

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 138**

**Senators Hughes, Cafaro  
Cosponsors: Senators Patton, LaRose**

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**A BILL**

To amend sections 4506.16 and 4511.35 and to enact  
section 4510.19 of the Revised Code to increase  
the penalties related to operating a motor  
vehicle on the wrong side of an interstate  
freeway.

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

**Section 1.** That sections 4506.16 and 4511.35 be amended  
and section 4510.19 of the Revised Code be enacted to read as  
follows:

**Sec. 4506.16.** (A) Any person who is found to have been  
convicted of a violation of an out-of-service order shall be  
disqualified by the registrar of motor vehicles as follows:

(1) If the person has not been convicted previously of a  
violation of an out-of-service order, the period of  
disqualification is one hundred eighty days.

(2) If, during any ten-year period, the driver is  
convicted of a second violation of an out-of-service order in an  
incident separate from the incident that resulted in the first  
violation, the period of disqualification is two years.

(3) If, during any ten-year period, the driver is 19  
convicted of a third or subsequent violation of an out-of- 20  
service order in an incident separate from the incidents that 21  
resulted in the previous violations during that ten-year period, 22  
the period of disqualification is three years. 23

(B) (1) A driver is disqualified for one hundred eighty 24  
days if the driver is convicted of a first violation of an out- 25  
of-service order while transporting hazardous materials required 26  
to be placarded under the "Hazardous Materials Transportation 27  
Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or 28  
while operating a motor vehicle designed to transport sixteen or 29  
more passengers, including the driver. 30

(2) A driver is disqualified for a period of three years 31  
if, during any ten-year period, the driver is convicted of a 32  
second or subsequent violation, in an incident separate from the 33  
incident that resulted in a previous violation during that ten- 34  
year period, of an out-of-service order while transporting 35  
hazardous materials required to be placarded under that act, or 36  
while operating a motor vehicle designed to transport sixteen or 37  
more passengers, including the driver. 38

(C) Whoever violates division (A) (1) of section 4506.15 of 39  
the Revised Code or a similar law of another state or a foreign 40  
jurisdiction, immediately shall be placed out-of-service for 41  
twenty-four hours, in addition to any disqualification required 42  
by this section and any other penalty imposed by the Revised 43  
Code. 44

(D) The registrar of motor vehicles shall disqualify any 45  
holder of a commercial driver's license, or any operator of a 46  
commercial motor vehicle for which a commercial driver's license 47  
is required, from operating a commercial motor vehicle as 48

follows:	49
(1) Upon a first conviction for a violation of any	50
provision of divisions (A) (2) to (12) of section 4506.15 of the	51
Revised Code or a similar law of another state or a foreign	52
jurisdiction, or upon a first suspension imposed under section	53
4511.191 of the Revised Code or a similar law of another state	54
or foreign jurisdiction, one year;	55
(2) Upon a second conviction for a violation of any	56
provision of divisions (A) (2) to (12) of section 4506.15 of the	57
Revised Code or a similar law of another state or a foreign	58
jurisdiction, or upon a second suspension imposed under section	59
4511.191 of the Revised Code or a similar law of another state	60
or foreign jurisdiction, or any combination of such violations	61
arising from two or more separate incidents, the person shall be	62
disqualified for life or for any other period of time as	63
determined by the United States secretary of transportation and	64
designated by the director of public safety by rule;	65
(3) Upon a first conviction for any of the following	66
violations while transporting hazardous materials, three years:	67
(a) Divisions (A) (2) to (12) of section 4506.15 of the	68
Revised Code;	69
(b) A similar law of another state or a foreign	70
jurisdiction.	71
(4) Upon conviction of a violation of division (A) (13) of	72
section 4506.15 of the Revised Code or a similar law of another	73
state or a foreign jurisdiction, the person shall be	74
disqualified for life;	75
(5) (a) Upon conviction of two serious traffic violations	76
involving the operation of a commercial motor vehicle by the	77

person and arising from separate incidents occurring in a three- 78  
year period, the person shall be disqualified for sixty days, 79  
which disqualification shall be imposed consecutively to any 80  
other separate disqualification imposed under division (D) (5) or 81  
(6) of this section; 82

