

As Introduced

130th General Assembly  
Regular Session  
2013-2014

S. B. No. 77

Senators Hughes, Patton

Cosponsors: Senators LaRose, Cafaro, Gardner, Lehner, Widener

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A BILL

To amend section 4511.35 and to enact section 4510.19 1  
of the Revised Code to increase the penalties 2  
related to operating a motor vehicle on the wrong 3  
side of an interstate freeway. 4

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

Section 1. That section 4511.35 be amended and section 5  
4510.19 of the Revised Code be enacted to read as follows: 6

Sec. 4510.19. (A) No person whose driver's or commercial 7  
driver's license or permit or nonresident operating privilege has 8  
been suspended under division (D)(1) of section 4511.35 of the 9  
Revised Code shall operate any motor vehicle upon the public roads 10  
or highways within this state during the period of suspension. 11

(B) No person whose driver's or commercial driver's license 12  
or permit or nonresident operating privilege has been suspended 13  
under division (D)(2) of section 4511.35 of the Revised Code shall 14  
operate any motor vehicle upon the public roads or highways within 15  
this state during the period of suspension. 16

(C)(1) Whoever violates division (A) of this section is 17  
guilty of driving under suspension imposed for driving the wrong 18  
way on an interstate freeway, a misdemeanor. The court shall 19

sentence the offender to a jail term of one year and may impose a fine of not more than one thousand dollars. 20  
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(2) Whoever violates division (B) of this section is guilty of driving under suspension imposed for driving the wrong way on an interstate freeway and causing a person harm, a felony of the third degree. The court shall sentence the offender to a definite prison term of three years and may impose a fine of not more than ten thousand dollars. 22  
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**Sec. 4511.35.** (A) Whenever any highway has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier, or section for the purpose of an emergency stop or in compliance with an order of a police officer. 28  
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(B) An offender is not permitted to enter a written plea of guilty and waive the offender's right to contest the ticket, citation, or summons in a trial but instead shall appear in person in the proper court to answer the charge if a law enforcement officer issues a ticket, citation, or summons to the offender for a violation of division (A) of this section and the officer indicates on the ticket, citation, or summons that in committing the violation the offender operated a motor vehicle upon the left-hand roadway of a divided highway that is part of the interstate system under one of the following conditions: 38  
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(1) For a distance of five hundred feet or more; 48

(2) For any distance, while committing a violation of division (A) of section 4511.19 of the Revised Code or of a 49  
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substantially equivalent municipal ordinance; 51

(3) For any distance, if the offender was involved in a motor 52  
vehicle collision on the left-hand roadway that caused either 53  
physical harm to another person or the death of another person. 54

(C)(1) Except as otherwise provided in this division (C)(2) 55  
or (D) of this section, whoever violates division (A) of this 56  
section is guilty of a minor misdemeanor. If, within one year of 57  
the offense, the offender previously has been convicted of or 58  
pleaded guilty to one predicate motor vehicle or traffic offense, 59  
whoever violates this section is guilty of a misdemeanor of the 60  
fourth degree. If, within one year of the offense, the offender 61  
previously has been convicted of two or more predicate motor 62  
vehicle or traffic offenses, whoever violates this section is 63  
guilty of a misdemeanor of the third degree. 64

(2) If the trier of fact finds that, in violating division 65  
(A) of this section, the offender operated a motor vehicle for any 66  
distance upon the left-hand roadway of a divided highway that is 67  
part of the interstate system as a proximate result of committing 68  
a violation of division (A) of section 4511.19 of the Revised Code 69  
or of a substantially equivalent municipal ordinance, whoever 70  
violates this section is guilty of a felony of the fourth degree. 71

(D)(1) If the trier of fact finds that, in violating division 72  
(A) of this section, the offender operated a motor vehicle for a 73  
distance of five hundred feet or more upon the left-hand roadway 74  
of a divided highway that is part of the interstate system, the 75  
court, in addition to any other penalty that the court is required 76  
or permitted by law to impose on the offender, shall impose a 77  
class seven suspension upon the offender in accordance with 78  
section 4510.02 of the Revised Code. 79

(2) If the trier of fact finds that, in violating division 80  
(A) of this section, the offender operated a motor vehicle for any 81

distance upon the left-hand roadway of a divided highway that is 82  
part of the interstate system and was involved in a motor vehicle 83  
collision that occurred on that left-hand roadway and the 84  
collision either caused physical harm to another person or caused 85  
the death of another person, the court, in addition to any other 86  
penalty that the court is required or permitted by law to impose 87  
on the offender, shall impose a class three suspension upon the 88  
offender in accordance with section 4510.02 of the Revised Code. 89

(E) As used in this section: 90

(1) "Interstate system" has the same meaning as in 23 U.S.C. 91  
101. 92

(2) "Physical harm to another person" has the same meaning as 93  
"physical harm to persons" in section 2901.01 of the Revised Code. 94

**Section 2.** That existing section 4511.35 of the Revised Code 95  
is hereby repealed. 96