

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 300

**Representatives Baker, Manning
Cosponsors: Representatives Cupp, Schaffer**

A BILL

To amend sections 2903.06 and 4510.54 of the
Revised Code to modify the law governing the
termination or modification of a lifetime
driver's license suspension or a class two
suspension that exceeds fifteen years and to
specify that a class one driver's license
suspension for a specified aggravated vehicular
homicide offense begins upon the offender's
release from prison.

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

Section 1. That sections 2903.06 and 4510.54 of the
Revised Code be amended to read as follows:

Sec. 2903.06. (A) No person, while operating or
participating in the operation of a motor vehicle, motorcycle,
snowmobile, locomotive, watercraft, or aircraft, shall cause the
death of another or the unlawful termination of another's
pregnancy in any of the following ways:

(1) (a) As the proximate result of committing a violation
of division (A) of section 4511.19 of the Revised Code or of a

substantially equivalent municipal ordinance;	19
(b) As the proximate result of committing a violation of	20
division (A) of section 1547.11 of the Revised Code or of a	21
substantially equivalent municipal ordinance;	22
(c) As the proximate result of committing a violation of	23
division (A) (3) of section 4561.15 of the Revised Code or of a	24
substantially equivalent municipal ordinance.	25
(2) In one of the following ways:	26
(a) Recklessly;	27
(b) As the proximate result of committing, while operating	28
or participating in the operation of a motor vehicle or	29
motorcycle in a construction zone, a reckless operation offense,	30
provided that this division applies only if the person whose	31
death is caused or whose pregnancy is unlawfully terminated is	32
in the construction zone at the time of the offender's	33
commission of the reckless operation offense in the construction	34
zone and does not apply as described in division (F) of this	35
section.	36
(3) In one of the following ways:	37
(a) Negligently;	38
(b) As the proximate result of committing, while operating	39
or participating in the operation of a motor vehicle or	40
motorcycle in a construction zone, a speeding offense, provided	41
that this division applies only if the person whose death is	42
caused or whose pregnancy is unlawfully terminated is in the	43
construction zone at the time of the offender's commission of	44
the speeding offense in the construction zone and does not apply	45
as described in division (F) of this section.	46

(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

(B) (1) Whoever violates division (A) (1) or (2) of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions (B) (2) and (3) of this section.

(2) (a) Except as otherwise provided in division (B) (2) (b) or (c) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the second degree and the court shall impose a mandatory prison term on the offender as described in division (E) of this section.

(b) Except as otherwise provided in division (B) (2) (c) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the first degree, and the court shall impose a mandatory prison term on the offender as described in division (E) of this section, if any of the following apply:

(i) At the time of the offense, the offender was driving under a suspension or cancellation imposed under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's

driver's license or commercial driver's license without	77
examination under section 4507.10 of the Revised Code.	78
(ii) The offender previously has been convicted of or	79
pleaded guilty to a violation of this section.	80
(iii) The offender previously has been convicted of or	81
pleaded guilty to any traffic-related homicide, manslaughter, or	82
assault offense.	83
(c) Aggravated vehicular homicide committed in violation	84
of division (A) (1) of this section is a felony of the first	85
degree, and the court shall sentence the offender to a mandatory	86
prison term as provided in section 2929.142 of the Revised Code	87
and described in division (E) of this section if any of the	88
following apply:	89
(i) The offender previously has been convicted of or	90
pleaded guilty to three or more prior violations of section	91
4511.19 of the Revised Code or of a substantially equivalent	92
municipal ordinance within the previous six years.	93
(ii) The offender previously has been convicted of or	94
pleaded guilty to three or more prior violations of division (A)	95
of section 1547.11 of the Revised Code or of a substantially	96
equivalent municipal ordinance within the previous six years.	97
(iii) The offender previously has been convicted of or	98
pleaded guilty to three or more prior violations of division (A)	99
(3) of section 4561.15 of the Revised Code or of a substantially	100
equivalent municipal ordinance within the previous six years.	101
(iv) The offender previously has been convicted of or	102
pleaded guilty to three or more prior violations of division (A)	103
(1) of this section within the previous six years.	104

(v) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(1) of section 2903.08 of the Revised Code within the previous
six years.

(vi) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of section
2903.04 of the Revised Code within the previous six years in
circumstances in which division (D) of that section applied
regarding the violations.

(vii) The offender previously has been convicted of or
pleaded guilty to three or more violations of any combination of
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),
(v), or (vi) of this section within the previous six years.

(viii) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.

