

**As Passed by the House**

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**Sub. H. B. No. 300**

**Representatives Baker, Manning**

**Cosponsors: Representatives Cupp, Schaffer, Butler, Conditt, Dever, Rezabek, Anielski, Arndt, Boose, Brown, Buchy, Burkley, Hackett, Hayes, Hill, Huffman, Koehler, Lepore-Hagan, Maag, McClain, O'Brien, M., O'Brien, S., Patterson, Perales, Rogers, Sweeney, Speaker Rosenberger**

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**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 17  
of division (A) of section 4511.19 of the Revised Code or of a 18  
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 47  
any provision of any section contained in Title XLV of the 48  
Revised Code that is a minor misdemeanor or of a municipal 49  
ordinance that, regardless of the penalty set by ordinance for 50  
the violation, is substantially equivalent to any provision of 51  
any section contained in Title XLV of the Revised Code that is a 52  
minor misdemeanor. 53

(B) (1) Whoever violates division (A) (1) or (2) of this 54  
section is guilty of aggravated vehicular homicide and shall be 55  
punished as provided in divisions (B) (2) and (3) of this 56  
section. 57

(2) (a) Except as otherwise provided in division (B) (2) (b) 58  
or (c) of this section, aggravated vehicular homicide committed 59  
in violation of division (A) (1) of this section is a felony of 60  
the second degree and the court shall impose a mandatory prison 61  
term on the offender as described in division (E) of this 62  
section. 63

(b) Except as otherwise provided in division (B) (2) (c) of 64  
this section, aggravated vehicular homicide committed in 65  
violation of division (A) (1) of this section is a felony of the 66  
first degree, and the court shall impose a mandatory prison term 67  
on the offender as described in division (E) of this section, if 68  
any of the following apply: 69

(i) At the time of the offense, the offender was driving 70  
under a suspension or cancellation imposed under Chapter 4510. 71  
or any other provision of the Revised Code or was operating a 72  
motor vehicle or motorcycle, did not have a valid driver's 73

license, commercial driver's license, temporary instruction 74  
permit, probationary license, or nonresident operating 75  
privilege, and was not eligible for renewal of the offender's 76  
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	105
pleaded guilty to three or more prior violations of division (A)	106
(1) of section 2903.08 of the Revised Code within the previous	107
six years.	108
(vi) The offender previously has been convicted of or	109
pleaded guilty to three or more prior violations of section	110
2903.04 of the Revised Code within the previous six years in	111
circumstances in which division (D) of that section applied	112
regarding the violations.	113
(vii) The offender previously has been convicted of or	114
pleaded guilty to three or more violations of any combination of	115
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),	116
(v), or (vi) of this section within the previous six years.	117
(viii) The offender previously has been convicted of or	118
pleaded guilty to a second or subsequent felony violation of	119
division (A) of section 4511.19 of the Revised Code.	120
(d) In addition to any other sanctions imposed pursuant to	121
division (B) (2) (a), (b), or (c) of this section for aggravated	122
vehicular homicide committed in violation of division (A) (1) of	123
this section, the court shall impose upon the offender a class	124
one suspension of the offender's driver's license, commercial	125
driver's license, temporary instruction permit, probationary	126
license, or nonresident operating privilege as specified in	127
division (A) (1) of section 4510.02 of the Revised Code.	128
<u>Divisions (A) (1) to (3) of section 4510.54 of the Revised</u>	129
<u>Code apply to a suspension imposed under division (B) (2) (d) of</u>	130
<u>this section.</u>	131

(3) Except as otherwise provided in this division, 132  
aggravated vehicular homicide committed in violation of division 133  
(A) (2) of this section is a felony of the third degree. 134  
Aggravated vehicular homicide committed in violation of division 135  
(A) (2) of this section is a felony of the second degree if, at 136  
the time of the offense, the offender was driving under a 137  
suspension or cancellation imposed under Chapter 4510. or any 138  
other provision of the Revised Code or was operating a motor 139  
vehicle or motorcycle, did not have a valid driver's license, 140  
commercial driver's license, temporary instruction permit, 141  
probationary license, or nonresident operating privilege, and 142  
was not eligible for renewal of the offender's driver's license 143  
or commercial driver's license without examination under section 144  
4507.10 of the Revised Code or if the offender previously has 145  
been convicted of or pleaded guilty to a violation of this 146  
section or any traffic-related homicide, manslaughter, or 147  
assault offense. The court shall impose a mandatory prison term 148  
on the offender when required by division (E) of this section. 149

