

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 128

Representative Hagan

Cosponsors: Representatives Harris, Murray, Yuko, Winburn, Luckie

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A B I L L

To amend sections 4510.02, 4510.036, 4511.21, 1
4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 2
4511.44, 4511.441, 4511.45, 4511.451, 4511.46, 3
4511.47, and 4513.39 and to enact section 4501.14 4
of the Revised Code to provide for increased 5
penalties when a person violates the motor vehicle 6
traffic law assured clear distance ahead provision 7
or commits a failure to yield the right-of-way 8
offense that results in serious physical harm or 9
death to another person. 10

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

Section 1. That sections 4510.02, 4510.036, 4511.21, 4511.33, 11
4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.45, 12
4511.451, 4511.46, 4511.47, and 4513.39 be amended and section 13
4501.14 of the Revised Code be enacted to read as follows: 14

Sec. 4501.14. There is hereby created in the state treasury 15
the highway safety education fund, consisting of those portions of 16
fines collected pursuant to and specified in sections 4511.21, 17
4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 18
4511.45, 4511.451, 4511.46, and 4511.47 of the Revised Code. The 19

department of public safety shall use the money in the fund only 20
to pay for educational activities that relate to highway safety. 21

Sec. 4510.02. (A) When a court elects or is required to 22
suspend the driver's license, commercial driver's license, 23
temporary instruction permit, probationary license, or nonresident 24
operating privilege of any offender from a specified suspension 25
class, for each of the following suspension classes, the court 26
shall impose a definite period of suspension from the range 27
specified for the suspension class: 28

(1) For a class one suspension, a definite period for the 29
life of the person subject to the suspension; 30

(2) For a class two suspension, a definite period of three 31
years to life; 32

(3) For a class three suspension, a definite period of two to 33
ten years; 34

(4) For a class four suspension, a definite period of one to 35
five years; 36

(5) For a class five suspension, a definite period of six 37
months to three years; 38

(6) For a class six suspension, a definite period of three 39
months to two years; 40

(7) For a class seven suspension, a definite period not to 41
exceed one year; 42

(8) For a class eight suspension, a definite period not to 43
exceed six months. 44

(B) When the bureau of motor vehicles elects or is required 45
to suspend the driver's license, commercial driver's license, 46
temporary instruction permit, probationary license, or nonresident 47
operating privilege of any person from a specified suspension 48

class, for each of the following suspension classes, the period of suspension shall be as follows:

- (1) For a class A suspension, three years;
- (2) For a class B suspension, two years;
- (3) For a class C suspension, one year;
- (4) For a class D suspension, six months;
- (5) For a class E suspension, three months;
- (6) For a class F suspension, until conditions are met.

(C) The court may require a person to successfully complete a remedial driving course as a condition for the return of full driving privileges after a suspension period imposed from any range in division (A) of this section or otherwise imposed by the court pursuant to any other provision of law ends.

(D) When a court or the bureau suspends the driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege of any offender or person pursuant to any provision of law that does not provide for the suspension to be from a class set forth in division (A) or (B) of this section, except as otherwise provided in the provision that authorizes or requires the suspension, the suspension shall be subject to and governed by this chapter.

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

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

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

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

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

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

(4) A violation of section 4511.251 of the Revised Code or

any ordinance prohibiting street racing	6 points	110
(5) A violation of section 4510.11, 4510.14, 4510.16, or		111
4510.21 of the Revised Code or any ordinance prohibiting the		112
operation of a motor vehicle while the driver's or commercial		113
driver's license is under suspension	6 points	114
(6) A violation of division (A) of section 4511.19 of the		115
Revised Code, any ordinance prohibiting the operation of a vehicle		116
while under the influence of alcohol, a drug of abuse, or a		117
combination of them, or any ordinance substantially equivalent to		118
division (A) of section 4511.19 of the Revised Code prohibiting		119
the operation of a vehicle with a prohibited concentration of		120
alcohol, a controlled substance, or a metabolite of a controlled		121
substance in the whole blood, blood serum or plasma, breath, or		122
urine	6 points	123
(7) A violation of section 2913.03 of the Revised Code that		124
does not involve an aircraft or motorboat or any ordinance		125
prohibiting the operation of a vehicle without the consent of the		126
owner	6 points	127
(8) Any offense under the motor vehicle laws of this state		128
that is a felony, or any other felony in the commission of which a		129
motor vehicle was used	6 points	130
(9) A violation of division (B) of section 4511.19 of the		131
Revised Code or any ordinance substantially equivalent to that		132
division prohibiting the operation of a vehicle with a prohibited		133
concentration of alcohol in the whole blood, blood serum or		134
plasma, breath, or urine	4 points	135
(10) A violation of section 4511.20 of the Revised Code or		136
any ordinance prohibiting the operation of a motor vehicle in		137
willful or wanton disregard of the safety of persons or property		138
.....	4 points	139
(11) A violation of any law or ordinance pertaining to speed:		140

(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	141 142 143
(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	144 145 146
(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	147 148 149
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section	0 points	150 151 152
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar	2 points	153 154
(13) <u>A violation of section 4511.21, 4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.45, 4511.451, 4511.46, or 4511.47 of the Revised Code in which the court assesses at least two but not more than six points</u>	<u>2 to 6 points, as assessed by the court</u>	155 156 157 158 159
(14) All other moving violations reported under this section	2 points	160 161
(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 a bond forfeiture if the driver is acquitted of the offense for which bond was posted.		162 163 164 165 166
(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for only the conviction or bond forfeiture for which the greater		167 168 169 170

number of points is chargeable, and, if the number of points 171
chargeable for each offense is equal, only one offense shall be 172
recorded, and points shall be charged only for that offense. 173

Sec. 4511.21. (A) No person shall operate a motor vehicle, 174
trackless trolley, or streetcar at a speed greater or less than is 175
reasonable or proper, having due regard to the traffic, surface, 176
and width of the street or highway and any other conditions, and 177
no person shall drive any motor vehicle, trackless trolley, or 178
streetcar in and upon any street or highway at a greater speed 179
than will permit the person to bring it to a stop within the 180
assured clear distance ahead. 181

(B) It is prima-facie lawful, in the absence of a lower limit 182
declared pursuant to this section by the director of 183
transportation or local authorities, for the operator of a motor 184
vehicle, trackless trolley, or streetcar to operate the same at a 185
speed not exceeding the following: 186

(1)(a) Twenty miles per hour in school zones during school 187
recess and while children are going to or leaving school during 188
the opening or closing hours, and when twenty miles per hour 189
school speed limit signs are erected; except that, on 190
controlled-access highways and expressways, if the right-of-way 191
line fence has been erected without pedestrian opening, the speed 192
shall be governed by division (B)(4) of this section and on 193
freeways, if the right-of-way line fence has been erected without 194
pedestrian opening, the speed shall be governed by divisions 195
(B)(9) and (10) of this section. The end of every school zone may 196
be marked by a sign indicating the end of the zone. Nothing in 197
this section or in the manual and specifications for a uniform 198
system of traffic control devices shall be construed to require 199
school zones to be indicated by signs equipped with flashing or 200
other lights, or giving other special notice of the hours in which 201

the school zone speed limit is in effect. 202

(b) As used in this section and in section 4511.212 of the 203
Revised Code, "school" means any school chartered under section 204
3301.16 of the Revised Code and any nonchartered school that 205
during the preceding year filed with the department of education 206
in compliance with rule 3301-35-08 of the Ohio Administrative 207
Code, a copy of the school's report for the parents of the 208
school's pupils certifying that the school meets Ohio minimum 209
standards for nonchartered, nontax-supported schools and presents 210
evidence of this filing to the jurisdiction from which it is 211
requesting the establishment of a school zone. "School" also 212
includes a special elementary school that in writing requests the 213
county engineer of the county in which the special elementary 214
school is located to create a school zone at the location of that 215
school. Upon receipt of such a written request, the county 216
engineer shall create a school zone at that location by erecting 217
the appropriate signs. 218

(c) As used in this section, "school zone" means that portion 219
of a street or highway passing a school fronting upon the street 220
or highway that is encompassed by projecting the school property 221
lines to the fronting street or highway, and also includes that 222
portion of a state highway. Upon request from local authorities 223
for streets and highways under their jurisdiction and that portion 224
of a state highway under the jurisdiction of the director of 225
transportation or a request from a county engineer in the case of 226
a school zone for a special elementary school, the director may 227
extend the traditional school zone boundaries. The distances in 228
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 229
exceed three hundred feet per approach per direction and are 230
bounded by whichever of the following distances or combinations 231
thereof the director approves as most appropriate: 232

(i) The distance encompassed by projecting the school 233

building lines normal to the fronting highway and extending a 234
distance of three hundred feet on each approach direction; 235

(ii) The distance encompassed by projecting the school 236
property lines intersecting the fronting highway and extending a 237
distance of three hundred feet on each approach direction; 238

(iii) The distance encompassed by the special marking of the 239
pavement for a principal school pupil crosswalk plus a distance of 240
three hundred feet on each approach direction of the highway. 241

Nothing in this section shall be construed to invalidate the 242
director's initial action on August 9, 1976, establishing all 243
school zones at the traditional school zone boundaries defined by 244
projecting school property lines, except when those boundaries are 245
extended as provided in divisions (B)(1)(a) and (c) of this 246
section. 247

(d) As used in this division, "crosswalk" has the meaning 248
given that term in division (LL)(2) of section 4511.01 of the 249
Revised Code. 250

