

As Introduced

**127th General Assembly
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S. B. No. 123

Senator Miller, D.

Cosponsors: Senators Smith, Cafaro, Miller, R.

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A B I L L

To amend sections 4510.036, 4511.98, 4513.03, and 1
5501.27 of the Revised Code to require that 2
vehicles display lighted lights within 3
construction zones during the hours of actual work 4
within such zones. 5

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

Section 1. That sections 4510.036, 4511.98, 4513.03, and 6
5501.27 of the Revised Code be amended to read as follows: 7

Sec. 4510.036. (A) The bureau of motor vehicles shall record 8
within ten days, after receipt, and shall keep at its main office, 9
all abstracts received under this section or section 4510.03, 10
4510.031, 4510.032, or 4510.034 of the Revised Code and shall 11
maintain records of convictions and bond forfeitures for any 12
violation of a state law or a municipal ordinance regulating the 13
operation of vehicles, streetcars, and trackless trolleys on 14
highways and streets, except a violation related to parking a 15
motor vehicle. 16

(B) Every court of record or mayor's court before which a 17
person is charged with a violation for which points are chargeable 18
by this section shall assess and transcribe to the abstract of 19

conviction that is furnished by the bureau to the court the number 20
of points chargeable by this section in the correct space assigned 21
on the reporting form. A United States district court that has 22
jurisdiction within this state and before which a person is 23
charged with a violation for which points are chargeable by this 24
section may assess and transcribe to the abstract of conviction 25
report that is furnished by the bureau the number of points 26
chargeable by this section in the correct space assigned on the 27
reporting form. If the federal court so assesses and transcribes 28
the points chargeable for the offense and furnishes the report to 29
the bureau, the bureau shall record the points in the same manner 30
as those assessed and transcribed by a court of record or mayor's 31
court. 32

(C) A court shall assess the following points for an offense 33
based on the following formula: 34

(1) Aggravated vehicular homicide, vehicular homicide, 35
vehicular manslaughter, aggravated vehicular assault, or vehicular 36
assault when the offense involves the operation of a vehicle, 37
streetcar, or trackless trolley on a highway or street 38
6 points 39

(2) A violation of section 2921.331 of the Revised Code or 40
any ordinance prohibiting the willful fleeing or eluding of a law 41
enforcement officer 6 points 42

(3) A violation of section 4549.02 or 4549.021 of the Revised 43
Code or any ordinance requiring the driver of a vehicle to stop 44
and disclose identity at the scene of an accident 6 45
points 46

(4) A violation of section 4511.251 of the Revised Code or 47
any ordinance prohibiting street racing 6 points 48

(5) A violation of section 4510.11, 4510.14, 4510.16, or 49
4510.21 of the Revised Code or any ordinance prohibiting the 50

operation of a motor vehicle while the driver's or commercial driver's license is under suspension 6 points 51 52

(6) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine 6 points 53 54 55 56 57 58 59 60 61

(7) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner 6 points 62 63 64 65

(8) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used 6 points 66 67 68

(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 69 70 71 72 73

(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 74 75 76 77

(11) A violation of any law or ordinance pertaining to speed: 78

(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 79 80 81

(b) When the speed exceeds the lawful speed limit of	82
fifty-five miles per hour or more by more than ten miles per hour	83
..... 2 points	84
(c) When the speed exceeds the lawful speed limit of less	85
than fifty-five miles per hour by more than five miles per hour	86
..... 2 points	87
(d) When the speed does not exceed the amounts set forth in	88
divisions (C)(11)(a), (b), or (c) of this section	89
0 points	90
(12) Operating a motor vehicle in violation of a restriction	91
imposed by the registrar	92
2 points	
(13) All other moving violations reported under this section	93
<u>except a violation of division (A)(1)(c) of section 4513.03 of the</u>	94
<u>Revised Code</u>	95
2 points	
(D) Upon receiving notification from the proper court,	96
including a United States district court that has jurisdiction	97
within this state, the bureau shall delete any points entered for	98
a bond forfeiture if the driver is acquitted of the offense for	99
which bond was posted.	100
(E) If a person is convicted of or forfeits bail for two or	101
more offenses arising out of the same facts and points are	102
chargeable for each of the offenses, points shall be charged for	103
only the conviction or bond forfeiture for which the greater	104
number of points is chargeable, and, if the number of points	105
chargeable for each offense is equal, only one offense shall be	106
recorded, and points shall be charged only for that offense.	107
Sec. 4511.98. The director of transportation, board of county	108
commissioners, or board of township trustees shall cause signs to	109
be erected advising motorists that <u>every vehicle is required to</u>	110
<u>display lighted lights and illuminating devices in a construction</u>	111

zone and also that increased penalties apply for certain traffic 112
violations occurring on streets or highways in a construction 113
zone. The requirement to display lights and the increased 114
penalties shall be effective only when the signs are erected in 115
accordance with the guidelines and design specifications 116
established by the director under section 5501.27 of the Revised 117
Code, and when a violation occurs during hours of actual work 118
within the construction zone. 119

