



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

Am. H.B. 397

130th General Assembly
(As Passed by the House)

Reps. Hill, Buchy, Burkley, Derickson, Hottinger, Ruhl, Smith, Anielski, Antonio, Barborak, Beck, Boyce, Brown, Butler, Celebrezze, Damschroder, Green, Hackett, Heard, Milkovich, O'Brien, Perales, Phillips, Rogers, Rosenberger, Sheehy, Stinziano, Strahorn, Winburn, Batchelder

BILL SUMMARY

- Increases the penalties for failure to stop after an accident and failure to stop after a nonpublic road accident when the offenses result in the death of a person or serious physical harm to a person.
- Names the bill "Brandon's Law."

CONTENT AND OPERATION

Failure to stop after an accident

The bill increases the penalty for failure to stop after an accident in cases in which serious physical harm to a person or death results.

The Revised Code requires the driver of a motor vehicle involved in an accident on a public road to stop and give to any person injured in the accident, to the operator, occupant, owner or attendant of any vehicle damaged, or to any police officer on the scene the driver's name and address and the motor vehicle registration number of the driver's vehicle. If the driver is not the owner of the vehicle, the driver must provide the owner's name and address. If an injured person is unable to comprehend and record the information, the other driver must notify the nearest police authority and wait at the scene until an officer arrives. If a driver collides with an unattended vehicle, the driver

must leave the required information in or on the vehicle. A violation of the statute is the offense of failure to stop after an accident.¹

Under current law, failure to stop after an accident is normally a misdemeanor of the first degree. If the accident results in serious physical harm to a person, the offense is a felony of the fifth degree. If the accident results in death, the offense is a felony of the third degree. The bill raises the penalty to a felony of the second degree in case of serious physical harm to a person or death.²

Continuing law also requires a class five suspension of the offender's license or other operating privilege and authorizes restitution if the offender does not provide proof of financial responsibility.³

Failure to stop after a nonpublic road accident

The bill increases the penalty for failure to stop after an accident on any public or private property other than a public road in cases in which serious physical harm to a person or death results.

The Revised Code requires the driver of a motor vehicle involved in an accident on such property to stop and, on request of any person, give that person the driver's name and address, or the owner's name and address if the driver is not the owner, and the motor vehicle registration number. The driver must also show his or her driver's license if it is available. A driver who does not furnish the required information to the owner or person in charge of the damaged property must, within 24 hours after the accident, forward the information to the police department of the city or village in which the accident occurred or to the sheriff if the accident occurred outside municipal limits. When forwarding the information, the driver must include the date, time, and location of the accident. If a driver collides with an unattended vehicle, the driver must leave the required information in or on the vehicle. A violation of the statute is the offense of failure to stop after a nonpublic road accident.⁴

Under current law, failure to stop after a nonpublic road accident is normally a misdemeanor of the first degree. If the accident results in serious physical harm to a person, the offense is a felony of the fifth degree. If the accident results in death, the

¹ R.C. 4549.02.

² R.C. 4549.02(B).

³ R.C. 4549.02(B).

⁴ R.C. 4549.021.



offense is a felony of the third degree. The bill raises the penalty to a felony of the second degree in case of serious physical harm to a person or death.⁵

Continuing law also requires a class five suspension of the offender's license or other operating privilege and authorizes restitution if the offender does not provide proof of financial responsibility.⁶

Name of bill

The bill provides that it must be known as "Brandon's Law."⁷

HISTORY

ACTION	DATE
Introduced	12-23-13
Reported, H. Judiciary	03-13-14
Passed House (88-1)	04-02-14

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⁵ R.C. 4549.021(B).

⁶ R.C. 4549.021(B).

⁷ Section 3.

