



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

S.B. 346

130th General Assembly
(As Introduced)

Sens. Beagle, Manning, Hite, Widener

BILL SUMMARY

- Increases the penalty for failing to yield the right-of-way to a pedestrian who is crossing a roadway within a crosswalk, in specified circumstances, when the crosswalk is located in a school zone.

CONTENT AND OPERATION

Failure to yield to a pedestrian crossing a roadway within a crosswalk located in a school zone

The bill increases the penalty for failing to yield the right-of-way to a pedestrian who is crossing a roadway within a crosswalk, in specified circumstances (see below), when the crosswalk is located in a "school zone" (see **COMMENT**). It also adds a new provision that expressly prohibits conduct of that nature.

Under the bill, the penalty for failing to yield the right-of-way in the specified circumstances when the crosswalk is located in a school zone is a third degree misdemeanor. In addition, if, at the time of the offense, the offender was driving under a suspension imposed under any Revised Code provision, the court, in addition to any other sanctions it imposes, must impose on the offender a Class 7 suspension of six months of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege.¹

Currently, the penalty for failing to yield the right-of-way in the specified circumstances, regardless of the location of the crosswalk, generally is a minor misdemeanor, but it is a fourth degree misdemeanor if, within one year of the offense,

¹ R.C. 4511.46(E)(2).

the offender previously has been convicted of one predicate motor vehicle or traffic offense, and it is a third degree misdemeanor if, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses. The bill retains this penalty for failing to yield the right-of-way in the specified circumstances when the crosswalk is located other than within a school zone.²

The bill restructures, but does not substantively change, the existing failure to yield prohibition. That law prohibits a driver of a vehicle, trackless trolley, or streetcar from failing to yield the right-of-way to a pedestrian, by slowing down or stopping if need be to so yield or if required by R.C. 4511.132, if traffic control signals are not in place, not in operation, or not clearly assigning the right-of-way, and the pedestrian is crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway so as to be in danger. The prohibition does not apply with respect to a pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided – a pedestrian in those circumstances must yield the right-of-way to traffic upon the roadway. The failure to yield prohibition that the bill adds expressly prohibits a driver of a vehicle, trackless trolley, or streetcar from failing to comply with the existing failure to yield provision section if the crosswalk is located within a school zone.³

COMMENT

The bill does not define the term "school zone" as used in its provisions, and no other Revised Code section defines the term for application in R.C. 4511.46.

HISTORY

ACTION	DATE
Introduced	06-04-14

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² R.C. 4511.46(E)(1).

³ R.C. 4511.46(A)(1) and (2) and, by reference, R.C. 4511.48(B), which is not in the bill.