Sec. 4513.03. (A) ~~Every (1) Except as provided in division~~ 120
~~(A)(2) of this section, every vehicle that is~~ upon a street or 121
highway within this state ~~during the time from sunset to sunrise,~~ 122
~~and at any other time when there are unfavorable atmospheric~~ 123
~~conditions or when there is not sufficient natural light to render~~ 124
~~discernible persons, vehicles, and substantial objects on the~~ 125
~~highway at a distance of one thousand feet ahead,~~ shall display 126
lighted lights and illuminating devices as required by sections 127
4513.04 to 4513.37 of the Revised Code, for different classes of 128
vehicles; ~~except that every, as follows:~~ 129

(a) During the time from sunset to sunrise; 130

(b) At any time when there are unfavorable atmospheric 131
conditions or when there is not sufficient natural light to render 132
discernible persons, vehicles, and substantial objects on the 133
highway at a distance of one thousand feet; 134

(c) During hours of actual work within a construction zone, 135
as defined in section 5501.27 of the Revised Code, if signs have 136
been erected under section 4511.98 of the Revised Code giving 137
notice of the requirement for lighted lights. 138

(2) Every motorized bicycle shall display at such times 139
lighted lights meeting the rules adopted by the director of public 140
safety under section 4511.521 of the Revised Code. ~~No~~ 141

(B) When required under division (A) of this section to 142
display lighted lights or illuminated devices, no motor vehicle, 143
during such times, shall be operated upon a street or highway 144
within this state using only parking lights or daytime running 145
lamps as illumination. 146

(C) Whenever in such sections 4513.04 to 4513.37 of the 147
Revised Code declare a requirement is declared as to the distance 148
from which certain lamps and devices shall render objects visible, 149
or within which such lamps or devices shall be visible, ~~such~~ the 150
distance shall be measured upon a straight level unlighted highway 151
under normal atmospheric conditions unless a different condition 152
is expressly stated. 153

(D) Whenever in such those sections declare a requirement ~~is~~ 154
~~declared~~ as to the mounted height of lights or devices, it shall 155
mean from the center of such light or device to the level ground 156
upon which the vehicle stands. 157

~~(B)~~(E) As used in this section, "daytime running lamps" has 158
the same meaning as in federal motor vehicle safety standard 159
number 108. 160

(F) Whoever violates this section shall be punished as 161
provided in section 4513.99 of the Revised Code. 162

Sec. 5501.27. (A) The director of transportation shall adopt 163
rules that do the following: 164

(1) Rules governing the posting of signs advising motorists 165
of the requirement to display lighted lights and illuminating 166
devices, and also that increased penalties apply for certain 167
traffic violations occurring on streets or highways, in a 168
construction zone; 169

(2) Rules governing the posting of signs to be used pursuant 170
to section 2903.081 of the Revised Code giving notice to motorists 171

of the prohibitions set forth in sections 2903.06 and 2903.08 of 172
the Revised Code regarding the death of or injury to any person in 173
a construction zone as a proximate result of a reckless operation 174
offense or speeding offense. 175

(B) The rules required under divisions (A)(1) and (2) of this 176
section shall include guidelines to determine which areas are 177
appropriate to the posting of such signs. The guidelines may 178
include consideration of the following: the duration of the work 179
on the street or highway, the proximity of workers to moving 180
traffic, the existence of any unusual or hazardous conditions, the 181
volume of traffic on the street or highway, and any other 182
appropriate factors. The director shall formulate design 183
specifications for the signs described in division (A)(1) of this 184
section advising motorists of the lighted lights requirement and 185
the increased penalties and the signs described in division (A)(2) 186
of this section notifying motorists of the prohibitions set forth 187
in sections 2903.06 and 2903.08 of the Revised Code regarding the 188
death of or injury to any person in a construction zone as a 189
proximate result of a reckless operation offense or speeding 190
offense as described in that division. For purposes of traffic 191
violation penalties, nothing in this section is intended to 192
conflict with any standard set forth in the federal manual of 193
uniform traffic control devices for streets and highways. 194

(C) As used in this section and in ~~section~~ sections 4511.98 195
and 4513.03 of the Revised Code, "construction zone" means that 196
lane or portion of street or highway open to vehicular traffic and 197
adjacent to a lane, berm, or shoulder of a street or highway 198
within which lane, berm, or shoulder construction, reconstruction, 199
resurfacing, or any other work of a repair or maintenance nature, 200
including public utility work, is being conducted, commencing with 201
the point where the first worker or piece of equipment is located 202
and ending where the last worker or piece of equipment is located. 203

Section 2. That existing sections 4510.036, 4511.98, 4513.03, 204
and 5501.27 of the Revised Code are hereby repealed. 205