(d) In addition to any other sanctions imposed pursuant to
division (B) (2) (a), (b), or (c) of this section for aggravated
vehicular homicide committed in violation of division (A) (1) of
this section, the court shall impose upon the offender a class
one suspension of the offender's driver's license, commercial
driver's license, temporary instruction permit, probationary
license, or nonresident operating privilege as specified in
division (A) (1) of section 4510.02 of the Revised Code, which
shall begin upon the offender's release from prison.

Divisions (A) (1) to (3) of section 4510.54 of the Revised
Code apply to a suspension imposed under division (B) (2) (d) of
this section.

(3) Except as otherwise provided in this division,

aggravated vehicular homicide committed in violation of division 134
(A) (2) of this section is a felony of the third degree. 135
Aggravated vehicular homicide committed in violation of division 136
(A) (2) of this section is a felony of the second degree if, at 137
the time of the offense, the offender was driving under a 138
suspension or cancellation imposed under Chapter 4510. or any 139
other provision of the Revised Code or was operating a motor 140
vehicle or motorcycle, did not have a valid driver's license, 141
commercial driver's license, temporary instruction permit, 142
probationary license, or nonresident operating privilege, and 143
was not eligible for renewal of the offender's driver's license 144
or commercial driver's license without examination under section 145
4507.10 of the Revised Code or if the offender previously has 146
been convicted of or pleaded guilty to a violation of this 147
section or any traffic-related homicide, manslaughter, or 148
assault offense. The court shall impose a mandatory prison term 149
on the offender when required by division (E) of this section. 150

In addition to any other sanctions imposed pursuant to 151
this division for a violation of division (A) (2) of this 152
section, the court shall impose upon the offender a class two 153
suspension of the offender's driver's license, commercial 154
driver's license, temporary instruction permit, probationary 155
license, or nonresident operating privilege from the range 156
specified in division (A) (2) of section 4510.02 of the Revised 157
Code or, if the offender previously has been convicted of or 158
pleaded guilty to a traffic-related murder, felonious assault, 159
or attempted murder offense, a class one suspension of the 160
offender's driver's license, commercial driver's license, 161
temporary instruction permit, probationary license, or 162
nonresident operating privilege as specified in division (A) (1) 163
of that section. 164

(C) Whoever violates division (A) (3) of this section is 165
guilty of vehicular homicide. Except as otherwise provided in 166
this division, vehicular homicide is a misdemeanor of the first 167
degree. Vehicular homicide committed in violation of division 168
(A) (3) of this section is a felony of the fourth degree if, at 169
the time of the offense, the offender was driving under a 170
suspension or cancellation imposed under Chapter 4510. or any 171
other provision of the Revised Code or was operating a motor 172
vehicle or motorcycle, did not have a valid driver's license, 173
commercial driver's license, temporary instruction permit, 174
probationary license, or nonresident operating privilege, and 175
was not eligible for renewal of the offender's driver's license 176
or commercial driver's license without examination under section 177
4507.10 of the Revised Code or if the offender previously has 178
been convicted of or pleaded guilty to a violation of this 179
section or any traffic-related homicide, manslaughter, or 180
assault offense. The court shall impose a mandatory jail term or 181
a mandatory prison term on the offender when required by 182
division (E) of this section. 183

In addition to any other sanctions imposed pursuant to 184
this division, the court shall impose upon the offender a class 185
four suspension of the offender's driver's license, commercial 186
driver's license, temporary instruction permit, probationary 187
license, or nonresident operating privilege from the range 188
specified in division (A) (4) of section 4510.02 of the Revised 189
Code, or, if the offender previously has been convicted of or 190
pleaded guilty to a violation of this section or any traffic- 191
related homicide, manslaughter, or assault offense, a class 192
three suspension of the offender's driver's license, commercial 193
driver's license, temporary instruction permit, probationary 194
license, or nonresident operating privilege from the range 195

specified in division (A) (3) of that section, or, if the 196
offender previously has been convicted of or pleaded guilty to a 197
traffic-related murder, felonious assault, or attempted murder 198
offense, a class two suspension of the offender's driver's 199
license, commercial driver's license, temporary instruction 200
permit, probationary license, or nonresident operating privilege 201
as specified in division (A) (2) of that section. 202

(D) Whoever violates division (A) (4) of this section is 203
guilty of vehicular manslaughter. Except as otherwise provided 204
in this division, vehicular manslaughter is a misdemeanor of the 205
second degree. Vehicular manslaughter is a misdemeanor of the 206
first degree if, at the time of the offense, the offender was 207
driving under a suspension or cancellation imposed under Chapter 208
4510. or any other provision of the Revised Code or was 209
operating a motor vehicle or motorcycle, did not have a valid 210
driver's license, commercial driver's license, temporary 211
instruction permit, probationary license, or nonresident 212
operating privilege, and was not eligible for renewal of the 213
offender's driver's license or commercial driver's license 214
without examination under section 4507.10 of the Revised Code or 215
if the offender previously has been convicted of or pleaded 216
guilty to a violation of this section or any traffic-related 217
homicide, manslaughter, or assault offense. 218

