

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 110**

**Representative Hill**

**Cosponsors: Representatives Blessing, Brown, Rezabek, Rogers**

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**A BILL**

To amend sections 4549.02 and 4549.021 of the  
Revised Code to increase the penalty for failure  
to stop after a traffic accident that results in  
the death of a person or serious physical harm  
to a person and to name this act Brandon's Law.

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

**Section 1.** That sections 4549.02 and 4549.021 of the  
Revised Code be amended to read as follows:

**Sec. 4549.02.** (A) (1) In the case of a motor vehicle  
accident ~~to~~ or collision with persons or property ~~upon any of~~  
~~the on a public roads or highways, due to the driving or~~  
~~operation thereon of any motor vehicle, the person driving or~~  
~~operating road or highway, the operator of the motor vehicle,~~  
having knowledge of the accident or collision, immediately shall  
stop the ~~driver's or operator's~~ motor vehicle at the scene of  
the accident or collision. The operator ~~and~~ shall remain at the  
scene of the accident or collision until the ~~driver or operator~~  
has given the ~~driver's or operator's~~ name and address and, if  
the ~~driver or operator~~ is not the owner, the name and address of  
the owner of that motor vehicle, together with the registered

number of that motor vehicle, to ~~any~~ all of the following: 20

(a) Any person injured in the accident or collision ~~or to~~ 21  
~~the;~~ 22

(b) The operator, occupant, owner, or attendant of any 23  
motor vehicle damaged in the accident or collision, ~~or to any;~~ 24

(c) The police officer at the scene of the accident or 25  
collision. 26

(2) In the event the an injured person is unable to 27  
comprehend and record the information required to be given ~~by~~ 28  
under division (A) (1) of this section, the other driver operator 29  
involved in the accident or collision ~~forthwith~~ shall notify the 30  
nearest police authority concerning the location of the accident 31  
or collision, and the ~~driver's operator's~~ name, address, and the 32  
registered number of the motor vehicle the ~~driver operator~~ was 33  
operating, ~~and then~~. The operator shall remain at the scene of 34  
the accident or collision until a police officer arrives, unless 35  
removed from the scene by an emergency vehicle operated by a 36  
political subdivision or an ambulance. 37

(3) If the accident or collision is with an unoccupied or 38  
unattended motor vehicle, the operator who collides with the 39  
motor vehicle shall securely attach the information required to 40  
be given in this section, in writing, to a conspicuous place in 41  
or on the unoccupied or unattended motor vehicle. 42

(B) Whoever violates division (A) of this section is 43  
guilty of failure to stop after an accident, a misdemeanor of 44  
the first degree. If the accident or collision results in 45  
serious physical harm to a person, ~~failure to stop after an~~ 46  
~~accident is a felony of the fifth degree. If the accident or~~ 47  
~~collision results in~~ or the death of a person, failure to stop 48

after an accident is a felony of the ~~third~~second degree. The 49  
court, in addition to any other penalties provided by law, shall 50  
impose upon the offender a class five suspension of the 51  
offender's driver's license, commercial driver's license, 52  
temporary instruction permit, probationary license, or 53  
nonresident operating privilege from the range specified in 54  
division (A) (5) of section 4510.02 of the Revised Code. No judge 55  
shall suspend the first six months of suspension of an 56  
offender's license, permit, or privilege required by this 57  
division. 58

The offender shall provide the court with proof of 59  
financial responsibility as defined in section 4509.01 of the 60  
Revised Code. If the offender fails to provide that proof of 61  
financial responsibility, then, in addition to any other 62  
penalties provided by law, the court may order restitution 63  
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 64  
amount not exceeding five thousand dollars for any economic loss 65  
arising from an accident or collision that was the direct and 66  
proximate result of the offender's operation of the motor 67  
vehicle before, during, or after committing the offense charged 68  
under this section. 69

**Sec. 4549.021.** (A) (1) In the case of a motor vehicle 70  
accident or collision resulting in injury or damage to persons 71  
or property ~~upon~~on any public or private property other than 72  
~~public roads or highways, due to the driving or operation~~ 73  
~~thereon of any motor vehicle, the person driving or operating a~~ 74  
public road or highway, the operator of the motor vehicle, 75  
having knowledge of the accident or collision, shall stop, ~~and,~~ 76  
~~upon~~ at the scene of the accident or collision. Upon request of 77  
~~the any person who is injured or damaged, or any other person,~~ 78  
the operator shall give that person the ~~driver's or operator's~~ 79

name and address, and, if the ~~driver or~~ operator is not the 80  
owner, the name and address of the owner of that motor vehicle, 81  
together with the registered number of that motor vehicle, and, 82  
if available, exhibit the ~~driver's or operator's~~ driver's or 83  
commercial driver's license. 84

(2) If the owner or person in charge of the damaged 85  
property is not furnished such information, the driver operator 86  
of the motor vehicle involved in the accident or collision does 87  
not provide the information specified in division (A) (1) of this 88  
section, the operator shall give that information, within 89  
twenty-four hours after the accident or collision, ~~shall forward~~ 90  
to the police department of the city or village in which the 91  
accident or collision occurred, or if it occurred outside the 92  
corporate limits of a city or village, to the sheriff of the 93  
county in which the accident or collision occurred ~~the same~~ 94  
~~information required to be given to the owner or person in~~ 95  
~~control of the damaged property and give the date, time, and~~ 96  
~~location of the accident or collision.~~ 97

(3) If the accident or collision is with an unoccupied or 98  
unattended motor vehicle, the operator who collides with the 99  
motor vehicle shall securely attach the information required ~~to~~ 100  
~~be given in~~ under division (A) (1) of this section, in writing, 101  
to a conspicuous place in or on the unoccupied or unattended 102  
motor vehicle. 103

(B) Whoever violates division (A) of this section is 104  
guilty of failure to stop after a nonpublic road accident, a 105  
misdemeanor of the first degree. If the accident or collision 106  
results in serious physical harm to a person, ~~failure to stop~~ 107  
~~after a nonpublic road accident is a felony of the fifth degree.~~ 108  
~~If the accident or collision results in~~ or the death of a 109

person, failure to stop after a nonpublic road accident is a 110  
felony of the ~~third~~-second degree. The court, in addition to any 111  
other penalties provided by law, shall impose upon the offender 112  
a class five suspension of the offender's driver's license, 113  
commercial driver's license, temporary instruction permit, 114  
probationary license, or nonresident operating privilege from 115  
the range specified in division (A) (5) of section 4510.02 of the 116  
Revised Code. No judge shall suspend the first six months of 117  
suspension of an offender's license, permit, or privilege 118  
required by this division. 119

The offender shall provide the court with proof of 120  
financial responsibility as defined in section 4509.01 of the 121  
Revised Code. If the offender fails to provide that proof of 122  
financial responsibility, then, in addition to any other 123  
penalties provided by law, the court may order restitution 124  
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 125  
amount not exceeding five thousand dollars for any economic loss 126  
arising from an accident or collision that was the direct and 127  
proximate result of the offender's operation of the motor 128  
vehicle before, during, or after committing the offense charged 129  
under this section. 130

**Section 2.** That existing sections 4549.02 and 4549.021 of 131  
the Revised Code are hereby repealed. 132

**Section 3.** This act shall be known as Brandon's Law. 133