The director may, upon request by resolution of the 251
legislative authority of a municipal corporation, the board of 252
trustees of a township, or a county board of mental retardation 253
and developmental disabilities created pursuant to Chapter 5126. 254
of the Revised Code, and upon submission by the municipal 255
corporation, township, or county board of such engineering, 256
traffic, and other information as the director considers 257
necessary, designate a school zone on any portion of a state route 258
lying within the municipal corporation, lying within the 259
unincorporated territory of the township, or lying adjacent to the 260
property of a school that is operated by such county board, that 261
includes a crosswalk customarily used by children going to or 262
leaving a school during recess and opening and closing hours, 263
whenever the distance, as measured in a straight line, from the 264

school property line nearest the crosswalk to the nearest point of 265
the crosswalk is no more than one thousand three hundred twenty 266
feet. Such a school zone shall include the distance encompassed by 267
the crosswalk and extending three hundred feet on each approach 268
direction of the state route. 269

(e) As used in this section, "special elementary school" 270
means a school that meets all of the following criteria: 271

(i) It is not chartered and does not receive tax revenue from 272
any source. 273

(ii) It does not educate children beyond the eighth grade. 274

(iii) It is located outside the limits of a municipal 275
corporation. 276

(iv) A majority of the total number of students enrolled at 277
the school are not related by blood. 278

(v) The principal or other person in charge of the special 279
elementary school annually sends a report to the superintendent of 280
the school district in which the special elementary school is 281
located indicating the total number of students enrolled at the 282
school, but otherwise the principal or other person in charge does 283
not report any other information or data to the superintendent. 284

(2) Twenty-five miles per hour in all other portions of a 285
municipal corporation, except on state routes outside business 286
districts, through highways outside business districts, and 287
alleys; 288

(3) Thirty-five miles per hour on all state routes or through 289
highways within municipal corporations outside business districts, 290
except as provided in divisions (B)(4) and (6) of this section; 291

(4) Fifty miles per hour on controlled-access highways and 292
expressways within municipal corporations; 293

(5) Fifty-five miles per hour on highways outside municipal 294

corporations, other than highways within island jurisdictions as	295
provided in division (B)(8) of this section and freeways as	296
provided in division (B)(13) of this section;	297
(6) Fifty miles per hour on state routes within municipal	298
corporations outside urban districts unless a lower prima-facie	299
speed is established as further provided in this section;	300
(7) Fifteen miles per hour on all alleys within the municipal	301
corporation;	302
(8) Thirty-five miles per hour on highways outside municipal	303
corporations that are within an island jurisdiction;	304
(9) Fifty-five miles per hour at all times on freeways with	305
paved shoulders inside municipal corporations, other than freeways	306
as provided in division (B)(13) of this section;	307
(10) Fifty-five miles per hour at all times on freeways	308
outside municipal corporations, other than freeways as provided in	309
division (B)(13) of this section;	310
(11) Fifty-five miles per hour at all times on all portions	311
of freeways that are part of the interstate system and on all	312
portions of freeways that are not part of the interstate system,	313
but are built to the standards and specifications that are	314
applicable to freeways that are part of the interstate system for	315
operators of any motor vehicle weighing in excess of eight	316
thousand pounds empty weight and any noncommercial bus;	317
(12) Fifty-five miles per hour for operators of any motor	318
vehicle weighing eight thousand pounds or less empty weight and	319
any commercial bus at all times on all portions of freeways that	320
are part of the interstate system and that had such a speed limit	321
established prior to October 1, 1995, and freeways that are not	322
part of the interstate system, but are built to the standards and	323
specifications that are applicable to freeways that are part of	324
the interstate system and that had such a speed limit established	325

prior to October 1, 1995, unless a higher speed limit is 326
established under division (L) of this section; 327

(13) Sixty-five miles per hour for operators of any motor 328
vehicle weighing eight thousand pounds or less empty weight and 329
any commercial bus at all times on all portions of the following: 330

(a) Freeways that are part of the interstate system and that 331
had such a speed limit established prior to October 1, 1995, and 332
freeways that are not part of the interstate system, but are built 333
to the standards and specifications that are applicable to 334
freeways that are part of the interstate system and that had such 335
a speed limit established prior to October 1, 1995; 336

(b) Freeways that are part of the interstate system and 337
freeways that are not part of the interstate system but are built 338
to the standards and specifications that are applicable to 339
freeways that are part of the interstate system, and that had such 340
a speed limit established under division (L) of this section; 341

(c) Rural, divided, multi-lane highways that are designated 342
as part of the national highway system under the "National Highway 343
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 344
and that had such a speed limit established under division (M) of 345
this section. 346

(C) It is prima-facie unlawful for any person to exceed any 347
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 348
(6), (7), and (8) of this section, or any declared pursuant to 349
this section by the director or local authorities and it is 350
unlawful for any person to exceed any of the speed limitations in 351
division (D) of this section. No person shall be convicted of more 352
than one violation of this section for the same conduct, although 353
violations of more than one provision of this section may be 354
charged in the alternative in a single affidavit. 355

(D) No person shall operate a motor vehicle, trackless 356

trolley, or streetcar upon a street or highway as follows: 357

(1) At a speed exceeding fifty-five miles per hour, except 358
upon a freeway as provided in division (B)(13) of this section; 359

(2) At a speed exceeding sixty-five miles per hour upon a 360
freeway as provided in division (B)(13) of this section except as 361
otherwise provided in division (D)(3) of this section; 362

(3) If a motor vehicle weighing in excess of eight thousand 363
pounds empty weight or a noncommercial bus as prescribed in 364
division (B)(11) of this section, at a speed exceeding fifty-five 365
miles per hour upon a freeway as provided in that division; 366

(4) At a speed exceeding the posted speed limit upon a 367
freeway for which the director has determined and declared a speed 368
limit of not more than sixty-five miles per hour pursuant to 369
division (L)(2) or (M) of this section; 370

(5) At a speed exceeding sixty-five miles per hour upon a 371
freeway for which such a speed limit has been established through 372
the operation of division (L)(3) of this section; 373

(6) At a speed exceeding the posted speed limit upon a 374
freeway for which the director has determined and declared a speed 375
limit pursuant to division (I)(2) of this section. 376

(E) In every charge of violation of this section the 377
affidavit and warrant shall specify the time, place, and speed at 378
which the defendant is alleged to have driven, and in charges made 379
in reliance upon division (C) of this section also the speed which 380
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 381
declared pursuant to, this section declares is prima-facie lawful 382
at the time and place of such alleged violation, except that in 383
affidavits where a person is alleged to have driven at a greater 384
speed than will permit the person to bring the vehicle to a stop 385
within the assured clear distance ahead the affidavit and warrant 386
need not specify the speed at which the defendant is alleged to 387

have driven. 388

(F) When a speed in excess of both a prima-facie limitation 389
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 390
this section is alleged, the defendant shall be charged in a 391
single affidavit, alleging a single act, with a violation 392
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 393
(8) of this section, or of a limit declared pursuant to this 394
section by the director or local authorities, and of the 395
limitation in division (D)(1), (2), (3), (4), (5), or (6) of this 396
section. If the court finds a violation of division (B)(1)(a), 397
(2), (3), (4), (6), (7), or (8) of, or a limit declared pursuant 398
to, this section has occurred, it shall enter a judgment of 399
conviction under such division and dismiss the charge under 400
division (D)(1), (2), (3), (4), (5), or (6) of this section. If it 401
finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), 402
or (8) of, or a limit declared pursuant to, this section, it shall 403
then consider whether the evidence supports a conviction under 404
division (D)(1), (2), (3), (4), (5), or (6) of this section. 405

(G) Points shall be assessed for violation of a limitation 406
under division (D) of this section in accordance with section 407
4510.036 of the Revised Code. 408

(H) Whenever the director determines upon the basis of a 409
geometric and traffic characteristic study that any speed limit 410
set forth in divisions (B)(1)(a) to (D) of this section is greater 411
or less than is reasonable or safe under the conditions found to 412
exist at any portion of a street or highway under the jurisdiction 413
of the director, the director shall determine and declare a 414
reasonable and safe prima-facie speed limit, which shall be 415
effective when appropriate signs giving notice of it are erected 416
at the location. 417

(I)(1) Except as provided in divisions (I)(2) and (K) of this 418
section, whenever local authorities determine upon the basis of an 419

engineering and traffic investigation that the speed permitted by 420
divisions (B)(1)(a) to (D) of this section, on any part of a 421
highway under their jurisdiction, is greater than is reasonable 422
and safe under the conditions found to exist at such location, the 423
local authorities may by resolution request the director to 424
determine and declare a reasonable and safe prima-facie speed 425
limit. Upon receipt of such request the director may determine and 426
declare a reasonable and safe prima-facie speed limit at such 427
location, and if the director does so, then such declared speed 428
limit shall become effective only when appropriate signs giving 429
notice thereof are erected at such location by the local 430
authorities. The director may withdraw the declaration of a 431
prima-facie speed limit whenever in the director's opinion the 432
altered prima-facie speed becomes unreasonable. Upon such 433
withdrawal, the declared prima-facie speed shall become 434
ineffective and the signs relating thereto shall be immediately 435
removed by the local authorities. 436

(2) A local authority may determine on the basis of a 437
geometric and traffic characteristic study that the speed limit of 438
sixty-five miles per hour on a portion of a freeway under its 439
jurisdiction that was established through the operation of 440
division (L)(3) of this section is greater than is reasonable or 441
safe under the conditions found to exist at that portion of the 442
freeway. If the local authority makes such a determination, the 443
local authority by resolution may request the director to 444
determine and declare a reasonable and safe speed limit of not 445
less than fifty-five miles per hour for that portion of the 446
freeway. If the director takes such action, the declared speed 447
limit becomes effective only when appropriate signs giving notice 448
of it are erected at such location by the local authority. 449