In addition to any other sanctions imposed pursuant to 219
this division, the court shall impose upon the offender a class 220
six suspension of the offender's driver's license, commercial 221
driver's license, temporary instruction permit, probationary 222
license, or nonresident operating privilege from the range 223
specified in division (A) (6) of section 4510.02 of the Revised 224
Code or, if the offender previously has been convicted of or 225
pleaded guilty to a violation of this section, any traffic- 226

related homicide, manslaughter, or assault offense, or a 227
traffic-related murder, felonious assault, or attempted murder 228
offense, a class four suspension of the offender's driver's 229
license, commercial driver's license, temporary instruction 230
permit, probationary license, or nonresident operating privilege 231
from the range specified in division (A)(4) of that section. 232

(E) The court shall impose a mandatory prison term on an 233
offender who is convicted of or pleads guilty to a violation of 234
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 235
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 236
to an offender who is convicted of or pleads guilty to the 237
violation of division (A)(1) of this section, the court shall 238
impose the mandatory prison term pursuant to section 2929.142 of 239
the Revised Code. The court shall impose a mandatory jail term 240
of at least fifteen days on an offender who is convicted of or 241
pleads guilty to a misdemeanor violation of division (A)(3)(b) 242
of this section and may impose upon the offender a longer jail 243
term as authorized pursuant to section 2929.24 of the Revised 244
Code. The court shall impose a mandatory prison term on an 245
offender who is convicted of or pleads guilty to a violation of 246
division (A)(2) or (3)(a) of this section or a felony violation 247
of division (A)(3)(b) of this section if either of the following 248
applies: 249

(1) The offender previously has been convicted of or 250
pleaded guilty to a violation of this section or section 2903.08 251
of the Revised Code. 252

(2) At the time of the offense, the offender was driving 253
under suspension or cancellation under Chapter 4510. or any 254
other provision of the Revised Code or was operating a motor 255
vehicle or motorcycle, did not have a valid driver's license, 256

commercial driver's license, temporary instruction permit, 257
probationary license, or nonresident operating privilege, and 258
was not eligible for renewal of the offender's driver's license 259
or commercial driver's license without examination under section 260
4507.10 of the Revised Code. 261

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 262
apply in a particular construction zone unless signs of the type 263
described in section 2903.081 of the Revised Code are erected in 264
that construction zone in accordance with the guidelines and 265
design specifications established by the director of 266
transportation under section 5501.27 of the Revised Code. The 267
failure to erect signs of the type described in section 2903.081 268
of the Revised Code in a particular construction zone in 269
accordance with those guidelines and design specifications does 270
not limit or affect the application of division (A) (1), (A) (2) 271
(a), (A) (3) (a), or (A) (4) of this section in that construction 272
zone or the prosecution of any person who violates any of those 273
divisions in that construction zone. 274

(G) (1) As used in this section: 275

(a) "Mandatory prison term" and "mandatory jail term" have 276
the same meanings as in section 2929.01 of the Revised Code. 277

(b) "Traffic-related homicide, manslaughter, or assault 278
offense" means a violation of section 2903.04 of the Revised 279
Code in circumstances in which division (D) of that section 280
applies, a violation of section 2903.06 or 2903.08 of the 281
Revised Code, or a violation of section 2903.06, 2903.07, or 282
2903.08 of the Revised Code as they existed prior to March 23, 283
2000. 284

(c) "Construction zone" has the same meaning as in section 285

5501.27 of the Revised Code.	286
(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code.	287 288 289
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	290 291 292
(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A) (2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.	293 294 295 296 297 298 299 300 301 302 303
(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	304 305
<u>(h) "Release from prison" means a person's physical release from a jail or prison as defined in section 2929.01 of the Revised Code.</u>	306 307 308
(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or	309 310 311 312 313 314

former law of another state or the United States. 315

Sec. 4510.54. (A) Except as provided in division (F) of 316
this section, a person whose driver's or commercial driver's 317
license has been suspended for life under a class one suspension 318
or as otherwise provided by law or has been suspended for a 319
period in excess of fifteen years under a class two suspension 320
may file a motion with the sentencing court for modification or 321
termination of the suspension. The person filing the motion 322
shall demonstrate all of the following: 323

(1) ~~One of the following applies:~~ 324

(a) ~~At~~ If the person's license was suspended as a result 325
of the person being convicted of a felony, at least fifteen 326
years have elapsed since the suspension began, and, for the past 327
fifteen years, the person has not been found guilty of any 328
felony, any offense involving a moving violation under federal 329
law, the law of this state, or the law of any of its political 330
subdivisions, or any violation of a suspension under this 331
chapter or a substantially equivalent municipal ordinance. 332

