

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 285

Senators O'Brien, Kunze

A BILL

To amend sections 2743.51, 2903.06, 2903.08, 1
2929.41, 3321.141, 4508.02, 4510.036, 4511.043, 2
4511.181, 4511.202, 4511.204, 4511.75, and 3
4511.991 and to enact sections 2903.07 and 4
4511.122 of the Revised Code to revise the laws 5
relative to distracted driving and the use of an 6
electronic wireless communications device while 7
driving. 8

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

Section 1. That sections 2743.51, 2903.06, 2903.08, 9
2929.41, 3321.141, 4508.02, 4510.036, 4511.043, 4511.181, 10
4511.202, 4511.204, 4511.75, and 4511.991 be amended and 11
sections 2903.07 and 4511.122 of the Revised Code be enacted to 12
read as follows: 13

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 14
the Revised Code: 15

(A) "Claimant" means both of the following categories of 16
persons: 17

(1) Any of the following persons who claim an award of 18
reparations under sections 2743.51 to 2743.72 of the Revised 19

Code:	20
(a) A victim who was one of the following at the time of the criminally injurious conduct:	21 22
(i) A resident of the United States;	23
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	24 25 26
(b) A dependent of a deceased victim who is described in division (A) (1) (a) of this section;	27 28
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A) (1) (a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	29 30 31 32 33 34 35
(d) A person who is authorized to act on behalf of any person who is described in division (A) (1) (a), (b), or (c) of this section;	36 37 38
(e) The estate of a deceased victim who is described in division (A) (1) (a) of this section.	39 40
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	41 42 43
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	44 45 46 47

(i) Had a permanent place of employment in this state;	48
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	49 50 51 52
(iii) Was retired and receiving social security or any other retirement income;	53 54
(iv) Was sixty years of age or older;	55
(v) Was temporarily in another state for the purpose of receiving medical treatment;	56 57
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	58 59 60 61
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	62 63 64 65 66
(viii) Was a full-time student at an academic institution, college, or university located in another state;	67 68
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	69 70 71 72
(b) A dependent of a deceased victim who is described in division (A) (2) (a) of this section;	73 74

(c) A third person, other than a collateral source, who	75
legally assumes or voluntarily pays the obligations of a victim,	76
or of a dependent of a victim, who is described in division (A)	77
(2) (a) of this section, which obligations are incurred as a	78
result of the criminally injurious conduct that is the subject	79
of the claim and may include, but are not limited to, medical or	80
burial expenses;	81
(d) A person who is authorized to act on behalf of any	82
person who is described in division (A) (2) (a), (b), or (c) of	83
this section;	84
(e) The estate of a deceased victim who is described in	85
division (A) (2) (a) of this section.	86
(B) "Collateral source" means a source of benefits or	87
advantages for economic loss otherwise reparable that the victim	88
or claimant has received, or that is readily available to the	89
victim or claimant, from any of the following sources:	90
(1) The offender;	91
(2) The government of the United States or any of its	92
agencies, a state or any of its political subdivisions, or an	93
instrumentality of two or more states, unless the law providing	94
for the benefits or advantages makes them excess or secondary to	95
benefits under sections 2743.51 to 2743.72 of the Revised Code;	96
(3) Social security, medicare, and medicaid;	97
(4) State-required, temporary, nonoccupational disability	98
insurance;	99
(5) Workers' compensation;	100
(6) Wage continuation programs of any employer;	101

(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services, or benefits for disability;

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;

(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.

"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.

(C) "Criminally injurious conduct" means one of the following:

(1) For the purposes of any person described in division (A) (1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;	131 132
(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state;	133 134 135 136 137
(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;	138 139
(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;	140 141 142 143
(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.	144 145 146 147
(2) For the purposes of any person described in division (A) (2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:	148 149 150 151 152 153 154 155 156 157 158 159

