



Ohio Legislative Service Commission

Bill Analysis

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S.B. 235

130th General Assembly
(As Introduced)

Sen. Cafaro

BILL SUMMARY

- Enhances the penalty for wrong-way driving of a commercial motor vehicle on a divided interstate highway if the offender was involved in a collision and the collision caused physical harm to or the death of another.
- Requires disqualification from the operation of a commercial motor vehicle for driving a commercial motor vehicle the wrong way on a divided interstate highway for more than 500 feet or if that driving caused physical harm to or the death of another.

CONTENT AND OPERATION

Overview

In Ohio, a person who operates any motor vehicle the wrong way on a street or highway may be charged under one of several traffic laws, depending on the situation. No single traffic law addresses wrong-way driving under all circumstances. (See "**Background**," below.) One specific situation that may be classified as wrong-way driving involves divided highways. Generally, a divided highway consists of a highway that has been divided into two roadways by an intervening space, by a physical barrier, or by a clearly indicated dividing section. Existing law requires vehicles to be driven only on the right-hand roadway of a divided highway and prohibits any vehicle from being driven over, across, or within the dividing space, barrier, or section except through an opening, crossover, or intersection established by public authority, for purposes of an emergency stop, or in compliance with a police officer's order.¹ Under specified circumstances, the bill enhances the penalty for wrong-

¹ R.C. 4511.35(A).

way driving of a "commercial motor vehicle" on a divided "interstate highway" (see "**Definitions**," below, for definitions of the terms in quotation marks).

The bill: wrong-way driving of a commercial motor vehicle on a divided interstate highway

Penalty for wrong-way driving of a commercial motor vehicle

Currently, driving any motor vehicle the wrong way on a divided highway in violation of the provision described above in "**Overview**" generally is a minor misdemeanor, but it is a fourth degree misdemeanor if the offender within the preceding year previously has been convicted of any of a list of specified "predicate motor vehicle or traffic offenses" (a term defined under continuing law), and it is a third degree misdemeanor if the offender within the preceding year previously has been convicted of two or more of those offenses.² The bill retains these penalties, except in regard to operating a commercial motor vehicle upon the left-hand roadway of a divided interstate highway if the offender was involved in a motor vehicle collision that occurred on that left-hand roadway and the collision caused "physical harm to another person" (see "**Definitions**," below) or caused the death of another person. In those circumstances, the wrong-way violation is a fourth degree felony.³

Disqualification from operating a commercial motor vehicle

The bill requires the court sentencing an offender for driving a commercial motor vehicle upon the left-hand roadway of a divided interstate highway in violation of the provision described above in "**Overview**" to direct the Registrar of Motor Vehicles to "disqualify" (see "**Definitions**," below) the offender from operating a commercial motor vehicle as follows:

(1) Subject to paragraphs (2) and (3), for a definite period not to exceed one year upon the trier of fact finding that the person operated a commercial motor vehicle in that situation for a distance of 500 feet or more;

(2) For a definite period of two to ten years if the violation caused physical harm to another person (it appears that this provision applies only when the bill makes the penalty for the violation a fourth degree felony, as described above); and

² R.C. 4511.35(B).

³ R.C. 4511.35(B)(2).



(3) For life if the violation caused the death of another person (it appears that this provision applies only when the bill makes the penalty for the violation a fourth degree felony, as described above).⁴

The mandatory disqualifications described above are in addition to any other penalty that the sentencing court is required or permitted to impose on the offender.⁵ The bill amends the existing provision that specifies numerous circumstances in which the Registrar must disqualify a holder of a commercial driver's license, or an operator of a commercial vehicle for which a commercial driver's license is required, from operating a commercial motor vehicle, to also require the Registrar upon receipt of the notification from a court to disqualify a holder or operator for the period determined by the court.⁶

Definitions

As used in the bill:

Although this definition is not expressly made applicable to the provisions in the bill other than its amendments to R.C. 4506.16, as used in the Commercial Motor Vehicle Law, "**commercial motor vehicle**" generally means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications: (1) any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, (2) any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds, (3) any single vehicle or combination of vehicles that is not a Class A or Class B vehicle, but is designed to transport 16 or more passengers including the driver, (4) any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver, (5) is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended, or (6) any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a

⁴ R.C. 4511.35(B)(1) and (2).

⁵ R.C. 4511.35(B)(1) and (2).

⁶ R.C. 4506.16.



motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.⁷

Although this definition is not expressly made applicable to the provisions in the bill other than its amendments to R.C. 4506.16, as used in the Commercial Motor Vehicle Law, "**disqualification**" means any of the following: (1) the suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle, (2) any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations, or (3) a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.⁸

"**Interstate system**" means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in 23 U.S.C. 103.⁹ Under 23 U.S.C. 103, which is not in the bill, the Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with its provisions; its provisions set forth detailed rules for designing, locating, selecting, and designating highways for the System. For purposes of simplification, this analysis uses the term "**interstate highway**" to mean a highway that is part of the "**interstate system**."

"**Physical harm to another person**" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.¹⁰

Background

As noted above, the Revised Code currently does not establish a specific offense of operating a vehicle the wrong way on a roadway, but a person who does so could be charged under any of the following provisions, depending on the circumstances:

- (1) Disobeying traffic control devices;¹¹
- (2) Reckless operation;¹²

⁷ R.C. 4506.01 (not in the bill).

⁸ R.C. 4506.01 (not in the bill).

⁹ R.C. 4511.35(E), by reference to 23 U.S.C. 101 (not in the bill).

¹⁰ R.C. 4511.35(E), by reference to R.C. 2901.01 (not in the bill).

¹¹ R.C. 4511.12 (not in the bill).



- (3) Driving in violation of specified lanes of travel on roadways;¹³
- (4) Driving in violation of rules for vehicles traveling in opposite directions;¹⁴
- (5) Driving in violation of rules for overtaking and passing of vehicles;¹⁵
- (6) Driving to the left of center line;¹⁶
- (7) Driving on the left side of a road;¹⁷
- (8) Driving in violation of one-way designation of a highway;¹⁸ and
- (9) Driving in violation of rules for divided highways.¹⁹

Each of these offenses is a minor misdemeanor but may increase to a fourth or a third degree misdemeanor based on other specified traffic convictions within one year. Except for reckless operation, none of the offenses specifically requires a license suspension, although one may be imposed based an accumulation of twelve or more points against a person's license.²⁰ A court may impose a license suspension of a definite period of six months to one year (a Class 5 license suspension) for a reckless operation conviction.²¹

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 11-13-13 |

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¹² R.C. 4511.20 (not in the bill).

¹³ R.C. 4511.25 (not in the bill).

¹⁴ R.C. 4511.26 (not in the bill).

¹⁵ R.C. 4511.27 (not in the bill).

¹⁶ R.C. 4511.29 (not in the bill).

¹⁷ R.C. 4511.30 (not in the bill).

¹⁸ R.C. 4511.32 (not in the bill).

¹⁹ R.C. 4511.35.

²⁰ R.C. 4510.037 (not in the bill).

²¹ R.C. 4510.15 (not in the bill).