(J) Local authorities in their respective jurisdictions may 450
authorize by ordinance higher prima-facie speeds than those stated 451

in this section upon through highways, or upon highways or 452
portions thereof where there are no intersections, or between 453
widely spaced intersections, provided signs are erected giving 454
notice of the authorized speed, but local authorities shall not 455
modify or alter the basic rule set forth in division (A) of this 456
section or in any event authorize by ordinance a speed in excess 457
of fifty miles per hour. 458

Alteration of prima-facie limits on state routes by local 459
authorities shall not be effective until the alteration has been 460
approved by the director. The director may withdraw approval of 461
any altered prima-facie speed limits whenever in the director's 462
opinion any altered prima-facie speed becomes unreasonable, and 463
upon such withdrawal, the altered prima-facie speed shall become 464
ineffective and the signs relating thereto shall be immediately 465
removed by the local authorities. 466

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 467
section, "unimproved highway" means a highway consisting of any of 468
the following: 469

- (a) Unimproved earth; 470
- (b) Unimproved graded and drained earth; 471
- (c) Gravel. 472

(2) Except as otherwise provided in divisions (K)(4) and (5) 473
of this section, whenever a board of township trustees determines 474
upon the basis of an engineering and traffic investigation that 475
the speed permitted by division (B)(5) of this section on any part 476
of an unimproved highway under its jurisdiction and in the 477
unincorporated territory of the township is greater than is 478
reasonable or safe under the conditions found to exist at the 479
location, the board may by resolution declare a reasonable and 480
safe prima-facie speed limit of fifty-five but not less than 481
twenty-five miles per hour. An altered speed limit adopted by a 482

board of township trustees under this division becomes effective 483
when appropriate traffic control devices, as prescribed in section 484
4511.11 of the Revised Code, giving notice thereof are erected at 485
the location, which shall be no sooner than sixty days after 486
adoption of the resolution. 487

(3)(a) Whenever, in the opinion of a board of township 488
trustees, any altered prima-facie speed limit established by the 489
board under this division becomes unreasonable, the board may 490
adopt a resolution withdrawing the altered prima-facie speed 491
limit. Upon the adoption of such a resolution, the altered 492
prima-facie speed limit becomes ineffective and the traffic 493
control devices relating thereto shall be immediately removed. 494

(b) Whenever a highway ceases to be an unimproved highway and 495
the board has adopted an altered prima-facie speed limit pursuant 496
to division (K)(2) of this section, the board shall, by 497
resolution, withdraw the altered prima-facie speed limit as soon 498
as the highway ceases to be unimproved. Upon the adoption of such 499
a resolution, the altered prima-facie speed limit becomes 500
ineffective and the traffic control devices relating thereto shall 501
be immediately removed. 502

(4)(a) If the boundary of two townships rests on the 503
centerline of an unimproved highway in unincorporated territory 504
and both townships have jurisdiction over the highway, neither of 505
the boards of township trustees of such townships may declare an 506
altered prima-facie speed limit pursuant to division (K)(2) of 507
this section on the part of the highway under their joint 508
jurisdiction unless the boards of township trustees of both of the 509
townships determine, upon the basis of an engineering and traffic 510
investigation, that the speed permitted by division (B)(5) of this 511
section is greater than is reasonable or safe under the conditions 512
found to exist at the location and both boards agree upon a 513
reasonable and safe prima-facie speed limit of less than 514

fifty-five but not less than twenty-five miles per hour for that 515
location. If both boards so agree, each shall follow the procedure 516
specified in division (K)(2) of this section for altering the 517
prima-facie speed limit on the highway. Except as otherwise 518
provided in division (K)(4)(b) of this section, no speed limit 519
altered pursuant to division (K)(4)(a) of this section may be 520
withdrawn unless the boards of township trustees of both townships 521
determine that the altered prima-facie speed limit previously 522
adopted becomes unreasonable and each board adopts a resolution 523
withdrawing the altered prima-facie speed limit pursuant to the 524
procedure specified in division (K)(3)(a) of this section. 525

(b) Whenever a highway described in division (K)(4)(a) of 526
this section ceases to be an unimproved highway and two boards of 527
township trustees have adopted an altered prima-facie speed limit 528
pursuant to division (K)(4)(a) of this section, both boards shall, 529
by resolution, withdraw the altered prima-facie speed limit as 530
soon as the highway ceases to be unimproved. Upon the adoption of 531
the resolution, the altered prima-facie speed limit becomes 532
ineffective and the traffic control devices relating thereto shall 533
be immediately removed. 534

(5) As used in division (K)(5) of this section: 535

(a) "Commercial subdivision" means any platted territory 536
outside the limits of a municipal corporation and fronting a 537
highway where, for a distance of three hundred feet or more, the 538
frontage is improved with buildings in use for commercial 539
purposes, or where the entire length of the highway is less than 540
three hundred feet long and the frontage is improved with 541
buildings in use for commercial purposes. 542

(b) "Residential subdivision" means any platted territory 543
outside the limits of a municipal corporation and fronting a 544
highway, where, for a distance of three hundred feet or more, the 545
frontage is improved with residences or residences and buildings 546

in use for business, or where the entire length of the highway is 547
less than three hundred feet long and the frontage is improved 548
with residences or residences and buildings in use for business. 549

Whenever a board of township trustees finds upon the basis of 550
an engineering and traffic investigation that the prima-facie 551
speed permitted by division (B)(5) of this section on any part of 552
a highway under its jurisdiction that is located in a commercial 553
or residential subdivision, except on highways or portions thereof 554
at the entrances to which vehicular traffic from the majority of 555
intersecting highways is required to yield the right-of-way to 556
vehicles on such highways in obedience to stop or yield signs or 557
traffic control signals, is greater than is reasonable and safe 558
under the conditions found to exist at the location, the board may 559
by resolution declare a reasonable and safe prima-facie speed 560
limit of less than fifty-five but not less than twenty-five miles 561
per hour at the location. An altered speed limit adopted by a 562
board of township trustees under this division shall become 563
effective when appropriate signs giving notice thereof are erected 564
at the location by the township. Whenever, in the opinion of a 565
board of township trustees, any altered prima-facie speed limit 566
established by it under this division becomes unreasonable, it may 567
adopt a resolution withdrawing the altered prima-facie speed, and 568
upon such withdrawal, the altered prima-facie speed shall become 569
ineffective, and the signs relating thereto shall be immediately 570
removed by the township. 571

(L)(1) Within one hundred twenty days of February 29, 1996, 572
the director of transportation, based upon a geometric and traffic 573
characteristic study of a freeway that is part of the interstate 574
system or that is not part of the interstate system, but is built 575
to the standards and specifications that are applicable to 576
freeways that are part of the interstate system, in consultation 577
with the director of public safety and, if applicable, the local 578

authority having jurisdiction over a portion of such freeway, may 579
determine and declare that the speed limit of less than sixty-five 580
miles per hour established on such freeway or portion of freeway 581
either is reasonable and safe or is less than that which is 582
reasonable and safe. 583

(2) If the established speed limit for such a freeway or 584
portion of freeway is determined to be less than that which is 585
reasonable and safe, the director of transportation, in 586
consultation with the director of public safety and, if 587
applicable, the local authority having jurisdiction over the 588
portion of freeway, shall determine and declare a reasonable and 589
safe speed limit of not more than sixty-five miles per hour for 590
that freeway or portion of freeway. 591

The director of transportation or local authority having 592
jurisdiction over the freeway or portion of freeway shall erect 593
appropriate signs giving notice of the speed limit at such 594
location within one hundred fifty days of February 29, 1996. Such 595
speed limit becomes effective only when such signs are erected at 596
the location. 597

(3) If, within one hundred twenty days of February 29, 1996, 598
the director of transportation does not make a determination and 599
declaration of a reasonable and safe speed limit for a freeway or 600
portion of freeway that is part of the interstate system or that 601
is not part of the interstate system, but is built to the 602
standards and specifications that are applicable to freeways that 603
are part of the interstate system and that has a speed limit of 604
less than sixty-five miles per hour, the speed limit on that 605
freeway or portion of a freeway shall be sixty-five miles per 606
hour. The director of transportation or local authority having 607
jurisdiction over the freeway or portion of the freeway shall 608
erect appropriate signs giving notice of the speed limit of 609
sixty-five miles per hour at such location within one hundred 610

fifty days of February 29, 1996. Such speed limit becomes 611
effective only when such signs are erected at the location. A 612
speed limit established through the operation of division (L)(3) 613
of this section is subject to reduction under division (I)(2) of 614
this section. 615

(M) Within three hundred sixty days after February 29, 1996, 616
the director of transportation, based upon a geometric and traffic 617
characteristic study of a rural, divided, multi-lane highway that 618
has been designated as part of the national highway system under 619
the "National Highway System Designation Act of 1995," 109 Stat. 620
568, 23 U.S.C.A. 103, in consultation with the director of public 621
safety and, if applicable, the local authority having jurisdiction 622
over a portion of the highway, may determine and declare that the 623
speed limit of less than sixty-five miles per hour established on 624
the highway or portion of highway either is reasonable and safe or 625
is less than that which is reasonable and safe. 626

If the established speed limit for the highway or portion of 627
highway is determined to be less than that which is reasonable and 628
safe, the director of transportation, in consultation with the 629
director of public safety and, if applicable, the local authority 630
having jurisdiction over the portion of highway, shall determine 631
and declare a reasonable and safe speed limit of not more than 632
sixty-five miles per hour for that highway or portion of highway. 633
The director of transportation or local authority having 634
jurisdiction over the highway or portion of highway shall erect 635
appropriate signs giving notice of the speed limit at such 636
location within three hundred ninety days after February 29, 1996. 637
The speed limit becomes effective only when such signs are erected 638
at the location. 639