(a) The person engaging in the conduct intended to cause personal injury or death;	160 161
(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;	162 163 164 165 166 167
(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;	168 169
(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code;	170 171 172 173 174 175
(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to section 4549.02 or 4549.021 of the Revised Code.	176 177 178 179 180 181
(3) For the purposes of any person described in division (A) (1) or (2) of this section, terrorism that occurs within or outside the territorial jurisdiction of the United States.	182 183 184
(D) "Dependent" means an individual wholly or partially dependent upon the victim for care and support, and includes a child of the victim born after the victim's death.	185 186 187
(E) "Economic loss" means economic detriment consisting	188

only of allowable expense, work loss, funeral expense, 189
unemployment benefits loss, replacement services loss, cost of 190
crime scene cleanup, and cost of evidence replacement. If 191
criminally injurious conduct causes death, economic loss 192
includes a dependent's economic loss and a dependent's 193
replacement services loss. Noneconomic detriment is not economic 194
loss; however, economic loss may be caused by pain and suffering 195
or physical impairment. 196

(F) (1) "Allowable expense" means reasonable charges 197
incurred for reasonably needed products, services, and 198
accommodations, including those for medical care, 199
rehabilitation, rehabilitative occupational training, and other 200
remedial treatment and care and including replacement costs for 201
hearing aids; dentures, retainers, and other dental appliances; 202
canes, walkers, and other mobility tools; and eyeglasses and 203
other corrective lenses. It does not include that portion of a 204
charge for a room in a hospital, clinic, convalescent home, 205
nursing home, or any other institution engaged in providing 206
nursing care and related services in excess of a reasonable and 207
customary charge for semiprivate accommodations, unless 208
accommodations other than semiprivate accommodations are 209
medically required. 210

(2) An immediate family member of a victim of criminally 211
injurious conduct that consists of a homicide, a sexual assault, 212
domestic violence, or a severe and permanent incapacitating 213
injury resulting in paraplegia or a similar life-altering 214
condition, who requires psychiatric care or counseling as a 215
result of the criminally injurious conduct, may be reimbursed 216
for that care or counseling as an allowable expense through the 217
victim's application. The cumulative allowable expense for care 218
or counseling of that nature shall not exceed two thousand five 219

hundred dollars for each immediate family member of a victim of 220
that type and seven thousand five hundred dollars in the 221
aggregate for all immediate family members of a victim of that 222
type. 223

(3) A family member of a victim who died as a proximate 224
result of criminally injurious conduct may be reimbursed as an 225
allowable expense through the victim's application for wages 226
lost and travel expenses incurred in order to attend criminal 227
justice proceedings arising from the criminally injurious 228
conduct. The cumulative allowable expense for wages lost and 229
travel expenses incurred by a family member to attend criminal 230
justice proceedings shall not exceed five hundred dollars for 231
each family member of the victim and two thousand dollars in the 232
aggregate for all family members of the victim. 233

(4) (a) "Allowable expense" includes reasonable expenses 234
and fees necessary to obtain a guardian's bond pursuant to 235
section 2109.04 of the Revised Code when the bond is required to 236
pay an award to a fiduciary on behalf of a minor or other 237
incompetent. 238

(b) "Allowable expense" includes attorney's fees not 239
exceeding one thousand dollars, at a rate not exceeding one 240
hundred dollars per hour, incurred to successfully obtain a 241
restraining order, custody order, or other order to physically 242
separate a victim from an offender. Attorney's fees for the 243
services described in this division may include an amount for 244
reasonable travel time incurred to attend court hearings, not 245
exceeding three hours' round-trip for each court hearing, 246
assessed at a rate not exceeding thirty dollars per hour. 247

(G) "Work loss" means loss of income from work that the 248
injured person would have performed if the person had not been 249

injured and expenses reasonably incurred by the person to obtain 250
services in lieu of those the person would have performed for 251
income, reduced by any income from substitute work actually 252
performed by the person, or by income the person would have 253
earned in available appropriate substitute work that the person 254
was capable of performing but unreasonably failed to undertake. 255

(H) "Replacement services loss" means expenses reasonably 256
incurred in obtaining ordinary and necessary services in lieu of 257
those the injured person would have performed, not for income, 258
but for the benefit of the person's self or family, if the 259
person had not been injured. 260