In addition to any other sanctions imposed pursuant to 150  
this division for a violation of division (A) (2) of this 151  
section, the court shall impose upon the offender a class two 152  
suspension of the offender's driver's license, commercial 153  
driver's license, temporary instruction permit, probationary 154  
license, or nonresident operating privilege from the range 155  
specified in division (A) (2) of section 4510.02 of the Revised 156  
Code or, if the offender previously has been convicted of or 157  
pleaded guilty to a traffic-related murder, felonious assault, 158  
or attempted murder offense, a class one suspension of the 159  
offender's driver's license, commercial driver's license, 160  
temporary instruction permit, probationary license, or 161  
nonresident operating privilege as specified in division (A) (1) 162

of that section. 163

(C) Whoever violates division (A) (3) of this section is 164  
guilty of vehicular homicide. Except as otherwise provided in 165  
this division, vehicular homicide is a misdemeanor of the first 166  
degree. Vehicular homicide committed in violation of division 167  
(A) (3) of this section is a felony of the fourth degree if, at 168  
the time of the offense, the offender was driving under a 169  
suspension or cancellation imposed under Chapter 4510. or any 170  
other provision of the Revised Code or was operating a motor 171  
vehicle or motorcycle, did not have a valid driver's license, 172  
commercial driver's license, temporary instruction permit, 173  
probationary license, or nonresident operating privilege, and 174  
was not eligible for renewal of the offender's driver's license 175  
or commercial driver's license without examination under section 176  
4507.10 of the Revised Code or if the offender previously has 177  
been convicted of or pleaded guilty to a violation of this 178  
section or any traffic-related homicide, manslaughter, or 179  
assault offense. The court shall impose a mandatory jail term or 180  
a mandatory prison term on the offender when required by 181  
division (E) of this section. 182

In addition to any other sanctions imposed pursuant to 183  
this division, the court shall impose upon the offender a class 184  
four suspension of the offender's driver's license, commercial 185  
driver's license, temporary instruction permit, probationary 186  
license, or nonresident operating privilege from the range 187  
specified in division (A) (4) of section 4510.02 of the Revised 188  
Code, or, if the offender previously has been convicted of or 189  
pleaded guilty to a violation of this section or any traffic- 190  
related homicide, manslaughter, or assault offense, a class 191  
three suspension of the offender's driver's license, commercial 192  
driver's license, temporary instruction permit, probationary 193

license, or nonresident operating privilege from the range 194  
specified in division (A) (3) of that section, or, if the 195  
offender previously has been convicted of or pleaded guilty to a 196  
traffic-related murder, felonious assault, or attempted murder 197  
offense, a class two suspension of the offender's driver's 198  
license, commercial driver's license, temporary instruction 199  
permit, probationary license, or nonresident operating privilege 200  
as specified in division (A) (2) of that section. 201

(D) Whoever violates division (A) (4) of this section is 202  
guilty of vehicular manslaughter. Except as otherwise provided 203  
in this division, vehicular manslaughter is a misdemeanor of the 204  
second degree. Vehicular manslaughter is a misdemeanor of the 205  
first degree if, at the time of the offense, the offender was 206  
driving under a suspension or cancellation imposed under Chapter 207  
4510. or any other provision of the Revised Code or was 208  
operating a motor vehicle or motorcycle, did not have a valid 209  
driver's license, commercial driver's license, temporary 210  
instruction permit, probationary license, or nonresident 211  
operating privilege, and was not eligible for renewal of the 212  
offender's driver's license or commercial driver's license 213  
without examination under section 4507.10 of the Revised Code or 214  
if the offender previously has been convicted of or pleaded 215  
guilty to a violation of this section or any traffic-related 216  
homicide, manslaughter, or assault offense. 217

In addition to any other sanctions imposed pursuant to 218  
this division, the court shall impose upon the offender a class 219  
six suspension of the offender's driver's license, commercial 220  
driver's license, temporary instruction permit, probationary 221  
license, or nonresident operating privilege from the range 222  
specified in division (A) (6) of section 4510.02 of the Revised 223  
Code or, if the offender previously has been convicted of or 224

pleaded guilty to a violation of this section, any traffic- 225  
related homicide, manslaughter, or assault offense, or a 226  
traffic-related murder, felonious assault, or attempted murder 227  
offense, a class four suspension of the offender's driver's 228  
license, commercial driver's license, temporary instruction 229  
permit, probationary license, or nonresident operating privilege 230  
from the range specified in division (A) (4) of that section. 231

