

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 346**

**Senator Beagle**

**Cosponsors: Senators Manning, Hite, Widener**

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**A B I L L**

To amend section 4511.46 of the Revised Code to 1  
increase the penalties for failing to yield the 2  
right-of-way to a pedestrian who is crossing a 3  
roadway within a crosswalk when the crosswalk is 4  
located within a school zone. 5

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

**Section 1.** That section 4511.46 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4511.46.** (A) ~~When traffic control signals are not in 8  
place, not in operation, or are not clearly assigning the 9  
right of way, the driver of a vehicle, trackless trolley, or 10  
streetcar shall yield the right of way, slowing down or stopping 11  
if need be to so yield or if required by section 4511.132 of the 12  
Revised Code, to a pedestrian crossing the roadway within a 13  
crosswalk when the pedestrian is upon the half of the roadway upon 14  
which the vehicle is traveling, or when the pedestrian is 15  
approaching so closely from the opposite half of the roadway as to 16  
be in danger 17~~

(1) No driver of a vehicle, trackless trolley, or streetcar 18  
shall fail to yield the right-of-way to a pedestrian, by slowing 19

down or stopping if need be to so yield or if required by section 20  
4511.132 of the Revised Code, if both of the following apply: 21

(a) Traffic control signals are not in place, not in 22  
operation, or not clearly assigning the right-of-way. 23

(b) The pedestrian is crossing the roadway within a crosswalk 24  
when the pedestrian is on the half of the roadway on which the 25  
vehicle is traveling, or when the pedestrian is approaching so 26  
closely from the opposite half of the roadway so as to be in 27  
danger. 28

(2) No driver of a vehicle, trackless trolley, or streetcar 29  
shall fail to comply with division (A)(1) of this section if the 30  
crosswalk is located within a school zone. 31

(B) No pedestrian shall suddenly leave a curb or other place 32  
of safety and walk or run into the path of a vehicle, trackless 33  
trolley, or streetcar which is so close as to constitute an 34  
immediate hazard. 35

(C) Division (A) of this section does not apply under the 36  
conditions stated in division (B) of section 4511.48 of the 37  
Revised Code. 38

(D) Whenever any vehicle, trackless trolley, or streetcar is 39  
stopped at a marked crosswalk or at any unmarked crosswalk at an 40  
intersection to permit a pedestrian to cross the roadway, ~~the~~ no 41  
driver of any other vehicle, trackless trolley, or streetcar 42  
approaching from the rear shall ~~not~~ overtake and pass the stopped 43  
vehicle. 44

(E)(1) Except as otherwise provided in ~~this~~ division (E)(1) 45  
of this section, whoever violates division (A)(1), (B), or (D) of 46  
this section is guilty of a minor misdemeanor. If, within one year 47  
of the offense, the offender previously has been convicted of or 48  
pleaded guilty to one predicate motor vehicle or traffic offense, 49  
whoever violates this section is guilty of a misdemeanor of the 50

fourth degree. If, within one year of the offense, the offender 51  
previously has been convicted of two or more predicate motor 52  
vehicle or traffic offenses, whoever violates this section is 53  
guilty of a misdemeanor of the third degree. 54

(2) Whoever violates division (A)(2) of this section is 55  
guilty of a misdemeanor of the third degree. In addition, if, at 56  
the time of the offense, the offender was driving under a 57  
suspension imposed under any provision of the Revised Code, the 58  
court, in addition to any other sanctions it imposes, shall impose 59  
on the offender a class seven suspension of six months of the 60  
offender's driver's license, commercial driver's license, 61  
temporary instruction permit, probationary license, or nonresident 62  
operating privilege. 63

**Section 2.** That existing section 4511.46 of the Revised Code 64  
is hereby repealed. 65