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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

A BILL

To amend sections 2903.06, 4510.021, 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, 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, and to expand the purposes
for which limited driving privileges may be
granted during a driver's license suspension.

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

Section 1. That sections 2903.06, 4510.021, 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	17
pregnancy in any of the following ways:	18
(1) (a) As the proximate result of committing a violation	19
of division (A) of section 4511.19 of the Revised Code or of a	20
substantially equivalent municipal ordinance;	21
(b) As the proximate result of committing a violation of	22
division (A) of section 1547.11 of the Revised Code or of a	23
substantially equivalent municipal ordinance;	24
(c) As the proximate result of committing a violation of	25
division (A) (3) of section 4561.15 of the Revised Code or of a	26
substantially equivalent municipal ordinance.	27
(2) In one of the following ways:	28
(a) Recklessly;	29
(b) As the proximate result of committing, while operating	30
or participating in the operation of a motor vehicle or	31
motorcycle in a construction zone, a reckless operation offense,	32
provided that this division applies only if the person whose	33
death is caused or whose pregnancy is unlawfully terminated is	34
in the construction zone at the time of the offender's	35
commission of the reckless operation offense in the construction	36
zone and does not apply as described in division (F) of this	37
section.	38
(3) In one of the following ways:	39
(a) Negligently;	40
(b) As the proximate result of committing, while operating	41
or participating in the operation of a motor vehicle or	42
motorcycle in a construction zone, a speeding offense, provided	43
that this division applies only if the person whose death is	44

caused or whose pregnancy is unlawfully terminated is in the 45
construction zone at the time of the offender's commission of 46
the speeding offense in the construction zone and does not apply 47
as described in division (F) of this section. 48

(4) As the proximate result of committing a violation of 49
any provision of any section contained in Title XLV of the 50
Revised Code that is a minor misdemeanor or of a municipal 51
ordinance that, regardless of the penalty set by ordinance for 52
the violation, is substantially equivalent to any provision of 53
any section contained in Title XLV of the Revised Code that is a 54
minor misdemeanor. 55

(B) (1) Whoever violates division (A) (1) or (2) of this 56
section is guilty of aggravated vehicular homicide and shall be 57
punished as provided in divisions (B) (2) and (3) of this 58
section. 59

(2) (a) Except as otherwise provided in division (B) (2) (b) 60
or (c) of this section, aggravated vehicular homicide committed 61
in violation of division (A) (1) of this section is a felony of 62
the second degree and the court shall impose a mandatory prison 63
term on the offender as described in division (E) of this 64
section. 65

(b) Except as otherwise provided in division (B) (2) (c) of 66
this section, aggravated vehicular homicide committed in 67
violation of division (A) (1) of this section is a felony of the 68
first degree, and the court shall impose a mandatory prison term 69
on the offender as described in division (E) of this section, if 70
any of the following apply: 71

(i) At the time of the offense, the offender was driving 72
under a suspension or cancellation imposed under Chapter 4510. 73

or any other provision of the Revised Code or was operating a 74
motor vehicle or motorcycle, did not have a valid driver's 75
license, commercial driver's license, temporary instruction 76
permit, probationary license, or nonresident operating 77
privilege, and was not eligible for renewal of the offender's 78
driver's license or commercial driver's license without 79
examination under section 4507.10 of the Revised Code. 80

(ii) The offender previously has been convicted of or 81
pleaded guilty to a violation of this section. 82

(iii) The offender previously has been convicted of or 83
pleaded guilty to any traffic-related homicide, manslaughter, or 84
assault offense. 85

(c) Aggravated vehicular homicide committed in violation 86
of division (A) (1) of this section is a felony of the first 87
degree, and the court shall sentence the offender to a mandatory 88
prison term as provided in section 2929.142 of the Revised Code 89
and described in division (E) of this section if any of the 90
following apply: 91

(i) The offender previously has been convicted of or 92
pleaded guilty to three or more prior violations of section 93
4511.19 of the Revised Code or of a substantially equivalent 94
municipal ordinance within the previous six years. 95

(ii) The offender previously has been convicted of or 96
pleaded guilty to three or more prior violations of division (A) 97
of section 1547.11 of the Revised Code or of a substantially 98
equivalent municipal ordinance within the previous six years. 99

