on or in an electric-powered all-purpose 570
vehicle as defined in section 1531.01 of the Revised Code or a 571

motor vehicle that is parked on a road that is owned or 572
administered by the division of wildlife, provided that the road 573
is identified by an electric-powered all-purpose vehicle sign. 574

(G)(1) The affirmative defenses authorized in divisions 575
(D)(1) and (2) of section 2923.12 of the Revised Code are 576
affirmative defenses to a charge under division (B) or (C) of this 577
section that involves a firearm other than a handgun. 578

(2) It is an affirmative defense to a charge under division 579
(B) or (C) of this section of improperly handling firearms in a 580
motor vehicle that the actor transported or had the firearm in the 581
motor vehicle for any lawful purpose and while the motor vehicle 582
was on the actor's own property, provided that this affirmative 583
defense is not available unless the person, prior to arriving at 584
the actor's own property, did not transport or possess the firearm 585
in a motor vehicle in a manner prohibited by division (B) or (C) 586
of this section while the motor vehicle was being operated on a 587
street, highway, or other public or private property used by the 588
public for vehicular traffic. 589

(H) No person who is charged with a violation of division 590
(B), (C), or (D) of this section shall be required to obtain a 591
license or temporary emergency license to carry a concealed 592
handgun under section 2923.125 or 2923.1213 of the Revised Code as 593
a condition for the dismissal of the charge. 594

(I) Whoever violates this section is guilty of improperly 595
handling firearms in a motor vehicle. Violation of division (A) of 596
this section is a felony of the fourth degree. Violation of 597
division (C) of this section is a misdemeanor of the fourth 598
degree. A violation of division (D) of this section is a felony of 599
the fifth degree or, if the loaded handgun is concealed on the 600
person's person, a felony of the fourth degree. A violation of 601
division (E)(3) of this section is a misdemeanor of the first 602
degree, and, in addition to any other penalty or sanction imposed 603

for the violation, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. A violation of division (E)(1), (2), or (5) of this section is a felony of the fifth degree. A violation of division (E)(4) or (6) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (E)(4) or (6) of this section, a felony of the fifth degree. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (E)(4) or (6) of this section, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. A violation of division (B) of this section is whichever of the following is applicable:

(1) If, at the time of the transportation or possession in violation of division (B) of this section, the offender was carrying a valid license or temporary emergency license to carry a concealed handgun issued to the offender under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B) of this section, a felony of the fourth degree.

(2) If division (I)(1) of this section does not apply, a felony of the fourth degree.

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor

vehicle surrenders a firearm to the officer, either voluntarily or 636
pursuant to a request or demand of the officer, and if the officer 637
does not charge the person with a violation of this section or 638
arrest the person for any offense, the person is not otherwise 639
prohibited by law from possessing the firearm, and the firearm is 640
not contraband, the officer shall return the firearm to the person 641
at the termination of the stop. 642

(K) As used in this section: 643

(1) "Motor vehicle," "street," and "highway" have the same 644
meanings as in section 4511.01 of the Revised Code. 645

(2) "Occupied structure" has the same meaning as in section 646
2909.01 of the Revised Code. 647

(3) "Agriculture" has the same meaning as in section 519.01 648
of the Revised Code. 649

(4) "Tenant" has the same meaning as in section 1531.01 of 650
the Revised Code. 651

(5) "Unloaded" means, with respect to a firearm employing a 652
percussion cap, flintlock, or other obsolete ignition system, when 653
the weapon is uncapped or when the priming charge is removed from 654
the pan. 655

(6) "Commercial motor vehicle" has the same meaning as in 656
division (A) of section 4506.25 of the Revised Code. 657

(7) "Motor carrier enforcement unit" means the motor carrier 658
enforcement unit in the department of public safety, division of 659
state highway patrol, that is created by section 5503.34 of the 660
Revised Code. 661

Section 2. That existing sections 1531.01, 1533.01, and 662
2923.16 of the Revised Code are hereby repealed. 663