(b) ~~At~~ If the person's license was suspended as a result 333
of the person being convicted of a misdemeanor, at least five 334
years have elapsed since the suspension began, and, for the past 335
five years, the person has not been found guilty of any offense 336
involving a moving violation under the law of this state, the 337
law of any of its political subdivisions, or federal law, any 338
violation of section 2903.06 or 2903.08 of the Revised Code, or 339
any violation of a suspension under this chapter or a 340
substantially equivalent municipal ordinance. 341

(2) The person has proof of financial responsibility, a 342
policy of liability insurance in effect that meets the minimum 343

standard set forth in section 4509.51 of the Revised Code, or 344
proof, to the satisfaction of the registrar of motor vehicles, 345
that the person is able to respond in damages in an amount at 346
least equal to the minimum amounts specified in that section. 347

(3) If the suspension was imposed because the person was 348
under the influence of alcohol, a drug of abuse, or combination 349
of them at the time of the offense or because at the time of the 350
offense the person's whole blood, blood serum or plasma, breath, 351
or urine contained at least the concentration of alcohol 352
specified in division (A) (1) (b), (c), (d), or (e) of section 353
4511.19 of the Revised Code or at least the concentration of a 354
listed controlled substance or a listed metabolite of a 355
controlled substance specified in division (A) (1) (j) of section 356
4511.19 of the Revised Code, ~~the person also shall demonstrate~~ 357
all of the following apply to the person: 358

(a) The person successfully completed an alcohol, drug, or 359
alcohol and drug treatment program. 360

(b) The person has not abused alcohol or other drugs for a 361
period satisfactory to the court. 362

(c) For the past fifteen years, the person has not been 363
found guilty of any alcohol-related or drug-related offense. 364

(B) Upon receipt of a motion for modification or 365
termination of the suspension under this section, the court may 366
schedule a hearing on the motion. The court may deny the motion 367
without a hearing but shall not grant the motion without a 368
hearing. If the court denies a motion without a hearing, the 369
court may consider a subsequent motion filed under this section 370
by that person. If a court denies the motion after a hearing, 371
the court shall not consider a subsequent motion for that 372

person. The court shall hear only one motion filed by a person 373
under this section. If scheduled, the hearing shall be conducted 374
in open court within ninety days after the date on which the 375
motion is filed. 376

(C) The court shall notify the person whose license was 377
suspended and the prosecuting attorney of the date, time, and 378
location of the hearing. Upon receipt of the notice from the 379
court, the prosecuting attorney shall notify the victim or the 380
victim's representative of the date, time, and location of the 381
hearing. 382

(D) At any hearing under this section, the person who 383
seeks modification or termination of the suspension has the 384
burden to demonstrate, under oath, that the person meets the 385
requirements of division (A) of this section. At the hearing, 386
the court shall afford the offender or the offender's counsel an 387
opportunity to present oral or written information relevant to 388
the motion. The court shall afford a similar opportunity to 389
provide relevant information to the prosecuting attorney and the 390
victim or victim's representative. 391

Before ruling on the motion, the court shall take into 392
account the person's driving record, the nature of the offense 393
that led to the suspension, and the impact of the offense on any 394
victim. In addition, if the offender is eligible for 395
modification or termination of the suspension under division (A) 396
(1) (a) of this section, the court shall consider whether the 397
person committed any other offense while under suspension and 398
determine whether the offense is relevant to a determination 399
under this section. The court may modify or terminate the 400
suspension subject to any considerations it considers proper if 401
it finds that allowing the person to drive is not likely to 402

present a danger to the public. After the court makes a ruling 403
on a motion filed under this section, the prosecuting attorney 404
shall notify the victim or the victim's representative of the 405
court's ruling. 406

(E) If a court modifies a person's license suspension 407
under this section and the person subsequently is found guilty 408
of any moving violation or of any substantially equivalent 409
municipal ordinance that carries as a possible penalty the 410
suspension of a person's driver's or commercial driver's 411
license, the court may reimpose the class one or other lifetime 412
suspension, or the class two suspension, whichever is 413
applicable. 414

(F) This section does not apply to any person whose 415
driver's or commercial driver's license or permit or nonresident 416
operating privilege has been suspended for life under a class 417
one suspension imposed under division (B) (3) of section 2903.06 418
or section 2903.08 of the Revised Code or a class two suspension 419
imposed under division (C) of section 2903.06 or section 420
2903.11, 2923.02, or 2929.02 of the Revised Code. 421

Section 2. That existing sections 2903.06 and 4510.54 of 422
the Revised Code are hereby repealed. 423