(b) Upon conviction of three serious traffic violations 83  
involving the operation of a commercial motor vehicle by the 84  
person and arising from separate incidents occurring in a three- 85  
year period, the person shall be disqualified for one hundred 86  
twenty days, which disqualification shall be imposed 87  
consecutively to any other separate disqualification imposed 88  
under division (D) (5) or (6) of this section; 89

(6) (a) Upon conviction of two serious traffic violations 90  
involving the operation of a vehicle other than a commercial 91  
motor vehicle by the person and arising from separate incidents 92  
occurring in a three-year period, the person shall be 93  
disqualified for sixty days if the conviction results in the 94  
suspension, cancellation, or revocation of the holder's 95  
commercial driver's license or noncommercial motor vehicle 96  
driving privileges, which disqualification shall be imposed 97  
consecutively to any other separate disqualification imposed 98  
under division (D) (5) or (6) of this section; 99

(b) Upon conviction of three serious traffic violations 100  
involving the operation of a vehicle other than a commercial 101  
motor vehicle by the person and arising from separate incidents 102  
occurring in a three-year period, the person shall be 103  
disqualified for one hundred twenty days if the conviction 104  
results in the suspension, cancellation, or revocation of the 105  
holder's commercial driver's license or noncommercial motor 106  
vehicle driving privileges, which disqualification shall be 107

imposed consecutively to any other separate disqualification 108  
imposed under division (D) (5) or (6) of this section. 109

(7) Upon a first conviction involving the operation of a 110  
commercial motor vehicle in violation of any provisions of 111  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 112  
of another state or foreign jurisdiction, not less than sixty 113  
days; 114

(8) Upon a second conviction involving the operation of a 115  
commercial motor vehicle in violation of any provisions of 116  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 117  
of another state or foreign jurisdiction within three years of 118  
the first such conviction, not less than one hundred twenty 119  
days; 120

(9) Upon a third or subsequent conviction involving the 121  
operation of a commercial motor vehicle in violation of any 122  
provisions of sections 4511.61 to 4511.63 of the Revised Code or 123  
a similar law of another state or foreign jurisdiction within 124  
three years of the first such conviction, not less than one 125  
year; 126

(10) Upon receiving notification from the federal motor 127  
carrier safety administration, the registrar immediately, prior 128  
to any hearing, shall disqualify any commercial motor vehicle 129  
driver whose driving is determined to constitute an imminent 130  
hazard as defined under federal motor carrier safety regulation 131  
49 C.F.R. 383.52; 132

(11) Upon receiving notification from a court under 133  
section 4511.35 of the Revised Code, for the period determined 134  
by the court pursuant to that section. 135

(E) For the purposes of this section, conviction of a 136

violation for which disqualification is required includes 137  
conviction under any municipal ordinance that is substantially 138  
similar to any section of the Revised Code that is set forth in 139  
division (D) of this section and may be evidenced by any of the 140  
following: 141

(1) A judgment entry of a court of competent jurisdiction 142  
in this or any other state; 143

(2) An administrative order of a state agency of this or 144  
any other state having statutory jurisdiction over commercial 145  
drivers; 146

(3) A computer record obtained from or through the 147  
commercial driver's license information system; 148

(4) A computer record obtained from or through a state 149  
agency of this or any other state having statutory jurisdiction 150  
over commercial drivers or the records of commercial drivers. 151

(F) For purposes of this section, conviction of 152  
disqualifying offenses committed in a noncommercial motor 153  
vehicle are included if either of the following applies: 154

(1) The offense occurred after the person obtained the 155  
person's commercial driver's license. 156

(2) The offense occurs on or after September 30, 2005. 157

(G) If a person commits a serious traffic violation by 158  
operating a commercial motor vehicle without having a commercial 159  
driver's license in the person's possession as described in 160  
division (GG) (3) (e) of section 4506.01 of the Revised Code and 161  
the person then submits proof to either the enforcement agency 162  
that issued the citation for the violation or to the court with 163  
jurisdiction over the case before the date of the person's 164

initial appearance that shows that the person held a valid 165  
commercial driver's license at the time of the violation, the 166  
violation shall not be deemed to be a serious traffic violation. 167