(N)(1)(a) If the boundary of two local authorities rests on 640
the centerline of a highway and both authorities have jurisdiction 641
over the highway, the speed limit for the part of the highway 642

within their joint jurisdiction shall be either one of the 643
following as agreed to by both authorities: 644

(i) Either prima-facie speed limit permitted by division (B) 645
of this section; 646

(ii) An altered speed limit determined and posted in 647
accordance with this section. 648

(b) If the local authorities are unable to reach an 649
agreement, the speed limit shall remain as established and posted 650
under this section. 651

(2) Neither local authority may declare an altered 652
prima-facie speed limit pursuant to this section on the part of 653
the highway under their joint jurisdiction unless both of the 654
local authorities determine, upon the basis of an engineering and 655
traffic investigation, that the speed permitted by this section is 656
greater than is reasonable or safe under the conditions found to 657
exist at the location and both authorities agree upon a uniform 658
reasonable and safe prima-facie speed limit of less than 659
fifty-five but not less than twenty-five miles per hour for that 660
location. If both authorities so agree, each shall follow the 661
procedure specified in this section for altering the prima-facie 662
speed limit on the highway, and the speed limit for the part of 663
the highway within their joint jurisdiction shall be uniformly 664
altered. No altered speed limit may be withdrawn unless both local 665
authorities determine that the altered prima-facie speed limit 666
previously adopted becomes unreasonable and each adopts a 667
resolution withdrawing the altered prima-facie speed limit 668
pursuant to the procedure specified in this section. 669

(0) As used in this section: 670

(1) "Interstate system" has the same meaning as in 23 671
U.S.C.A. 101. 672

(2) "Commercial bus" means a motor vehicle designed for 673

carrying more than nine passengers and used for the transportation 674
of persons for compensation. 675

(3) "Noncommercial bus" includes but is not limited to a 676
school bus or a motor vehicle operated solely for the 677
transportation of persons associated with a charitable or 678
nonprofit organization. 679

(P)(1) A violation of any provision of this section is one of 680
the following: 681

(a) Except as otherwise provided in divisions (P)(1)(b), 682
(1)(c), (2), and (3) of this section, a minor misdemeanor; 683

(b) If, within one year of the offense, the offender 684
previously has been convicted of or pleaded guilty to two 685
violations of any provision of this section or of any provision of 686
a municipal ordinance that is substantially similar to any 687
provision of this section, a misdemeanor of the fourth degree; 688

(c) If, within one year of the offense, the offender 689
previously has been convicted of or pleaded guilty to three or 690
more violations of any provision of this section or of any 691
provision of a municipal ordinance that is substantially similar 692
to any provision of this section, a misdemeanor of the third 693
degree. 694

(2) If the offender has not previously been convicted of or 695
pleaded guilty to a violation of any provision of this section or 696
of any provision of a municipal ordinance that is substantially 697
similar to this section and operated a motor vehicle faster than 698
thirty-five miles an hour in a business district of a municipal 699
corporation, faster than fifty miles an hour in other portions of 700
a municipal corporation, or faster than thirty-five miles an hour 701
in a school zone during recess or while children are going to or 702
leaving school during the school's opening or closing hours, a 703
misdemeanor of the fourth degree. 704

(3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4)(a) If the offender's violation of division (A) of this section resulted in serious physical harm to another person, the court, in addition to any penalty the court imposes upon the offender pursuant to division (P)(1) of this section and notwithstanding section 2929.28 of the Revised Code, shall impose a fine of not more than five hundred dollars. The court also shall impose a class eight license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(8) of section 4510.02 of the Revised Code. The court also shall assess at least two, and may assess three or four, points against the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall notify the registrar of motor vehicles of the number of points assessed in accordance with sections 4510.03 to 4510.036 of the Revised Code.

The court shall forward the first twenty-five dollars of any fine collected under division (P)(4)(a) of this section to the treasurer of state for deposit into the highway safety education

fund created by section 4501.14 of the Revised Code. 737

(b) If the offender's violation of division (A) of this 738
section resulted in the death of another person, the court, in 739
addition to any penalty the court imposes upon the offender 740
pursuant to division (P)(1) of this section and notwithstanding 741
section 2929.28 of the Revised Code, shall impose a fine of not 742
more than one thousand dollars. The court also shall impose a 743
class seven license suspension of the offender's driver's license, 744
commercial driver's license, temporary instruction permit, 745
probationary license, or nonresident operating privilege from the 746
range specified in division (A)(7) of section 4510.02 of the 747
Revised Code. The court also shall assess at least two, and may 748
assess three, four, five, or six, points against the offender's 749
driver's license, commercial driver's license, temporary 750
instruction permit, probationary license, or nonresident operating 751
privilege. The court shall notify the registrar of the number of 752
points assessed in accordance with sections 4510.03 to 4510.036 of 753
the Revised Code. 754

The court shall forward the first fifty dollars of any fine 755
collected under division (P)(4)(b) of this section to the 756
treasurer of state for deposit into the highway safety education 757
fund created by section 4501.14 of the Revised Code. 758

Sec. 4511.33. (A) Whenever any roadway has been divided into 759
two or more clearly marked lanes for traffic, or wherever within 760
municipal corporations traffic is lawfully moving in two or more 761
substantially continuous lines in the same direction, the 762
following rules apply: 763

(1) A vehicle or trackless trolley shall be driven, as nearly 764
as is practicable, entirely within a single lane or line of 765
traffic and shall not be moved from such lane or line until the 766
driver has first ascertained that such movement can be made with 767

safety. 768

(2) Upon a roadway which is divided into three lanes and 769
provides for two-way movement of traffic, a vehicle or trackless 770
trolley shall not be driven in the center lane except when 771
overtaking and passing another vehicle or trackless trolley where 772
the roadway is clearly visible and such center lane is clear of 773
traffic within a safe distance, or when preparing for a left turn, 774
or where such center lane is at the time allocated exclusively to 775
traffic moving in the direction the vehicle or trackless trolley 776
is proceeding and is posted with signs to give notice of such 777
allocation. 778

(3) Official signs may be erected directing specified traffic 779
to use a designated lane or designating those lanes to be used by 780
traffic moving in a particular direction regardless of the center 781
of the roadway, or restricting the use of a particular lane to 782
only buses during certain hours or during all hours, and drivers 783
of vehicles and trackless trolleys shall obey the directions of 784
such signs. 785

(4) Official traffic control devices may be installed 786
prohibiting the changing of lanes on sections of roadway and 787
drivers of vehicles shall obey the directions of every such 788
device. 789

(B)(1) Except as otherwise provided in ~~this~~ division (B)(1) 790
of this section, whoever violates this section is guilty of a 791
minor misdemeanor. If, within one year of the offense, the 792
offender previously has been convicted of or pleaded guilty to one 793
predicate motor vehicle or traffic offense, whoever violates this 794
section is guilty of a misdemeanor of the fourth degree. If, 795
within one year of the offense, the offender previously has been 796
convicted of two or more predicate motor vehicle or traffic 797
offenses, whoever violates this section is guilty of a misdemeanor 798
of the third degree. 799

(2) If the offender's violation of division (A) of this section resulted in serious physical harm to another person, the court, in addition to any penalty the court imposes upon the offender pursuant to division (B)(1) of this section and notwithstanding section 2929.28 of the Revised Code, shall impose a fine of not more than five hundred dollars. The court also shall impose a class eight license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(8) of section 4510.02 of the Revised Code. The court also shall assess at least two, and may assess three or four, points against the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall notify the registrar of motor vehicles of the number of points assessed in accordance with sections 4510.03 to 4510.036 of the Revised Code.

The court shall forward the first twenty-five dollars of any fine collected under division (B)(2) of this section to the treasurer of state for deposit into the highway safety education fund created by section 4501.14 of the Revised Code.

(3) If the offender's violation of division (A) of this section resulted in the death of another person, the court, in addition to any penalty the court imposes upon the offender pursuant to division (B)(1) of this section and notwithstanding section 2929.28 of the Revised Code, shall impose a fine of not more than one thousand dollars. The court also shall impose a class seven license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. The court also shall assess at least two, and may

assess three, four, five, or six, points against the offender's 832
driver's license, commercial driver's license, temporary 833
instruction permit, probationary license, or nonresident operating 834
privilege. The court shall notify the registrar of the number of 835
points assessed in accordance with sections 4510.03 to 4510.036 of 836
the Revised Code. 837

The court shall forward the first fifty dollars of any fine 838
collected under division (B)(3) of this section to the treasurer 839
of state for deposit into the highway safety education fund 840
created by section 4501.14 of the Revised Code. 841

Sec. 4511.41. (A) When two vehicles, including any trackless 842
trolley or streetcar, approach or enter an intersection from 843
different streets or highways at approximately the same time, the 844
driver of the vehicle on the left shall yield the right-of-way to 845
the vehicle on the right. 846

(B) The right-of-way rule declared in division (A) of this 847
section is modified at through highways and otherwise as stated in 848
Chapter 4511. of the Revised Code. 849

(C)(1) Except as otherwise provided in ~~this~~ division (C)(1) 850
of this section, whoever violates this section is guilty of a 851
minor misdemeanor. If, within one year of the offense, the 852
offender previously has been convicted of or pleaded guilty to one 853
predicate motor vehicle or traffic offense, whoever violates this 854
section is guilty of a misdemeanor of the fourth degree. If, 855
within one year of the offense, the offender previously has been 856
convicted of two or more predicate motor vehicle or traffic 857
offenses, whoever violates this section is guilty of a misdemeanor 858
of the third degree. 859