(iii) The offender previously has been convicted of or 100
pleaded guilty to three or more prior violations of division (A) 101
(3) of section 4561.15 of the Revised Code or of a substantially 102

equivalent municipal ordinance within the previous six years.	103
(iv) The offender previously has been convicted of or	104
pleaded guilty to three or more prior violations of division (A)	105
(1) of this section within the previous six years.	106
(v) The offender previously has been convicted of or	107
pleaded guilty to three or more prior violations of division (A)	108
(1) of section 2903.08 of the Revised Code within the previous	109
six years.	110
(vi) The offender previously has been convicted of or	111
pleaded guilty to three or more prior violations of section	112
2903.04 of the Revised Code within the previous six years in	113
circumstances in which division (D) of that section applied	114
regarding the violations.	115
(vii) The offender previously has been convicted of or	116
pleaded guilty to three or more violations of any combination of	117
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),	118
(v), or (vi) of this section within the previous six years.	119
(viii) The offender previously has been convicted of or	120
pleaded guilty to a second or subsequent felony violation of	121
division (A) of section 4511.19 of the Revised Code.	122
(d) In addition to any other sanctions imposed pursuant to	123
division (B) (2) (a), (b), or (c) of this section for aggravated	124
vehicular homicide committed in violation of division (A) (1) of	125
this section, the court shall impose upon the offender a class	126
one suspension of the offender's driver's license, commercial	127
driver's license, temporary instruction permit, probationary	128
license, or nonresident operating privilege as specified in	129
division (A) (1) of section 4510.02 of the Revised Code.	130
<u>Divisions (A) (1) to (3) of section 4510.54 of the Revised</u>	131

Code apply to a suspension imposed under division (B) (2) (d) of 132
this section. 133

(3) Except as otherwise provided in this division, 134
aggravated vehicular homicide committed in violation of division 135
(A) (2) of this section is a felony of the third degree. 136
Aggravated vehicular homicide committed in violation of division 137
(A) (2) of this section is a felony of the second degree if, at 138
the time of the offense, the offender was driving under a 139
suspension or cancellation imposed under Chapter 4510. or any 140
other provision of the Revised Code or was operating a motor 141
vehicle or motorcycle, did not have a valid driver's license, 142
commercial driver's license, temporary instruction permit, 143
probationary license, or nonresident operating privilege, and 144
was not eligible for renewal of the offender's driver's license 145
or commercial driver's license without examination under section 146
4507.10 of the Revised Code or if the offender previously has 147
been convicted of or pleaded guilty to a violation of this 148
section or any traffic-related homicide, manslaughter, or 149
assault offense. The court shall impose a mandatory prison term 150
on the offender when required by division (E) of this section. 151

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

temporary instruction permit, probationary license, or 163
nonresident operating privilege as specified in division (A)(1) 164
of that section. 165

(C) Whoever violates division (A)(3) of this section is 166
guilty of vehicular homicide. Except as otherwise provided in 167
this division, vehicular homicide is a misdemeanor of the first 168
degree. Vehicular homicide committed in violation of division 169
(A)(3) of this section is a felony of the fourth degree if, at 170
the time of the offense, the offender was driving under a 171
suspension or cancellation imposed under Chapter 4510. or any 172
other provision of the Revised Code or was operating a motor 173
vehicle or motorcycle, did not have a valid driver's license, 174
commercial driver's license, temporary instruction permit, 175
probationary license, or nonresident operating privilege, and 176
was not eligible for renewal of the offender's driver's license 177
or commercial driver's license without examination under section 178
4507.10 of the Revised Code or if the offender previously has 179
been convicted of or pleaded guilty to a violation of this 180
section or any traffic-related homicide, manslaughter, or 181
assault offense. The court shall impose a mandatory jail term or 182
a mandatory prison term on the offender when required by 183
division (E) of this section. 184

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

three suspension of the offender's driver's license, commercial 194
driver's license, temporary instruction permit, probationary 195
license, or nonresident operating privilege from the range 196
specified in division (A) (3) of that section, or, if the 197
offender previously has been convicted of or pleaded guilty to a 198
traffic-related murder, felonious assault, or attempted murder 199
offense, a class two suspension of the offender's driver's 200
license, commercial driver's license, temporary instruction 201
permit, probationary license, or nonresident operating privilege 202
as specified in division (A) (2) of that section. 203

(D) Whoever violates division (A) (4) of this section is 204
guilty of vehicular manslaughter. Except as otherwise provided 205
in this division, vehicular manslaughter is a misdemeanor of the 206
second degree. Vehicular manslaughter is a misdemeanor of the 207
first degree if, at the time of the offense, the offender was 208
driving under a suspension or cancellation imposed under Chapter 209
4510. or any other provision of the Revised Code or was 210
operating a motor vehicle or motorcycle, did not have a valid 211
driver's license, commercial driver's license, temporary 212
instruction permit, probationary license, or nonresident 213
operating privilege, and was not eligible for renewal of the 214
offender's driver's license or commercial driver's license 215
without examination under section 4507.10 of the Revised Code or 216
if the offender previously has been convicted of or pleaded 217
guilty to a violation of this section or any traffic-related 218
homicide, manslaughter, or assault offense. 219

In addition to any other sanctions imposed pursuant to 220
this division, the court shall impose upon the offender a class 221
six suspension of the offender's driver's license, commercial 222
driver's license, temporary instruction permit, probationary 223
license, or nonresident operating privilege from the range 224

specified in division (A) (6) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (4) of that section.