(E) The court shall impose a mandatory prison term on an 232  
offender who is convicted of or pleads guilty to a violation of 233  
division (A) (1) of this section. If division (B) (2) (c) (i), (ii), 234  
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 235  
to an offender who is convicted of or pleads guilty to the 236  
violation of division (A) (1) of this section, the court shall 237  
impose the mandatory prison term pursuant to section 2929.142 of 238  
the Revised Code. The court shall impose a mandatory jail term 239  
of at least fifteen days on an offender who is convicted of or 240  
pleads guilty to a misdemeanor violation of division (A) (3) (b) 241  
of this section and may impose upon the offender a longer jail 242  
term as authorized pursuant to section 2929.24 of the Revised 243  
Code. The court shall impose a mandatory prison term on an 244  
offender who is convicted of or pleads guilty to a violation of 245  
division (A) (2) or (3) (a) of this section or a felony violation 246  
of division (A) (3) (b) of this section if either of the following 247  
applies: 248

(1) The offender previously has been convicted of or 249  
pleaded guilty to a violation of this section or section 2903.08 250  
of the Revised Code. 251

(2) At the time of the offense, the offender was driving 252  
under suspension or cancellation under Chapter 4510. or any 253  
other provision of the Revised Code or was operating a motor 254

vehicle or motorcycle, did not have a valid driver's license, 255  
commercial driver's license, temporary instruction permit, 256  
probationary license, or nonresident operating privilege, and 257  
was not eligible for renewal of the offender's driver's license 258  
or commercial driver's license without examination under section 259  
4507.10 of the Revised Code. 260

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 261  
apply in a particular construction zone unless signs of the type 262  
described in section 2903.081 of the Revised Code are erected in 263  
that construction zone in accordance with the guidelines and 264  
design specifications established by the director of 265  
transportation under section 5501.27 of the Revised Code. The 266  
failure to erect signs of the type described in section 2903.081 267  
of the Revised Code in a particular construction zone in 268  
accordance with those guidelines and design specifications does 269  
not limit or affect the application of division (A) (1), (A) (2) 270  
(a), (A) (3) (a), or (A) (4) of this section in that construction 271  
zone or the prosecution of any person who violates any of those 272  
divisions in that construction zone. 273

(G) (1) As used in this section: 274

(a) "Mandatory prison term" and "mandatory jail term" have 275  
the same meanings as in section 2929.01 of the Revised Code. 276

(b) "Traffic-related homicide, manslaughter, or assault 277  
offense" means a violation of section 2903.04 of the Revised 278  
Code in circumstances in which division (D) of that section 279  
applies, a violation of section 2903.06 or 2903.08 of the 280  
Revised Code, or a violation of section 2903.06, 2903.07, or 281  
2903.08 of the Revised Code as they existed prior to March 23, 282  
2000. 283

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	284 285
(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.	286 287 288
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	289 290 291
(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.	292 293 294 295 296 297 298 299 300 301 302
(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	303 304
(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 former law of another state or the United States.	305 306 307 308 309 310 311
<b>Sec. 4510.54.</b> (A) Except as provided in division (F) of	312

this section, a person whose driver's or commercial driver's 313  
license has been suspended for life under a class one suspension 314  
or as otherwise provided by law or has been suspended for a 315  
period in excess of fifteen years under a class two suspension 316  
may file a motion with the sentencing court for modification or 317  
termination of the suspension. The person filing the motion 318  
shall demonstrate all of the following: 319

~~(1) One of the following applies:~~ 320

(a) ~~At~~ If the person's license was suspended as a result 321  
of the person being convicted of a felony, at least fifteen 322  
years have elapsed since the suspension began or, if the 323  
person's license was suspended under division (B) (2) (d) of 324  
section 2903.06 of the Revised Code, at least fifteen years have 325  
elapsed since the person was released from prison, and, for the 326  
past fifteen years, the person has not been found guilty of any 327  
of the following: 328

(i) A felony, ~~any;~~ 329

(ii) An offense involving a moving violation under federal 330  
law, the law of this state, or the law of any of its political 331  
subdivisions, ~~or any;~~ 332

(iii) A violation of a suspension under this chapter or a 333  
substantially equivalent municipal ordinance. 334

(b) ~~At~~ If the person's license was suspended as a result 335  
of the person being convicted of a misdemeanor, at least five 336  
years have elapsed since the suspension began, and, for the past 337  
five years, the person has not been found guilty of any of the 338  
following: 339

(i) An offense involving a moving violation under the law 340  
of this state, the law of any of its political subdivisions, or 341

federal law,~~any~~; 342

(ii) A violation of section 2903.06 or 2903.08 of the 343  
Revised Code,~~or any~~; 344