(2) If the offender's violation of division (A) of this 860
section resulted in serious physical harm to another person, the 861
court, in addition to any penalty the court imposes upon the 862

offender pursuant to division (C)(1) of this section and 863
notwithstanding section 2929.28 of the Revised Code, shall impose 864
a fine of not more than five hundred dollars. The court also shall 865
impose a class eight license suspension of the offender's driver's 866
license, commercial driver's license, temporary instruction 867
permit, probationary license, or nonresident operating privilege 868
from the range specified in division (A)(8) of section 4510.02 of 869
the Revised Code. The court also shall assess at least two, and 870
may assess three or four, points against the offender's driver's 871
license, commercial driver's license, temporary instruction 872
permit, probationary license, or nonresident operating privilege. 873
The court shall notify the registrar of motor vehicles of the 874
number of points assessed in accordance with sections 4510.03 to 875
4510.036 of the Revised Code. 876

The court shall forward the first twenty-five dollars of any 877
fine collected under division (C)(2) of this section to the 878
treasurer of state for deposit into the highway safety education 879
fund created by section 4501.14 of the Revised Code. 880

(3) If the offender's violation of division (A) of this 881
section resulted in the death of another person, the court, in 882
addition to any penalty the court imposes upon the offender 883
pursuant to division (C)(1) of this section and notwithstanding 884
section 2929.28 of the Revised Code, shall impose a fine of not 885
more than one thousand dollars. The court also shall impose a 886
class seven license suspension of the offender's driver's license, 887
commercial driver's license, temporary instruction permit, 888
probationary license, or nonresident operating privilege from the 889
range specified in division (A)(7) of section 4510.02 of the 890
Revised Code. The court also shall assess at least two, and may 891
assess three, four, five, or six, points against the offender's 892
driver's license, commercial driver's license, temporary 893
instruction permit, probationary license, or nonresident operating 894

privilege. The court shall notify the registrar of the number of 895
points assessed in accordance with sections 4510.03 to 4510.036 of 896
the Revised Code. 897

The court shall forward the first fifty dollars of any fine 898
collected under division (C)(3) of this section to the treasurer 899
of state for deposit into the highway safety education fund 900
created by section 4501.14 of the Revised Code. 901

Sec. 4511.42. (A) The operator of a vehicle, streetcar, or 902
trackless trolley intending to turn to the left within an 903
intersection or into an alley, private road, or driveway shall 904
yield the right of way to any vehicle, streetcar, or trackless 905
trolley approaching from the opposite direction, whenever the 906
approaching vehicle, streetcar, or trackless trolley is within the 907
intersection or so close to the intersection, alley, private road, 908
or driveway as to constitute an immediate hazard. 909

(B)(1) Except as otherwise provided in ~~this~~ division (B)(1) 910
of this section, whoever violates this section is guilty of a 911
minor misdemeanor. If, within one year of the offense, the 912
offender previously has been convicted of or pleaded guilty to one 913
predicate motor vehicle or traffic offense, whoever violates this 914
section is guilty of a misdemeanor of the fourth degree. If, 915
within one year of the offense, the offender previously has been 916
convicted of two or more predicate motor vehicle or traffic 917
offenses, whoever violates this section is guilty of a misdemeanor 918
of the third degree. 919

(2) If the offender's violation of division (A) of this 920
section resulted in serious physical harm to another person, the 921
court, in addition to any penalty the court imposes upon the 922
offender pursuant to division (B)(1) of this section and 923
notwithstanding section 2929.28 of the Revised Code, shall impose 924
a fine of not more than five hundred dollars. The court also shall 925

impose a class eight license suspension of the offender's driver's 926
license, commercial driver's license, temporary instruction 927
permit, probationary license, or nonresident operating privilege 928
from the range specified in division (A)(8) of section 4510.02 of 929
the Revised Code. The court also shall assess at least two, and 930
may assess three or four, points against the offender's driver's 931
license, commercial driver's license, temporary instruction 932
permit, probationary license, or nonresident operating privilege. 933
The court shall notify the registrar of motor vehicles of the 934
number of points assessed in accordance with sections 4510.03 to 935
4510.036 of the Revised Code. 936

The court shall forward the first twenty-five dollars of any 937
fine collected under division (B)(2) of this section to the 938
treasurer of state for deposit into the highway safety education 939
fund created by section 4501.14 of the Revised Code. 940

(3) If the offender's violation of division (A) of this 941
section resulted in the death of another person, the court, in 942
addition to any penalty the court imposes upon the offender 943
pursuant to division (B)(1) of this section and notwithstanding 944
section 2929.28 of the Revised Code, shall impose a fine of not 945
more than one thousand dollars. The court also shall impose a 946
class seven license suspension of the offender's driver's license, 947
commercial driver's license, temporary instruction permit, 948
probationary license, or nonresident operating privilege from the 949
range specified in division (A)(7) of section 4510.02 of the 950
Revised Code. The court also shall assess at least two, and may 951
assess three, four, five, or six, points against the offender's 952
driver's license, commercial driver's license, temporary 953
instruction permit, probationary license, or nonresident operating 954
privilege. The court shall notify the registrar of the number of 955
points assessed in accordance with sections 4510.03 to 4510.036 of 956
the Revised Code. 957

The court shall forward the first fifty dollars of any fine 958
collected under division (B)(3) of this section to the treasurer 959
of state for deposit into the highway safety education fund 960
created by section 4501.14 of the Revised Code. 961

Sec. 4511.43. (A) Except when directed to proceed by a law 962
enforcement officer, every driver of a vehicle or trackless 963
trolley approaching a stop sign shall stop at a clearly marked 964
stop line, but if none, before entering the crosswalk on the near 965
side of the intersection, or, if none, then at the point nearest 966
the intersecting roadway where the driver has a view of 967
approaching traffic on the intersecting roadway before entering 968
it. After having stopped, the driver shall yield the right-of-way 969
to any vehicle in the intersection or approaching on another 970
roadway so closely as to constitute an immediate hazard during the 971
time the driver is moving across or within the intersection or 972
junction of roadways. 973

(B) The driver of a vehicle or trackless trolley approaching 974
a yield sign shall slow down to a speed reasonable for the 975
existing conditions and, if required for safety to stop, shall 976
stop at a clearly marked stop line, but if none, before entering 977
the crosswalk on the near side of the intersection, or, if none, 978
then at the point nearest the intersecting roadway where the 979
driver has a view of approaching traffic on the intersecting 980
roadway before entering it. After slowing or stopping, the driver 981
shall yield the right-of-way to any vehicle or trackless trolley 982
in the intersection or approaching on another roadway so closely 983
as to constitute an immediate hazard during the time the driver is 984
moving across or within the intersection or junction of roadways. 985
Whenever a driver is involved in a collision with a vehicle or 986
trackless trolley in the intersection or junction of roadways, 987
after driving past a yield sign without stopping, the collision 988
shall be prima-facie evidence of the driver's failure to yield the 989

right-of-way. 990

(C)(1) Except as otherwise provided in ~~this~~ division (C)(1) 991
of this section, whoever violates this section is guilty of a 992
minor misdemeanor. If, within one year of the offense, the 993
offender previously has been convicted of or pleaded guilty to one 994
predicate motor vehicle or traffic offense, whoever violates this 995
section is guilty of a misdemeanor of the fourth degree. If, 996
within one year of the offense, the offender previously has been 997
convicted of two or more predicate motor vehicle or traffic 998
offenses, whoever violates this section is guilty of a misdemeanor 999
of the third degree. 1000

(2) If the offender's violation of division (A) or (B) of 1001
this section resulted in serious physical harm to another person, 1002
the court, in addition to any penalty the court imposes upon the 1003
offender pursuant to division (C)(1) of this section and 1004
notwithstanding section 2929.28 of the Revised Code, shall impose 1005
a fine of not more than five hundred dollars. The court also shall 1006
impose a class eight license suspension of the offender's driver's 1007
license, commercial driver's license, temporary instruction 1008
permit, probationary license, or nonresident operating privilege 1009
from the range specified in division (A)(8) of section 4510.02 of 1010
the Revised Code. The court also shall assess at least two, and 1011
may assess three or four, points against the offender's driver's 1012
license, commercial driver's license, temporary instruction 1013
permit, probationary license, or nonresident operating privilege. 1014
The court shall notify the registrar of motor vehicles of the 1015
number of points assessed in accordance with sections 4510.03 to 1016
4510.036 of the Revised Code. 1017

The court shall forward the first twenty-five dollars of any 1018
fine collected under division (C)(2) of this section to the 1019
treasurer of state for deposit into the highway safety education 1020
fund created by section 4501.14 of the Revised Code. 1021

(3) If the offender's violation of division (A) or (B) of this section resulted in the death of another person, the court, in addition to any penalty the court imposes upon the offender pursuant to division (C)(1) of this section and notwithstanding section 2929.28 of the Revised Code, shall impose a fine of not more than one thousand dollars. The court also shall impose a class seven license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. The court also shall assess at least two, and may assess three, four, five, or six, points against the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall notify the registrar of the number of points assessed in accordance with sections 4510.03 to 4510.036 of the Revised Code.

The court shall forward the first fifty dollars of any fine collected under division (C)(3) of this section to the treasurer of state for deposit into the highway safety education fund created by section 4501.14 of the Revised Code.