(I) "Dependent's economic loss" means loss after a 261
victim's death of contributions of things of economic value to 262
the victim's dependents, not including services they would have 263
received from the victim if the victim had not suffered the 264
fatal injury, less expenses of the dependents avoided by reason 265
of the victim's death. If a minor child of a victim is adopted 266
after the victim's death, the minor child continues after the 267
adoption to incur a dependent's economic loss as a result of the 268
victim's death. If the surviving spouse of a victim remarries, 269
the surviving spouse continues after the remarriage to incur a 270
dependent's economic loss as a result of the victim's death. 271

(J) "Dependent's replacement services loss" means loss 272
reasonably incurred by dependents after a victim's death in 273
obtaining ordinary and necessary services in lieu of those the 274
victim would have performed for their benefit if the victim had 275
not suffered the fatal injury, less expenses of the dependents 276
avoided by reason of the victim's death and not subtracted in 277
calculating the dependent's economic loss. If a minor child of a 278
victim is adopted after the victim's death, the minor child 279

continues after the adoption to incur a dependent's replacement 280
services loss as a result of the victim's death. If the 281
surviving spouse of a victim remarries, the surviving spouse 282
continues after the remarriage to incur a dependent's 283
replacement services loss as a result of the victim's death. 284

(K) "Noneconomic detriment" means pain, suffering, 285
inconvenience, physical impairment, or other nonpecuniary 286
damage. 287

(L) "Victim" means a person who suffers personal injury or 288
death as a result of any of the following: 289

(1) Criminally injurious conduct; 290

(2) The good faith effort of any person to prevent 291
criminally injurious conduct; 292

(3) The good faith effort of any person to apprehend a 293
person suspected of engaging in criminally injurious conduct. 294

(M) "Contributory misconduct" means any conduct of the 295
claimant or of the victim through whom the claimant claims an 296
award of reparations that is unlawful or intentionally tortious 297
and that, without regard to the conduct's proximity in time or 298
space to the criminally injurious conduct, has a causal 299
relationship to the criminally injurious conduct that is the 300
basis of the claim. 301

(N) (1) "Funeral expense" means any reasonable charges that 302
are not in excess of seven thousand five hundred dollars per 303
funeral and that are incurred for expenses directly related to a 304
victim's funeral, cremation, or burial and any wages lost or 305
travel expenses incurred by a family member of a victim in order 306
to attend the victim's funeral, cremation, or burial. 307

(2) An award for funeral expenses shall be applied first 308
to expenses directly related to the victim's funeral, cremation, 309
or burial. An award for wages lost or travel expenses incurred 310
by a family member of the victim shall not exceed five hundred 311
dollars for each family member and shall not exceed in the 312
aggregate the difference between seven thousand five hundred 313
dollars and expenses that are reimbursed by the program and that 314
are directly related to the victim's funeral, cremation, or 315
burial. 316

(O) "Unemployment benefits loss" means a loss of 317
unemployment benefits pursuant to Chapter 4141. of the Revised 318
Code when the loss arises solely from the inability of a victim 319
to meet the able to work, available for suitable work, or the 320
actively seeking suitable work requirements of division (A) (4) 321
(a) of section 4141.29 of the Revised Code. 322

(P) "OVI violation" means any of the following: 323

(1) A violation of section 4511.19 of the Revised Code, of 324
any municipal ordinance prohibiting the operation of a vehicle 325
while under the influence of alcohol, a drug of abuse, or a 326
combination of them, or of any municipal ordinance prohibiting 327
the operation of a vehicle with a prohibited concentration of 328
alcohol, a controlled substance, or a metabolite of a controlled 329
substance in the whole blood, blood serum or plasma, breath, or 330
urine; 331

(2) A violation of division ~~(A) (1)~~ (A) (1) (a), (b), or (c) 332
of section 2903.06 of the Revised Code; 333

(3) A violation of division (A) (2), (3), or (4) of section 334
2903.06 of the Revised Code or of a municipal ordinance 335
substantially similar to any of those divisions, if the offender 336

was under the influence of alcohol, a drug of abuse, or a 337
combination of them, at the time of the commission of the 338
offense; 339