(iii) A violation of a suspension under this chapter or a 345  
substantially equivalent municipal ordinance. 346

(2) The person has proof of financial responsibility, a 347  
policy of liability insurance in effect that meets the minimum 348  
standard set forth in section 4509.51 of the Revised Code, or 349  
proof, to the satisfaction of the registrar of motor vehicles, 350  
that the person is able to respond in damages in an amount at 351  
least equal to the minimum amounts specified in that section. 352

(3) If the suspension was imposed because the person was 353  
under the influence of alcohol, a drug of abuse, or combination 354  
of them at the time of the offense or because at the time of the 355  
offense the person's whole blood, blood serum or plasma, breath, 356  
or urine contained at least the concentration of alcohol 357  
specified in division (A) (1) (b), (c), (d), or (e) of section 358  
4511.19 of the Revised Code or at least the concentration of a 359  
listed controlled substance or a listed metabolite of a 360  
controlled substance specified in division (A) (1) (j) of section 361  
4511.19 of the Revised Code, ~~the person also shall demonstrate~~ 362  
all of the following apply to the person: 363

(a) The person successfully completed an alcohol, drug, or 364  
alcohol and drug treatment program. 365

(b) The person has not abused alcohol or other drugs for a 366  
period satisfactory to the court. 367

(c) For the past fifteen years, the person has not been 368  
found guilty of any alcohol-related or drug-related offense. 369

(B) Upon receipt of a motion for modification or 370  
termination of the suspension under this section, the court may 371  
schedule a hearing on the motion. The court may deny the motion 372  
without a hearing but shall not grant the motion without a 373  
hearing. If the court denies a motion without a hearing, the 374  
court may consider a subsequent motion filed under this section 375  
by that person. If a court denies the motion after a hearing, 376  
the court shall not consider a subsequent motion for that 377  
person. The court shall hear only one motion filed by a person 378  
under this section. If scheduled, the hearing shall be conducted 379  
in open court within ninety days after the date on which the 380  
motion is filed. 381

(C) The court shall notify the person whose license was 382  
suspended and the prosecuting attorney of the date, time, and 383  
location of the hearing. Upon receipt of the notice from the 384  
court, the prosecuting attorney shall notify the victim or the 385  
victim's representative of the date, time, and location of the 386  
hearing. 387

(D) At any hearing under this section, the person who 388  
seeks modification or termination of the suspension has the 389  
burden to demonstrate, under oath, that the person meets the 390  
requirements of division (A) of this section. At the hearing, 391  
the court shall afford the offender or the offender's counsel an 392  
opportunity to present oral or written information relevant to 393  
the motion. The court shall afford a similar opportunity to 394  
provide relevant information to the prosecuting attorney and the 395  
victim or victim's representative. 396

Before ruling on the motion, the court shall take into 397  
account the person's driving record, the nature of the offense 398  
that led to the suspension, and the impact of the offense on any 399

victim. In addition, if the offender is eligible for 400  
modification or termination of the suspension under division (A) 401  
(1)(a) of this section, the court shall consider whether the 402  
person committed any other offense while under suspension and 403  
determine whether the offense is relevant to a determination 404  
under this section. The court may modify or terminate the 405  
suspension subject to any considerations it considers proper if 406  
it finds that allowing the person to drive is not likely to 407  
present a danger to the public. After the court makes a ruling 408  
on a motion filed under this section, the prosecuting attorney 409  
shall notify the victim or the victim's representative of the 410  
court's ruling. 411

(E) If a court modifies a person's license suspension 412  
under this section and the person subsequently is found guilty 413  
of any moving violation or of any substantially equivalent 414  
municipal ordinance that carries as a possible penalty the 415  
suspension of a person's driver's or commercial driver's 416  
license, the court may reimpose the class one or other lifetime 417  
suspension, or the class two suspension, whichever is 418  
applicable. 419

(F) This section does not apply to any person whose 420  
driver's or commercial driver's license or permit or nonresident 421  
operating privilege has been suspended for life under a class 422  
one suspension imposed under division (B)(3) of section 2903.06 423  
or section 2903.08 of the Revised Code or a class two suspension 424  
imposed under division (C) of section 2903.06 or section 425  
2903.11, 2923.02, or 2929.02 of the Revised Code. 426

(G) As used in this section, "released from prison" means 427  
a person's physical release from a jail or prison as defined in 428  
section 2929.01 of the Revised Code. 429

**Section 2.** That existing sections 2903.06 and 4510.54 of 430  
the Revised Code are hereby repealed. 431