Sec. 4511.431. (A) The driver of a vehicle or trackless trolley emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle or trackless trolley immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(B)(1) Except as otherwise provided in this division (B)(1)

of this section, whoever violates this section is guilty of a 1053
minor misdemeanor. If, within one year of the offense, the 1054
offender previously has been convicted of or pleaded guilty to one 1055
predicate motor vehicle or traffic offense, whoever violates this 1056
section is guilty of a misdemeanor of the fourth degree. If, 1057
within one year of the offense, the offender previously has been 1058
convicted of two or more predicate motor vehicle or traffic 1059
offenses, whoever violates this section is guilty of a misdemeanor 1060
of the third degree. 1061

(2) If the offender's violation of division (A) of this 1062
section resulted in serious physical harm to another person, the 1063
court, in addition to any penalty the court imposes upon the 1064
offender pursuant to division (B)(1) of this section and 1065
notwithstanding section 2929.28 of the Revised Code, shall impose 1066
a fine of not more than five hundred dollars. The court also shall 1067
impose a class eight license suspension of the offender's driver's 1068
license, commercial driver's license, temporary instruction 1069
permit, probationary license, or nonresident operating privilege 1070
from the range specified in division (A)(8) of section 4510.02 of 1071
the Revised Code. The court also shall assess at least two, and 1072
may assess three or four, points against the offender's driver's 1073
license, commercial driver's license, temporary instruction 1074
permit, probationary license, or nonresident operating privilege. 1075
The court shall notify the registrar of motor vehicles of the 1076
number of points assessed in accordance with sections 4510.03 to 1077
4510.036 of the Revised Code. 1078

The court shall forward the first twenty-five dollars of any 1079
fine collected under division (B)(2) of this section to the 1080
treasurer of state for deposit into the highway safety education 1081
fund created by section 4501.14 of the Revised Code. 1082

(3) If the offender's violation of division (A) of this 1083
section resulted in the death of another person, the court, in 1084

addition to any penalty the court imposes upon the offender 1085
pursuant to division (B)(1) of this section and notwithstanding 1086
section 2929.28 of the Revised Code, shall impose a fine of not 1087
more than one thousand dollars. The court also shall impose a 1088
class seven license suspension of the offender's driver's license, 1089
commercial driver's license, temporary instruction permit, 1090
probationary license, or nonresident operating privilege from the 1091
range specified in division (A)(7) of section 4510.02 of the 1092
Revised Code. The court also shall assess at least two, and may 1093
assess three, four, five, or six, points against the offender's 1094
driver's license, commercial driver's license, temporary 1095
instruction permit, probationary license, or nonresident operating 1096
privilege. The court shall notify the registrar of the number of 1097
points assessed in accordance with sections 4510.03 to 4510.036 of 1098
the Revised Code. 1099

The court shall forward the first fifty dollars of any fine 1100
collected under division (B)(3) of this section to the treasurer 1101
of state for deposit into the highway safety education fund 1102
created by section 4501.14 of the Revised Code. 1103

Sec. 4511.44. (A) The operator of a vehicle, streetcar, or 1104
trackless trolley about to enter or cross a highway from any place 1105
other than another roadway shall yield the right of way to all 1106
traffic approaching on the roadway to be entered or crossed. 1107

(B)(1) Except as otherwise provided in ~~this~~ division (B)(1) 1108
of this section, whoever violates this section is guilty of a 1109
minor misdemeanor. If, within one year of the offense, the 1110
offender previously has been convicted of or pleaded guilty to one 1111
predicate motor vehicle or traffic offense, whoever violates this 1112
section is guilty of a misdemeanor of the fourth degree. If, 1113
within one year of the offense, the offender previously has been 1114
convicted of two or more predicate motor vehicle or traffic 1115

offenses, whoever violates this section is guilty of a misdemeanor 1116
of the third degree. 1117

(2) If the offender's violation of division (A) of this 1118
section resulted in serious physical harm to another person, the 1119
court, in addition to any penalty the court imposes upon the 1120
offender pursuant to division (B)(1) of this section and 1121
notwithstanding section 2929.28 of the Revised Code, shall impose 1122
a fine of not more than five hundred dollars. The court also shall 1123
impose a class eight license suspension of the offender's driver's 1124
license, commercial driver's license, temporary instruction 1125
permit, probationary license, or nonresident operating privilege 1126
from the range specified in division (A)(8) of section 4510.02 of 1127
the Revised Code. The court also shall assess at least two, and 1128
may assess three or four, points against the offender's driver's 1129
license, commercial driver's license, temporary instruction 1130
permit, probationary license, or nonresident operating privilege. 1131
The court shall notify the registrar of motor vehicles of the 1132
number of points assessed in accordance with sections 4510.03 to 1133
4510.036 of the Revised Code. 1134

The court shall forward the first twenty-five dollars of any 1135
fine collected under division (B)(2) of this section to the 1136
treasurer of state for deposit into the highway safety education 1137
fund created by section 4501.14 of the Revised Code. 1138

(3) If the offender's violation of division (A) of this 1139
section resulted in the death of another person, the court, in 1140
addition to any penalty the court imposes upon the offender 1141
pursuant to division (B)(1) of this section and notwithstanding 1142
section 2929.28 of the Revised Code, shall impose a fine of not 1143
more than one thousand dollars. The court also shall impose a 1144
class seven license suspension of the offender's driver's license, 1145
commercial driver's license, temporary instruction permit, 1146
probationary license, or nonresident operating privilege from the 1147

range specified in division (A)(7) of section 4510.02 of the 1148
Revised Code. The court also shall assess at least two, and may 1149
assess three, four, five, or six, points against the offender's 1150
driver's license, commercial driver's license, temporary 1151
instruction permit, probationary license, or nonresident operating 1152
privilege. The court shall notify the registrar of the number of 1153
points assessed in accordance with sections 4510.03 to 4510.036 of 1154
the Revised Code. 1155

The court shall forward the first fifty dollars of any fine 1156
collected under division (B)(3) of this section to the treasurer 1157
of state for deposit into the highway safety education fund 1158
created by section 4501.14 of the Revised Code. 1159

Sec. 4511.441. (A) The driver of a vehicle shall yield the 1160
right-of-way to any pedestrian on a sidewalk. 1161

(B)(1) Except as otherwise provided in ~~this~~ division (B)(1) 1162
of this section, whoever violates this section is guilty of a 1163
minor misdemeanor. If, within one year of the offense, the 1164
offender previously has been convicted of or pleaded guilty to one 1165
predicate motor vehicle or traffic offense, whoever violates this 1166
section is guilty of a misdemeanor of the fourth degree. If, 1167
within one year of the offense, the offender previously has been 1168
convicted of two or more predicate motor vehicle or traffic 1169
offenses, whoever violates this section is guilty of a misdemeanor 1170
of the third degree. 1171

(2) If the offender's violation of division (A) of this 1172
section resulted in serious physical harm to another person, the 1173
court, in addition to any penalty the court imposes upon the 1174
offender pursuant to division (B)(1) of this section and 1175
notwithstanding section 2929.28 of the Revised Code, shall impose 1176
a fine of not more than five hundred dollars. The court also shall 1177
impose a class eight license suspension of the offender's driver's 1178

license, commercial driver's license, temporary instruction 1179
permit, probationary license, or nonresident operating privilege 1180
from the range specified in division (A)(8) of section 4510.02 of 1181
the Revised Code. The court also shall assess at least two, and 1182
may assess three or four, points against the offender's driver's 1183
license, commercial driver's license, temporary instruction 1184
permit, probationary license, or nonresident operating privilege. 1185
The court shall notify the registrar of motor vehicles of the 1186
number of points assessed in accordance with sections 4510.03 to 1187
4510.036 of the Revised Code. 1188

The court shall forward the first twenty-five dollars of any 1189
fine collected under division (B)(2) of this section to the 1190
treasurer of state for deposit into the highway safety education 1191
fund created by section 4501.14 of the Revised Code. 1192

(3) If the offender's violation of division (A) of this 1193
section resulted in the death of another person, the court, in 1194
addition to any penalty the court imposes upon the offender 1195
pursuant to division (B)(1) of this section and notwithstanding 1196
section 2929.28 of the Revised Code, shall impose a fine of not 1197
more than one thousand dollars. The court also shall impose a 1198
class seven license suspension of the offender's driver's license, 1199
commercial driver's license, temporary instruction permit, 1200
probationary license, or nonresident operating privilege from the 1201
range specified in division (A)(7) of section 4510.02 of the 1202
Revised Code. The court also shall assess at least two, and may 1203
assess three, four, five, or six, points against the offender's 1204
driver's license, commercial driver's license, temporary 1205
instruction permit, probationary license, or nonresident operating 1206
privilege. The court shall notify the registrar of the number of 1207
points assessed in accordance with sections 4510.03 to 4510.036 of 1208
the Revised Code. 1209

The court shall forward the first fifty dollars of any fine 1210

collected under division (B)(3) of this section to the treasurer 1211
of state for deposit into the highway safety education fund 1212
created by section 4501.14 of the Revised Code. 1213

Sec. 4511.45. (A)(1) Upon the approach of a public safety 1214
vehicle or coroner's vehicle, equipped with at least one flashing, 1215
rotating or oscillating light visible under normal atmospheric 1216
conditions from a distance of five hundred feet to the front of 1217
the vehicle and the driver is giving an audible signal by siren, 1218
exhaust whistle, or bell, no driver of any other vehicle shall 1219
fail to yield the right-of-way, immediately drive if practical to 1220
a position parallel to, and as close as possible to, the right 1221
edge or curb of the highway clear of any intersection, and stop 1222
and remain in that position until the public safety vehicle or 1223
coroner's vehicle has passed, except when otherwise directed by a 1224
police officer. 1225

(2) Upon the approach of a public safety vehicle or coroner's 1226
vehicle, as stated in division (A)(1) of this section, no operator 1227
of any streetcar or trackless trolley shall fail to immediately 1228
stop the streetcar or trackless trolley clear of any intersection 1229
and keep it in that position until the public safety vehicle or 1230
coroner's vehicle has passed, except when otherwise directed by a 1231
police officer. 1232