(H) Any record described in division (C) of this section 168  
shall be deemed to be self-authenticating when it is received by 169  
the bureau of motor vehicles. 170

(I) When disqualifying a driver, the registrar shall cause 171  
the records of the bureau to be updated to reflect that action 172  
within ten days after it occurs. 173

(J) The registrar immediately shall notify a driver who is 174  
finally convicted of any offense described in section 4506.15 of 175  
the Revised Code or division ~~(B)~~(D)(4), (5), or (6) of this 176  
section and thereby is subject to disqualification, of the 177  
offense or offenses involved, of the length of time for which 178  
disqualification is to be imposed, and that the driver may 179  
request a hearing within thirty days of the mailing of the 180  
notice to show cause why the driver should not be disqualified 181  
from operating a commercial motor vehicle. If a request for such 182  
a hearing is not made within thirty days of the mailing of the 183  
notice, the order of disqualification is final. The registrar 184  
may designate hearing examiners who, after affording all parties 185  
reasonable notice, shall conduct a hearing to determine whether 186  
the disqualification order is supported by reliable evidence. 187  
The registrar shall adopt rules to implement this division. 188

(K) Any person who is disqualified from operating a 189  
commercial motor vehicle under this section may apply to the 190  
registrar for a driver's license to operate a motor vehicle 191  
other than a commercial motor vehicle, provided the person's 192  
commercial driver's license is not otherwise suspended. A person 193  
whose commercial driver's license is suspended shall not apply 194

to the registrar for or receive a driver's license under Chapter 195  
4507. of the Revised Code during the period of suspension. 196

(L) The disqualifications imposed under this section are 197  
in addition to any other penalty imposed by the Revised Code. 198

Sec. 4510.19. (A) No person whose driver's or commercial 199  
driver's license or permit or nonresident operating privilege 200  
has been suspended under division (D) (2) (a) of section 4511.35 201  
of the Revised Code shall operate any motor vehicle upon the 202  
public roads or highways within this state during the period of 203  
suspension. 204

(B) No person whose driver's or commercial driver's 205  
license or permit or nonresident operating privilege has been 206  
suspended under division (D) (2) (b) of section 4511.35 of the 207  
Revised Code shall operate any motor vehicle upon the public 208  
roads or highways within this state during the period of 209  
suspension. 210

(C) (1) Whoever violates division (A) of this section is 211  
guilty of driving under suspension imposed for driving the wrong 212  
way on an interstate freeway, a misdemeanor. The court shall 213  
sentence the offender to a jail term of one year and may impose 214  
a fine of not more than one thousand dollars. 215

(2) Whoever violates division (B) of this section is 216  
guilty of driving under suspension imposed for driving the wrong 217  
way on an interstate freeway and causing a person harm, a felony 218  
of the third degree. The court shall sentence the offender to a 219  
definite prison term of three years and may impose a fine of not 220  
more than ten thousand dollars. 221

222  
Sec. 4511.35. (A) Whenever any highway has been divided 223

into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier, or section for the purpose of an emergency stop or in compliance with an order of a police officer.

(B) An offender is not permitted to enter a written plea of guilty and waive the offender's right to contest the ticket, citation, or summons in a trial but instead shall appear in person in the proper court to answer the charge if a law enforcement officer issues a ticket, citation, or summons to the offender for a violation of division (A) of this section and the officer indicates on the ticket, citation, or summons that in committing the violation the offender operated a motor vehicle upon the left-hand roadway of a divided highway that is part of the interstate system under one of the following conditions:

(1) For a distance of five hundred feet or more;

(2) For any distance, while committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;

(3) For any distance, if the offender was involved in a motor vehicle collision on the left-hand roadway that caused either physical harm to another person or the death of another person.

