

AN ACT

To amend sections 4511.75 and 4549.99 of the Revised Code to increase the penalty for leaving the scene of an accident that results in serious physical harm or death and to require drivers of other vehicles to stop for any bus operated by an agency offering a Head Start program when the bus is equipped and marked as a school bus and is stopped to receive or discharge a child attending the program.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4511.75 and 4549.99 of the Revised Code be amended to read as follows:

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child ~~or~~, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children ~~or~~, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus

driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child ~~or~~, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (A) of this section.

(D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children ~~or~~, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(E) No school bus driver shall start ~~his~~ the driver's bus until after any child ~~or~~, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on ~~his~~ the child's or person's residence side of the road.

(F) As used in this section:

(1) "Head start agency" has the same meaning as in division (A)(1) of section 3301.31 of the Revised Code.

(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the

bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

Sec. 4549.99. (A) Whoever violates section 4549.01, 4549.10, 4549.11, or 4549.12 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(B) ~~Whoever~~ Except as otherwise provided in this division, whoever violates section 4549.02, 4549.021, or 4549.03 of the Revised Code is guilty of a misdemeanor of the first degree. Whoever violates section 4549.02 or 4549.021 of the Revised Code when the accident or collision that is the basis of the violation results in serious physical harm or death to a person is guilty of a felony of the fifth degree.

(C) Whoever violates section 4549.042 or sections 4549.41 to 4549.46 of the Revised Code is guilty of a felony of the fourth degree on a first offense and a felony of the third degree on each subsequent offense. The prosecuting attorney of the proper county, or the attorney general by information or complaint, may bring a criminal action in the courts of common pleas of this state, or in any other court of competent jurisdiction, to enforce the provisions of sections 4549.41 to 4549.51 of the Revised Code. The attorney general and the prosecuting attorney of the county in which a person licensed or granted a permit under Chapter 4517. of the Revised Code is convicted of, or pleads guilty to, a violation of sections 4549.41 to 4549.46 of the Revised Code shall report the conviction or guilty plea to the registrar of motor vehicles within five business days.

(D) Whoever violates section 4549.08 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(E) Whoever violates section 4549.18 or division (D)(4)(c) of section 4549.62 of the Revised Code is guilty of a minor misdemeanor.

(F) Whoever violates division (A), (B), (C), or (D)(1) of section 4549.62 of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

Sub. H. B. No. 618

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SECTION 2. That existing sections 4511.75 and 4549.99 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 618

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____