

As Reported by the House Judiciary Committee

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Am. H. B. No. 397

Representative Hill

Cosponsors: Representatives Buchy, Burkley, Derickson, Hottinger, Ruhl,

Smith

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A B I L L

To amend sections 4549.02 and 4549.021 of the Revised 1
Code to increase the penalty for violations of 2
failure to stop after an accident and failure to 3
stop after a nonpublic road accident that result 4
in the death of a person or serious physical harm 5
to a person and to name this act Brandon's Law. 6

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

Section 1. That sections 4549.02 and 4549.021 of the Revised 7
Code be amended to read as follows: 8

Sec. 4549.02. (A) In case of accident to or collision with 9
persons or property upon any of the public roads or highways, due 10
to the driving or operation thereon of any motor vehicle, the 11
person driving or operating the motor vehicle, having knowledge of 12
the accident or collision, immediately shall stop the driver's or 13
operator's motor vehicle at the scene of the accident or collision 14
and shall remain at the scene of the accident or collision until 15
the driver or operator has given the driver's or operator's name 16
and address and, if the driver or operator is not the owner, the 17
name and address of the owner of that motor vehicle, together with 18

the registered number of that motor vehicle, to any person injured 19
in the accident or collision or to the operator, occupant, owner, 20
or attendant of any motor vehicle damaged in the accident or 21
collision, or to any police officer at the scene of the accident 22
or collision. 23

In the event the injured person is unable to comprehend and 24
record the information required to be given by this section, the 25
other driver involved in the accident or collision forthwith shall 26
notify the nearest police authority concerning the location of the 27
accident or collision, and the driver's name, address, and the 28
registered number of the motor vehicle the driver was operating, 29
and then remain at the scene of the accident or collision until a 30
police officer arrives, unless removed from the scene by an 31
emergency vehicle operated by a political subdivision or an 32
ambulance. 33

If the accident or collision is with an unoccupied or 34
unattended motor vehicle, the operator who collides with the motor 35
vehicle shall securely attach the information required to be given 36
in this section, in writing, to a conspicuous place in or on the 37
unoccupied or unattended motor vehicle. 38

(B) Whoever violates division (A) of this section is guilty 39
of failure to stop after an accident, a misdemeanor of the first 40
degree. If the accident or collision results in serious physical 41
harm to a person, ~~failure to stop after an accident is a felony of~~ 42
~~the fifth degree. If the accident or collision results in or~~ 43
death of a person, failure to stop after an accident is a felony 44
of the ~~third~~ second degree. The court, in addition to any other 45
penalties provided by law, shall impose upon the offender a class 46
five suspension of the offender's driver's license, commercial 47
driver's license, temporary instruction permit, probationary 48
license, or nonresident operating privilege from the range 49

specified in division (A)(5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

Sec. 4549.021. (A) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty-four hours after the accident or collision, shall forward to the police department of the city or village in which the accident or

collision occurred or if it occurred outside the corporate limits 81
of a city or village to the sheriff of the county in which the 82
accident or collision occurred the same information required to be 83
given to the owner or person in control of the damaged property 84
and give the date, time, and location of the accident or 85
collision. 86

If the accident or collision is with an unoccupied or 87
unattended motor vehicle, the operator who collides with the motor 88
vehicle shall securely attach the information required to be given 89
in this section, in writing, to a conspicuous place in or on the 90
unoccupied or unattended motor vehicle. 91

(B) Whoever violates division (A) of this section is guilty 92
of failure to stop after a nonpublic road accident, a misdemeanor 93
of the first degree. If the accident or collision results in 94
serious physical harm to a person, ~~failure to stop after a~~ 95
~~nonpublic road accident is a felony of the fifth degree. If the~~ 96
~~accident or collision results in~~ or the death of a person, failure 97
to stop after a nonpublic road accident is a felony of the ~~third~~ 98
second degree. The court, in addition to any other penalties 99
provided by law, shall impose upon the offender a class five 100
suspension of the offender's driver's license, commercial driver's 101
license, temporary instruction permit, probationary license, or 102
nonresident operating privilege from the range specified in 103
division (A)(5) of section 4510.02 of the Revised Code. No judge 104
shall suspend the first six months of suspension of an offender's 105
license, permit, or privilege required by this division. 106

The offender shall provide the court with proof of financial 107
responsibility as defined in section 4509.01 of the Revised Code. 108
If the offender fails to provide that proof of financial 109
responsibility, then, in addition to any other penalties provided 110
by law, the court may order restitution pursuant to section 111
2929.18 or 2929.28 of the Revised Code in an amount not exceeding 112

five thousand dollars for any economic loss arising from an 113
accident or collision that was the direct and proximate result of 114
the offender's operation of the motor vehicle before, during, or 115
after committing the offense charged under this section. 116

Section 2. That existing sections 4549.02 and 4549.021 of the 117
Revised Code are hereby repealed. 118

Section 3. This act shall be known as Brandon's Law. 119