(C) Except as otherwise provided in this division and

divisions (D) (1) and (E) (1) (a) of this section, whoever violates 253  
division (A) of this section is guilty of a minor misdemeanor. 254  
If, within one year of the offense, the offender previously has 255  
been convicted of or pleaded guilty to one predicate motor 256  
vehicle or traffic offense, whoever violates this section is 257  
guilty of a misdemeanor of the fourth degree. If, within one 258  
year of the offense, the offender previously has been convicted 259  
of two or more predicate motor vehicle or traffic offenses, 260  
whoever violates this section is guilty of a misdemeanor of the 261  
third degree. 262

(D) (1) Whoever violates division (A) of this section is 263  
guilty of a felony of the fourth degree if the trier of fact 264  
finds that the offender operated a motor vehicle for any 265  
distance upon the left-hand roadway of a divided highway that is 266  
part of the interstate system as a proximate result of 267  
committing a violation of division (A) of section 4511.19 of the 268  
Revised Code or of a substantially equivalent municipal 269  
ordinance. 270

(2) (a) If the trier of fact finds that, in violating 271  
division (A) of this section, the offender recklessly operated a 272  
motor vehicle for a distance of five hundred feet or more upon 273  
the left-hand roadway of a divided highway that is part of the 274  
interstate system, the court, in addition to any other penalty 275  
that the court is required or permitted by law to impose on the 276  
offender, shall impose a class seven suspension upon the 277  
offender in accordance with section 4510.02 of the Revised Code. 278

(b) If the trier of fact finds that, in violating 279  
division (A) of this section, the offender recklessly operated a 280  
motor vehicle for any distance upon the left-hand roadway of a 281  
divided highway that is part of the interstate system and was 282

involved in a motor vehicle collision that occurred on that 283  
left-hand roadway and the collision either caused physical harm 284  
to another person or caused the death of another person, the 285  
court, in addition to any other penalty that the court is 286  
required or permitted by law to impose on the offender, shall 287  
impose a class three suspension upon the offender in accordance 288  
with section 4510.02 of the Revised Code. 289

(E) (1) (a) Whoever violates division (A) of this section is 290  
guilty of a felony of the fourth degree if the trier of fact 291  
finds that all of the following apply: 292

(i) The offender operated a commercial vehicle upon the 293  
left-hand roadway of a divided highway and was involved in a 294  
motor vehicle collision that occurred on that left-hand roadway; 295

(ii) The collision caused physical harm to another person 296  
or caused the death of another person; and 297

(iii) The divided highway on which the collision occurred 298  
is part of the interstate system. 299

(b) If the violation caused physical harm to another 300  
person, the court, in addition to any other penalty that the 301  
court is required or permitted by law to impose on an offender 302  
to which division (E) (1) of this section applies, shall direct 303  
the registrar of motor vehicles to disqualify the offender from 304  
operating a commercial motor vehicle for a definite period of 305  
two to ten years. If the violation caused the death of another 306  
person, the court, in addition to any other penalty that the 307  
court is required or permitted by law to impose on an offender 308  
to which division (E) (1) of this section applies, shall direct 309  
the registrar of motor vehicles to disqualify the offender from 310  
operating a commercial motor vehicle for life. 311

(2) If the trier of fact finds that, in violating division 312  
(A) of this section, the offender operated a commercial motor 313  
vehicle for a distance of five hundred feet or more upon the 314  
left-hand roadway of a divided highway that is part of the 315  
interstate system and division (E) (1) of this section does not 316  
apply, the court, in addition to any other penalty that the 317  
court is required or permitted by law to impose on the offender, 318  
shall direct the registrar of motor vehicles to disqualify the 319  
offender from operating a commercial motor vehicle for a 320  
definite period not to exceed one year. 321

(F) The offense established under division (A) of this 322  
section is a strict liability offense and strict liability is a 323  
culpable mental state under section 2901.20 of the Revised Code. 324  
The designation of this offense as a strict liability offense 325  
shall not be construed to imply that any other offense, for 326  
which there is no specified degree of culpability, is not a 327  
strict liability offense. 328

(G) As used in this section: 329

(1) "Interstate system" has the same meaning as in 23 330  
U.S.C. 101. 331

(2) "Physical harm to another person" has the same meaning 332  
as "physical harm to persons" in section 2901.01 of the Revised 333  
Code. 334

**Section 2.** That existing sections 4506.16 and 4511.35 of 335  
the Revised Code are hereby repealed. 336