(4) For purposes of any person described in division (A) 340
(2) of this section, a violation of any law of the state, 341
district, territory, or foreign country in which the criminally 342
injurious conduct occurred, if that law is substantially similar 343
to a violation described in division (P) (1) or (2) of this 344
section or if that law is substantially similar to a violation 345
described in division (P) (3) of this section and the offender 346
was under the influence of alcohol, a drug of abuse, or a 347
combination of them, at the time of the commission of the 348
offense. 349

(Q) "Pendency of the claim" for an original reparations 350
application or supplemental reparations application means the 351
period of time from the date the criminally injurious conduct 352
upon which the application is based occurred until the date a 353
final decision, order, or judgment concerning that original 354
reparations application or supplemental reparations application 355
is issued. 356

(R) "Terrorism" means any activity to which all of the 357
following apply: 358

(1) The activity involves a violent act or an act that is 359
dangerous to human life. 360

(2) The act described in division (R) (1) of this section 361
is committed within the territorial jurisdiction of the United 362
States and is a violation of the criminal laws of the United 363
States, this state, or any other state or the act described in 364
division (R) (1) of this section is committed outside the 365

territorial jurisdiction of the United States and would be a 366
violation of the criminal laws of the United States, this state, 367
or any other state if committed within the territorial 368
jurisdiction of the United States. 369

(3) The activity appears to be intended to do any of the 370
following: 371

(a) Intimidate or coerce a civilian population; 372

(b) Influence the policy of any government by intimidation 373
or coercion; 374

(c) Affect the conduct of any government by assassination 375
or kidnapping. 376

(4) The activity occurs primarily outside the territorial 377
jurisdiction of the United States or transcends the national 378
boundaries of the United States in terms of the means by which 379
the activity is accomplished, the person or persons that the 380
activity appears intended to intimidate or coerce, or the area 381
or locale in which the perpetrator or perpetrators of the 382
activity operate or seek asylum. 383

(S) "Transcends the national boundaries of the United 384
States" means occurring outside the territorial jurisdiction of 385
the United States in addition to occurring within the 386
territorial jurisdiction of the United States. 387

(T) "Cost of crime scene cleanup" means any of the 388
following: 389

(1) The replacement cost for items of clothing removed 390
from a victim in order to make an assessment of possible 391
physical harm or to treat physical harm; 392

(2) Reasonable and necessary costs of cleaning the scene 393

and repairing, for the purpose of personal security, property 394
damaged at the scene where the criminally injurious conduct 395
occurred, not to exceed seven hundred fifty dollars in the 396
aggregate per claim. 397

(U) "Cost of evidence replacement" means costs for 398
replacement of property confiscated for evidentiary purposes 399
related to the criminally injurious conduct, not to exceed seven 400
hundred fifty dollars in the aggregate per claim. 401

(V) "Provider" means any person who provides a victim or 402
claimant with a product, service, or accommodations that are an 403
allowable expense or a funeral expense. 404

(W) "Immediate family member" means an individual who 405
resided in the same permanent household as a victim at the time 406
of the criminally injurious conduct and who is related to the 407
victim by affinity or consanguinity. 408

(X) "Family member" means an individual who is related to 409
a victim by affinity or consanguinity. 410

Sec. 2903.06. (A) No person, while operating or 411
participating in the operation of a motor vehicle, motorcycle, 412
snowmobile, locomotive, watercraft, or aircraft, shall cause the 413
death of another or the unlawful termination of another's 414
pregnancy in any of the following ways: 415

(1) (a) As the proximate result of committing a violation 416
of division (A) of section 4511.19 of the Revised Code or of a 417
substantially equivalent municipal ordinance; 418

(b) As the proximate result of committing a violation of 419
division (A) of section 1547.11 of the Revised Code or of a 420
substantially equivalent municipal ordinance; 421

(c) As the proximate result of committing a violation of 422
division (A) (3) of section 4561.15 of the Revised Code or of a 423
substantially equivalent municipal ordinance; 424

(d) As the proximate result of committing a violation of 425
division (B) of section 4511.204 of the Revised Code or of a 426
substantially equivalent municipal ordinance; 427