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

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

(2) At the time of the offense, the offender was driving

under suspension or cancellation under Chapter 4510. or any 255
other provision of the Revised Code or was operating a motor 256
vehicle or motorcycle, did not have a valid driver's license, 257
commercial driver's license, temporary instruction permit, 258
probationary license, or nonresident operating privilege, and 259
was not eligible for renewal of the offender's driver's license 260
or commercial driver's license without examination under section 261
4507.10 of the Revised Code. 262

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 263
apply in a particular construction zone unless signs of the type 264
described in section 2903.081 of the Revised Code are erected in 265
that construction zone in accordance with the guidelines and 266
design specifications established by the director of 267
transportation under section 5501.27 of the Revised Code. The 268
failure to erect signs of the type described in section 2903.081 269
of the Revised Code in a particular construction zone in 270
accordance with those guidelines and design specifications does 271
not limit or affect the application of division (A) (1), (A) (2) 272
(a), (A) (3) (a), or (A) (4) of this section in that construction 273
zone or the prosecution of any person who violates any of those 274
divisions in that construction zone. 275

(G) (1) As used in this section: 276

(a) "Mandatory prison term" and "mandatory jail term" have 277
the same meanings as in section 2929.01 of the Revised Code. 278

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

2000.	285
(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	286 287
(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.	288 289 290
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	291 292 293
(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.	294 295 296 297 298 299 300 301 302 303 304
(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	305 306
(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.	307 308 309 310 311 312 313

Sec. 4510.021. (A) Unless expressly prohibited by section 314
2919.22, section 4510.13, or any other section of the Revised 315
Code, a court may grant limited driving privileges for any 316
purpose described in division (A) ~~(1), (2), or (3)~~ of this 317
section during any suspension imposed by the court. In granting 318
the privileges, the court shall specify the purposes, times, and 319
places of the privileges and may impose any other reasonable 320
conditions on the person's driving of a motor vehicle. The 321
privileges shall be for any of the following limited purposes: 322

(1) Occupational, educational, vocational, or medical 323
purposes; 324

(2) Taking the driver's or commercial driver's license 325
examination; 326

(3) Attending court-ordered treatment; 327

(4) Attending any court proceeding related to the offense 328
for which the offender's suspension was imposed; 329

(5) Transporting a minor to a child care provider, day- 330
care, preschool, school, or to any other location for purposes 331
of receiving child care. 332

(B) Unless expressly authorized by a section of the 333
Revised Code, a court may not grant limited driving privileges 334
during any suspension imposed by the bureau of motor vehicles. 335
To obtain limited driving privileges during a suspension imposed 336
by the bureau, the person under suspension may file a petition 337
in a court of record in the county in which the person resides. 338
A person who is not a resident of this state shall file any 339
petition for privileges either in the Franklin county municipal 340
court or in the municipal or county court located in the county 341
where the offense occurred. If the person who is not a resident 342

of this state is a minor, the person may file the petition 343
either in the Franklin county juvenile court or in the juvenile 344
court with jurisdiction over the offense. If a court grants 345
limited driving privileges as described in this division, the 346
privileges shall be for any of the limited purposes identified 347
in division (A) of this section. 348

(C) When the use of an immobilizing or disabling device is 349
not otherwise required by law, the court, as a condition of 350
granting limited driving privileges, may require that the 351
person's vehicle be equipped with an immobilizing or disabling 352
device, except as provided in division (C) of section 4510.43 of 353
the Revised Code. When the use of restricted license plates 354
issued under section 4503.231 of the Revised Code is not 355
otherwise required by law, the court, as a condition of granting 356
limited driving privileges, may require that the person's 357
vehicle be equipped with restricted license plates of that 358
nature, except as provided in division (B) of that section. 359

(D) When the court grants limited driving privileges under 360
section 4510.31 of the Revised Code or any other provision of 361
law during the suspension of the temporary instruction permit or 362
probationary driver's license of a person who is under eighteen 363
years of age, the court may include as a purpose of the 364
privilege the person's practicing of driving with the person's 365
parent, guardian, or other custodian during the period of the 366
suspension. If the court grants limited driving privileges for 367
this purpose, the court, in addition to all other conditions it 368
imposes, shall impose as a condition that the person exercise 369
the privilege only when a parent, guardian, or custodian of the 370
person who holds a current valid driver's or commercial driver's 371
license issued by this state actually occupies the seat beside 372
the person in the vehicle the person is operating. 373

(E) Before granting limited driving privileges under this section, the court shall require the offender to provide proof of financial responsibility pursuant to section 4509.45 of the Revised Code.