(B) This section does not relieve the driver of a public 1233
safety vehicle or coroner's vehicle from the duty to drive with 1234
due regard for the safety of all persons and property upon the 1235
highway. 1236

(C) This section applies to a coroner's vehicle only when the 1237
vehicle is operated in accordance with section 4513.171 of the 1238
Revised Code. As used in this section, "coroner's vehicle" means a 1239
vehicle used by a coroner, deputy coroner, or coroner's 1240
investigator that is equipped with a flashing, oscillating, or 1241

rotating red or blue light and a siren, exhaust whistle, or bell 1242
capable of giving an audible signal. 1243

(D)(1) Except as otherwise provided in ~~this~~ division (D)(1) 1244
of this section, whoever violates division (A)(1) or (2) of this 1245
section is guilty of a misdemeanor of the fourth degree ~~on a first~~ 1246
~~offense~~. On a second offense within one year after the first 1247
offense, the person is guilty of a misdemeanor of the third 1248
degree, and, on each subsequent offense within one year after the 1249
first offense, the person is guilty of a misdemeanor of the second 1250
degree. 1251

(2)(a) If the offender's violation of division (A)(1) or (2) 1252
of this section resulted in serious physical harm to another 1253
person and the offender, within one year of the offense, has been 1254
convicted of or pleaded guilty to one or fewer violations of 1255
division (A)(1) or (2) of this section, the court, in addition to 1256
any penalty the court imposes upon the offender pursuant to 1257
division (D)(1) of this section and notwithstanding section 1258
2929.28 of the Revised Code, shall impose a fine of not more than 1259
five hundred dollars. The court also shall impose a class eight 1260
license suspension of the offender's driver's license, commercial 1261
driver's license, temporary instruction permit, probationary 1262
license, or nonresident operating privilege from the range 1263
specified in division (A)(8) of section 4510.02 of the Revised 1264
Code. The court also shall assess at least two, and may assess 1265
three or four, points against the offender's driver's license, 1266
commercial driver's license, temporary instruction permit, 1267
probationary license, or nonresident operating privilege. The 1268
court shall notify the registrar of motor vehicles of the number 1269
of points assessed in accordance with sections 4510.03 to 4510.036 1270
of the Revised Code. 1271

The court shall forward the first twenty-five dollars of any 1272
fine collected under division (D)(2)(a) of this section to the 1273

treasurer of state for deposit into the highway safety education 1274
fund created by section 4501.14 of the Revised Code. 1275

(b) If the offender's violation of division (A)(1) or (2) of 1276
this section resulted in serious physical harm to another person 1277
and the offender, within one year of the offense, has been 1278
convicted of or pleaded guilty to two or more violations of 1279
division (A)(1) or (2) of this section, the court shall impose a 1280
fine of not more than seven hundred fifty dollars. The court also 1281
shall impose a class eight license suspension of the offender's 1282
driver's license, commercial driver's license, temporary 1283
instruction permit, probationary license, or nonresident operating 1284
privilege from the range specified in division (A)(8) of section 1285
4510.02 of the Revised Code. The court also shall assess at least 1286
two, and may assess three or four, points against the offender's 1287
driver's license, commercial driver's license, temporary 1288
instruction permit, probationary license, or nonresident operating 1289
privilege. The court shall notify the registrar of motor vehicles 1290
of the number of points assessed in accordance with sections 1291
4510.03 to 4510.036 of the Revised Code. 1292

The court shall forward the first thirty-eight dollars of any 1293
fine collected under division (D)(2)(b) of this section to the 1294
treasurer of state for deposit into the highway safety education 1295
fund created by section 4501.14 of the Revised Code. 1296

(3) If the offender's violation of division (A)(1) or (2) of 1297
this section resulted in the death of another person, the court, 1298
in addition to any penalty the court imposes upon the offender 1299
pursuant to division (D)(1) of this section and notwithstanding 1300
section 2929.28 of the Revised Code, shall impose a fine of not 1301
more than one thousand dollars. The court also shall impose a 1302
class seven license suspension of the offender's driver's license, 1303
commercial driver's license, temporary instruction permit, 1304
probationary license, or nonresident operating privilege from the 1305

range specified in division (A)(7) of section 4510.02 of the 1306
Revised Code. The court also shall assess at least two, and may 1307
assess three, four, five, or six, points against the offender's 1308
driver's license, commercial driver's license, temporary 1309
instruction permit, probationary license, or nonresident operating 1310
privilege. The court shall notify the registrar of the number of 1311
points assessed in accordance with sections 4510.03 to 4510.036 of 1312
the Revised Code. 1313

The court shall forward the first fifty dollars of any fine 1314
collected under division (D)(3) of this section to the treasurer 1315
of state for deposit into the highway safety education fund 1316
created by section 4501.14 of the Revised Code. 1317

Sec. 4511.451. (A) As used in this section, "funeral 1318
procession" means two or more vehicles accompanying the cremated 1319
remains or the body of a deceased person in the daytime when each 1320
of the vehicles has its headlights lighted and is displaying a 1321
purple and white or an orange and white pennant attached to each 1322
vehicle in such a manner as to be clearly visible to traffic 1323
approaching from any direction. 1324

(B) Excepting public safety vehicles proceeding in accordance 1325
with section 4511.45 of the Revised Code or when directed 1326
otherwise by a police officer, pedestrians and the operators of 1327
all vehicles, street cars, and trackless trolleys shall yield the 1328
right of way to each vehicle that is a part of a funeral 1329
procession. Whenever the lead vehicle in a funeral procession 1330
lawfully enters an intersection, the remainder of the vehicles in 1331
the procession may continue to follow the lead vehicle through the 1332
intersection notwithstanding any traffic control devices or right 1333
of way provisions of the Revised Code, provided that the operator 1334
of each vehicle exercises due care to avoid colliding with any 1335
other vehicle or pedestrian. 1336

(C) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(D)(1) Except as otherwise provided in ~~this~~ division (D)(1) of this section, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) If the offender's violation of division (B) of this section resulted in serious physical harm to another person, the court, in addition to any penalty the court imposes upon the offender pursuant to division (D)(1) of this section and notwithstanding section 2929.28 of the Revised Code, shall impose a fine of not more than five hundred dollars. The court also shall impose a class eight license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(8) of section 4510.02 of the Revised Code. The court also shall assess at least two, and may assess three or four, points against the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall notify the registrar of motor vehicles of the number of points assessed in accordance with sections 4510.03 to 4510.036 of the Revised Code.

The court shall forward the first twenty-five dollars of any fine collected under division (D)(2) of this section to the treasurer of state for deposit into the highway safety education fund created by section 4501.14 of the Revised Code.

(3) If the offender's violation of division (B) of this section resulted in the death of another person, the court, in addition to any penalty the court imposes upon the offender pursuant to division (D)(1) of this section and notwithstanding section 2929.28 of the Revised Code, shall impose a fine of not more than one thousand dollars. The court also shall impose a class seven license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. The court also shall assess at least two, and may assess three, four, five, or six, points against the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall notify the registrar of the number of points assessed in accordance with sections 4510.03 to 4510.036 of the Revised Code.

The court shall forward the first fifty dollars of any fine collected under division (D)(3) of this section to the treasurer of state for deposit into the highway safety education fund created by section 4501.14 of the Revised Code.

Sec. 4511.46. (A) When traffic control signals are not in place, not in operation, or are not clearly assigning the right-of-way, the driver of a vehicle, trackless trolley, or streetcar shall yield the right of way, slowing down or stopping if need be to so yield or if required by section 4511.132 of the Revised Code, to a pedestrian crossing the roadway within a

crosswalk when the pedestrian is upon the half of the roadway upon 1400
which the vehicle is traveling, or when the pedestrian is 1401
approaching so closely from the opposite half of the roadway as to 1402
be in danger. 1403

(B) No pedestrian shall suddenly leave a curb or other place 1404
of safety and walk or run into the path of a vehicle, trackless 1405
trolley, or streetcar which is so close as to constitute an 1406
immediate hazard. 1407

(C) Division (A) of this section does not apply under the 1408
conditions stated in division (B) of section 4511.48 of the 1409
Revised Code. 1410

(D) Whenever any vehicle, trackless trolley, or streetcar is 1411
stopped at a marked crosswalk or at any unmarked crosswalk at an 1412
intersection to permit a pedestrian to cross the roadway, the 1413
driver of any other vehicle, trackless trolley, or streetcar 1414
approaching from the rear shall not overtake and pass the stopped 1415
vehicle. 1416

(E)(1) Except as otherwise provided in ~~this~~ division (E)(1) 1417
of this section, whoever violates this section is guilty of a 1418
minor misdemeanor. If, within one year of the offense, the 1419
offender previously has been convicted of or pleaded guilty to one 1420
predicate motor vehicle or traffic offense, whoever violates this 1421
section is guilty of a misdemeanor of the fourth degree. If, 1422
within one year of the offense, the offender previously has been 1423
convicted of two or more predicate motor vehicle or traffic 1424
offenses, whoever violates this section is guilty of a misdemeanor 1425
of the third degree. 1426

(2) If the offender's violation of division (A) or (D) of 1427
this section resulted in serious physical harm to another person, 1428
the court, in addition to any penalty the court imposes upon the 1429
offender pursuant to division (E)(1) of this section and 1430

notwithstanding section 2929.28 of the Revised Code, shall impose 1431
a fine of not more than five hundred dollars. The court also shall 1432
impose a class eight license suspension of the offender's driver's 1433
license, commercial driver's license, temporary instruction 1434
permit, probationary license, or nonresident operating privilege 1435
from the range specified in division (A)(8) of section 4510.02 of 1436
the Revised Code. The court also shall assess at least two, and 1437
may assess three or four, points against the offender's driver's 1438
license, commercial driver's license, temporary instruction 1439
permit, probationary license, or nonresident operating privilege. 1440
The court shall notify the registrar of motor vehicles of the 1441
number of points assessed in accordance with sections 4510.03 to 1442
4510.036 of the Revised Code. 1443

