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132nd General Assembly
Regular Session
2017-2018

Sub. H.B. No. 278

A BILL

To amend section 4511.213 of the Revised Code to 1
revise the "Move Over Law" to increase the 2
criminal penalty when a driver negligently fails 3
to move over for a public safety vehicle and 4
causes serious physical harm. 5

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

Section 1. That section 4511.213 of the Revised Code be 6
amended to read as follows: 7

Sec. 4511.213. (A) The driver of a motor vehicle, upon 8
approaching a stationary public safety vehicle, emergency 9
vehicle, road service vehicle, vehicle used by the public 10
utilities commission to conduct motor vehicle inspections in 11
accordance with sections 4923.04 and 4923.06 of the Revised 12
Code, or a highway maintenance vehicle that is displaying the 13
appropriate visual signals by means of flashing, oscillating, or 14
rotating lights, as prescribed in section 4513.17 of the Revised 15
Code, shall do either of the following: 16

(1) If the driver of the motor vehicle is traveling on a 17



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highway that consists of at least two lanes that carry traffic 18
in the same direction of travel as that of the driver's motor 19
vehicle, the driver shall proceed with due caution and, if 20
possible and with due regard to the road, weather, and traffic 21
conditions, shall change lanes into a lane that is not adjacent 22
to that of the stationary public safety vehicle, emergency 23
vehicle, road service vehicle, vehicle used by the public 24
utilities commission to conduct motor vehicle inspections in 25
accordance with sections 4923.04 and 4923.06 of the Revised 26
Code, or a highway maintenance vehicle. 27

(2) If the driver is not traveling on a highway of a type 28
described in division (A) (1) of this section, or if the driver 29
is traveling on a highway of that type but it is not possible to 30
change lanes or if to do so would be unsafe, the driver shall 31
proceed with due caution, reduce the speed of the motor vehicle, 32
and maintain a safe speed for the road, weather, and traffic 33
conditions. 34

(B) This section does not relieve the driver of a public 35
safety vehicle, emergency vehicle, road service vehicle, vehicle 36
used by the public utilities commission to conduct motor vehicle 37
inspections in accordance with sections 4923.04 and 4923.06 of 38
the Revised Code, or a highway maintenance vehicle from the duty 39
to drive with due regard for the safety of all persons and 40
property upon the highway. 41

(C) No person shall fail to drive a motor vehicle in 42
compliance with division (A) (1) or (2) of this section when so 43
required by division (A) of this section. 44

(D) (1) Except as otherwise provided in this division, 45
whoever violates this section is guilty of a minor misdemeanor. 46
If, within one year of the offense, the offender previously has 47

been convicted of or pleaded guilty to one predicate motor 48
vehicle or traffic offense, whoever violates this section is 49
guilty of a misdemeanor of the fourth degree. If, within one 50
year of the offense, the offender previously has been convicted 51
of two or more predicate motor vehicle or traffic offenses, 52
whoever violates this section is guilty of a misdemeanor of the 53
third degree. 54

(2) Notwithstanding section 2929.28 of the Revised Code, 55
upon a finding that a person operated a motor vehicle in 56
violation of division (C) of this section, the court, in 57
addition to all other penalties provided by law, shall impose a 58
fine of two times the usual amount imposed for the violation. 59

(3) Whoever negligently violates division (C) of this 60
section is guilty of a misdemeanor of the first degree if both 61
of the following apply: 62

(a) The stationary vehicle approached was a stationary 63
public safety vehicle; 64

(b) The violation resulted in serious physical harm to 65
another person or another's unborn. 66

(E) As used in this section, "another's unborn" has the 67
same meaning as in section 2903.09 of the Revised Code. 68

Section 2. That existing section 4511.213 of the Revised 69
Code is hereby repealed. 70