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

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

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

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

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

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

~~(b) At If the person's license was suspended as a result of the person pleading guilty to or being convicted of a~~

misdemeanor, at least five years have elapsed since the 403
suspension began, and, for the past five years, the person has 404
not been found guilty of any of the following: 405

(i) An offense involving a moving violation under the law 406
of this state, the law of any of its political subdivisions, or 407
federal law, ~~any;~~ 408

(ii) A violation of section 2903.06 or 2903.08 of the 409
Revised Code, ~~or any;~~ 410

(iii) A violation of a suspension under this chapter or a 411
substantially equivalent municipal ordinance. 412

(2) The person has proof of financial responsibility, a 413
policy of liability insurance in effect that meets the minimum 414
standard set forth in section 4509.51 of the Revised Code, or 415
proof, to the satisfaction of the registrar of motor vehicles, 416
that the person is able to respond in damages in an amount at 417
least equal to the minimum amounts specified in that section. 418

(3) If the suspension was imposed because the person was 419
under the influence of alcohol, a drug of abuse, or combination 420
of them at the time of the offense or because at the time of the 421
offense the person's whole blood, blood serum or plasma, breath, 422
or urine contained at least the concentration of alcohol 423
specified in division (A) (1) (b), (c), (d), or (e) of section 424
4511.19 of the Revised Code or at least the concentration of a 425
listed controlled substance or a listed metabolite of a 426
controlled substance specified in division (A) (1) (j) of section 427
4511.19 of the Revised Code, ~~the person also shall demonstrate~~ 428
all of the following apply to the person: 429

(a) The person successfully completed an alcohol, drug, or 430
alcohol and drug treatment program. 431

(b) The person has not abused alcohol or other drugs for a 432
period satisfactory to the court. 433

(c) For the past fifteen years, the person has not been 434
found guilty of any alcohol-related or drug-related offense. 435

(B) Upon receipt of a motion for modification or 436
termination of the suspension under this section, the court may 437
schedule a hearing on the motion. The court may deny the motion 438
without a hearing but shall not grant the motion without a 439
hearing. If the court denies a motion without a hearing, the 440
court may consider a subsequent motion filed under this section 441
by that person. If a court denies the motion after a hearing, 442
the court shall not consider a subsequent motion for that 443
person. The court shall hear only one motion filed by a person 444
under this section. If scheduled, the hearing shall be conducted 445
in open court within ninety days after the date on which the 446
motion is filed. 447

(C) The court shall notify the person whose license was 448
suspended and the prosecuting attorney of the date, time, and 449
location of the hearing. Upon receipt of the notice from the 450
court, the prosecuting attorney shall notify the victim or the 451
victim's representative of the date, time, and location of the 452
hearing. 453

(D) At any hearing under this section, the person who 454
seeks modification or termination of the suspension has the 455
burden to demonstrate, under oath, that the person meets the 456
requirements of division (A) of this section. At the hearing, 457
the court shall afford the offender or the offender's counsel an 458
opportunity to present oral or written information relevant to 459
the motion. The court shall afford a similar opportunity to 460
provide relevant information to the prosecuting attorney and the 461

victim or victim's representative. 462

Before ruling on the motion, the court shall take into 463
account the person's driving record, the nature of the offense 464
that led to the suspension, and the impact of the offense on any 465
victim. In addition, if the offender is eligible for 466
modification or termination of the suspension under division (A) 467
(1) (a) of this section, the court shall consider whether the 468
person committed any other offense while under suspension and 469
determine whether the offense is relevant to a determination 470
under this section. The court may modify or terminate the 471
suspension subject to any considerations it considers proper if 472
it finds that allowing the person to drive is not likely to 473
present a danger to the public. After the court makes a ruling 474
on a motion filed under this section, the prosecuting attorney 475
shall notify the victim or the victim's representative of the 476
court's ruling. 477

(E) If a court modifies a person's license suspension 478
under this section and the person subsequently is found guilty 479
of any moving violation or of any substantially equivalent 480
municipal ordinance that carries as a possible penalty the 481
suspension of a person's driver's or commercial driver's 482
license, the court may reimpose the class one or other lifetime 483
suspension, or the class two suspension, whichever is 484
applicable. 485

(F) This section does not apply to any person whose 486
driver's or commercial driver's license or permit or nonresident 487
operating privilege has been suspended for life under a class 488
one suspension imposed under division (B) (3) of section 2903.06 489
or section 2903.08 of the Revised Code or a class two suspension 490
imposed under division (C) of section 2903.06 or section 491

2903.11, 2923.02, or 2929.02 of the Revised Code. 492

(G) As used in this section, "released from prison" means 493
a person's physical release from a jail or prison as defined in 494
section 2929.01 of the Revised Code. 495

Section 2. That existing sections 2903.06, 4510.021, and 496
4510.54 of the Revised Code are hereby repealed. 497