The court shall forward the first twenty-five dollars of any 1444
fine collected under division (E)(2) of this section to the 1445
treasurer of state for deposit into the highway safety education 1446
fund created by section 4501.14 of the Revised Code. 1447

(3) If the offender's violation of division (A) or (D) of 1448
this section resulted in the death of another person, the court, 1449
in addition to any penalty the court imposes upon the offender 1450
pursuant to division (E)(1) of this section and notwithstanding 1451
section 2929.28 of the Revised Code, shall impose a fine of not 1452
more than one thousand dollars. The court also shall impose a 1453
class seven license suspension of the offender's driver's license, 1454
commercial driver's license, temporary instruction permit, 1455
probationary license, or nonresident operating privilege from the 1456
range specified in division (A)(7) of section 4510.02 of the 1457
Revised Code. The court also shall assess at least two, and may 1458
assess three, four, five, or six, points against the offender's 1459
driver's license, commercial driver's license, temporary 1460
instruction permit, probationary license, or nonresident operating 1461
privilege. The court shall notify the registrar of the number of 1462

points assessed in accordance with sections 4510.03 to 4510.036 of 1463
the Revised Code. 1464

The court shall forward the first fifty dollars of any fine 1465
collected under division (E)(3) of this section to the treasurer 1466
of state for deposit into the highway safety education fund 1467
created by section 4501.14 of the Revised Code. 1468

Sec. 4511.47. (A) As used in this section "blind person" or 1469
"blind pedestrian" means a person having not more than 20/200 1470
visual acuity in the better eye with correcting lenses or visual 1471
acuity greater than 20/200 but with a limitation in the fields of 1472
vision such that the widest diameter of the visual field subtends 1473
an angle no greater than twenty degrees. 1474

The driver of every vehicle shall yield the right of way to 1475
every blind pedestrian guided by a guide dog, or carrying a cane 1476
which is predominantly white or metallic in color, with or without 1477
a red tip. 1478

(B) No person, other than a blind person, while on any public 1479
highway, street, alley, or other public thoroughfare shall carry a 1480
white or metallic cane with or without a red tip. 1481

(C)(1) Except as otherwise provided in ~~this~~ division (C)(1) 1482
of this section, whoever violates this section is guilty of a 1483
minor misdemeanor. If, within one year of the offense, the 1484
offender previously has been convicted of or pleaded guilty to one 1485
predicate motor vehicle or traffic offense, whoever violates this 1486
section is guilty of a misdemeanor of the fourth degree. If, 1487
within one year of the offense, the offender previously has been 1488
convicted of two or more predicate motor vehicle or traffic 1489
offenses, whoever violates this section is guilty of a misdemeanor 1490
of the third degree. 1491

(2) If the offender's violation of division (A) of this 1492

section resulted in serious physical harm to another person, the 1493
court, in addition to any penalty the court imposes upon the 1494
offender pursuant to division (C)(1) of this section and 1495
notwithstanding section 2929.28 of the Revised Code, shall impose 1496
a fine of not more than five hundred dollars. The court also shall 1497
impose a class eight license suspension of the offender's driver's 1498
license, commercial driver's license, temporary instruction 1499
permit, probationary license, or nonresident operating privilege 1500
from the range specified in division (A)(8) of section 4510.02 of 1501
the Revised Code. The court also shall assess at least two, and 1502
may assess three or four, points against the offender's driver's 1503
license, commercial driver's license, temporary instruction 1504
permit, probationary license, or nonresident operating privilege. 1505
The court shall notify the registrar of motor vehicles of the 1506
number of points assessed in accordance with sections 4510.03 to 1507
4510.036 of the Revised Code. 1508

The court shall forward the first twenty-five dollars of any 1509
fine collected under division (C)(2) of this section to the 1510
treasurer of state for deposit into the highway safety education 1511
fund created by section 4501.14 of the Revised Code. 1512

(3) If the offender's violation of division (A) of this 1513
section resulted in the death of another person, the court, in 1514
addition to any penalty the court imposes upon the offender 1515
pursuant to division (C)(1) of this section and notwithstanding 1516
section 2929.28 of the Revised Code, shall impose a fine of not 1517
more than one thousand dollars. The court also shall impose a 1518
class seven license suspension of the offender's driver's license, 1519
commercial driver's license, temporary instruction permit, 1520
probationary license, or nonresident operating privilege from the 1521
range specified in division (A)(7) of section 4510.02 of the 1522
Revised Code. The court also shall assess at least two, and may 1523
assess three, four, five, or six, points against the offender's 1524

driver's license, commercial driver's license, temporary 1525
instruction permit, probationary license, or nonresident operating 1526
privilege. The court shall notify the registrar of the number of 1527
points assessed in accordance with sections 4510.03 to 4510.036 of 1528
the Revised Code. 1529

The court shall forward the first fifty dollars of any fine 1530
collected under division (C)(3) of this section to the treasurer 1531
of state for deposit into the highway safety education fund 1532
created by section 4501.14 of the Revised Code. 1533

Sec. 4513.39. (A) The state highway patrol and sheriffs or 1534
their deputies shall exercise, to the exclusion of all other peace 1535
officers except within municipal corporations and except as 1536
specified in division (B) of this section and division (E) of 1537
section 2935.03 of the Revised Code, the power to make arrests for 1538
violations on all state highways, of sections 4503.11, 4503.21, 1539
4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 4511.40, 1540
4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 4511.71, 4513.03 1541
to 4513.13, 4513.15 to 4513.22, 4513.24 to 4513.34, 4549.01, 1542
4549.08 to 4549.12, and 4549.62 of the Revised Code. 1543

(B) A member of the police force of a township police 1544
district created under section 505.48 of the Revised Code, and a 1545
township constable appointed pursuant to section 509.01 of the 1546
Revised Code, who has received a certificate from the Ohio peace 1547
officer training commission under section 109.75 of the Revised 1548
Code, shall exercise the power to make arrests for violations of 1549
those sections listed in division (A) of this section, other than 1550
sections 4513.33 and 4513.34 of the Revised Code, as follows: 1551

(1) If the population of the township that created the 1552
township police district served by the member's police force or 1553
the township that is served by the township constable is fifty 1554
thousand or less, the member or constable shall exercise that 1555

power on those portions of all state highways, except those 1556
highways included as part of the interstate system, as defined in 1557
section 5516.01 of the Revised Code, that are located within the 1558
township police district, in the case of a member of a township 1559
police district police force, or within the unincorporated 1560
territory of the township, in the case of a township constable; 1561

(2) If the population of the township that created the 1562
township police district served by the member's police force or 1563
the township that is served by the township constable is greater 1564
than fifty thousand, the member or constable shall exercise that 1565
power on those portions of all state highways and highways 1566
included as part of the interstate highway system, as defined in 1567
section 5516.01 of the Revised Code, that are located within the 1568
township police district, in the case of a member of a township 1569
police district police force, or within the unincorporated 1570
territory of the township, in the case of a township constable. 1571

(C)(1) When investigating a motor vehicle accident that 1572
involves an offender's motor vehicle and another motor vehicle, a 1573
bicycle, or a pedestrian in which an injured person who is not the 1574
offender is transported to a medical facility for emergency 1575
medical treatment, if the state highway patrol trooper, sheriff, 1576
sheriff's deputy, or other peace officer investigating the 1577
accident has reason to believe that serious physical harm to, or 1578
the death of, that person has occurred as a result of a violation 1579
of any of the provisions of sections 4511.01 to 4511.76 of the 1580
Revised Code, the state highway patrol trooper, sheriff, sheriff's 1581
deputy, or other peace officer may issue to the offender a ticket, 1582
citation, or summons of the type described in division (C)(3) of 1583
this section for the violation that charges that the offender 1584
committed the violation and that the violation resulted in serious 1585
physical harm to, or the death of, another person, whichever is 1586
applicable. 1587

(2) If an injured person is transported to a medical facility 1588
as described in division (C)(1) of this section and the medical 1589
facility informs the investigating trooper, sheriff, sheriff's 1590
deputy, or other peace officer that the offender caused serious 1591
physical harm to, or the death of, the injured person, if the 1592
offender has not been issued a ticket, citation, or summons for 1593
the violation under division (C)(1) of this section, and if the 1594
offender is not subject to indictment for any other violation 1595
arising from the motor vehicle accident, the investigating 1596
trooper, sheriff, sheriff's deputy, or other peace officer may 1597
issue to the offender a ticket, citation, or summons of the type 1598
described in division (C)(3) of this section for the violation of 1599
a provision of sections 4511.01 to 4511.76 of the Revised Code 1600
that charges that the offender committed the violation and that 1601
the violation resulted in serious physical harm to, or the death 1602
of, another person, whichever is applicable. 1603

(3) A ticket, citation, or summons issued as described in 1604
division (C)(1) or (2) of this section shall indicate that the 1605
offender is not permitted to enter a written plea of guilty and 1606
waive the offender's right to contest the ticket, citation, or 1607
summons in a trial but instead must appear in person in the proper 1608
court to answer the charge. 1609

Section 2. That existing sections 4510.02, 4510.036, 4511.21, 1610
4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 1611
4511.45, 4511.451, 4511.46, 4511.47, and 4513.39 of the Revised 1612
Code are hereby repealed. 1613