(e) As a proximate result of a violation of an offense 428
listed in division (B) of section 4511.991 of the Revised Code, 429
or a substantially equivalent municipal ordinance, when both of 430
the following apply: 431

(i) The offender committed the violation while distracted 432
as defined in section 4511.991 of the Revised Code; and 433

(ii) The distracting activity was a contributing factor to 434
the commission of the violation. 435

(2) In one of the following ways: 436

(a) Recklessly; 437

(b) As the proximate result of committing, while operating 438
or participating in the operation of a motor vehicle or 439
motorcycle in a construction zone, a reckless operation offense, 440
provided that this division applies only if the person whose 441
death is caused or whose pregnancy is unlawfully terminated is 442
in the construction zone at the time of the offender's 443
commission of the reckless operation offense in the construction 444
zone and does not apply as described in division (F) of this 445
section. 446

(3) In one of the following ways: 447

(a) Negligently; 448

(b) As the proximate result of committing, while operating 449
or participating in the operation of a motor vehicle or 450
motorcycle in a construction zone, a speeding offense, provided 451
that this division applies only if the person whose death is 452
caused or whose pregnancy is unlawfully terminated is in the 453
construction zone at the time of the offender's commission of 454
the speeding offense in the construction zone and does not apply 455
as described in division (F) of this section. 456

(4) As the proximate result of committing a violation of 457
any provision of any section contained in Title XLV of the 458
Revised Code that is a minor misdemeanor or of a municipal 459
ordinance that, regardless of the penalty set by ordinance for 460
the violation, is substantially equivalent to any provision of 461
any section contained in Title XLV of the Revised Code that is a 462
minor misdemeanor. 463

(B) (1) Whoever violates division (A) (1) or (2) of this 464
section is guilty of aggravated vehicular homicide and shall be 465
punished as provided in divisions (B) (2) and (3) of this 466
section. 467

(2) (a) Except as otherwise provided in division (B) (2) (b) 468
or (c) of this section, aggravated vehicular homicide committed 469
in violation of division (A) (1) of this section is a felony of 470
the second degree and the court shall impose a mandatory prison 471
term on the offender as described in division (E) of this 472
section. 473

(b) Except as otherwise provided in division (B) (2) (c) of 474
this section, aggravated vehicular homicide committed in 475
violation of division (A) (1) of this section is a felony of the 476
first degree, and the court shall impose a mandatory prison term 477
on the offender as described in division (E) of this section, if 478

any of the following apply: 479

(i) At the time of the offense, the offender was driving 480
under a suspension or cancellation imposed under Chapter 4510. 481
or any other provision of the Revised Code or was operating a 482
motor vehicle or motorcycle, did not have a valid driver's 483
license, commercial driver's license, temporary instruction 484
permit, probationary license, or nonresident operating 485
privilege, and was not eligible for renewal of the offender's 486
driver's license or commercial driver's license without 487
examination under section 4507.10 of the Revised Code. 488

(ii) The offender previously has been convicted of or 489
pleaded guilty to a violation of this section. 490

(iii) The offender previously has been convicted of or 491
pleaded guilty to any traffic-related homicide, manslaughter, or 492
assault offense. 493

(c) Aggravated vehicular homicide ~~committed in violation~~ 494
~~of under division (A)(1)-(A)(1)(a), (b), or (c)~~ of this section 495
is a felony of the first degree, and the court shall sentence 496
the offender to a mandatory prison term as provided in section 497
2929.142 of the Revised Code and described in division (E) of 498
this section if any of the following apply: 499

(i) The offender previously has been convicted of or 500
pleaded guilty to three or more prior violations of section 501
4511.19 of the Revised Code or of a substantially equivalent 502
municipal ordinance within the previous ten years. 503

(ii) The offender previously has been convicted of or 504
pleaded guilty to three or more prior violations of division (A) 505
of section 1547.11 of the Revised Code or of a substantially 506
equivalent municipal ordinance within the previous ten years. 507

(iii) The offender previously has been convicted of or	508
pleaded guilty to three or more prior violations of division (A)	509
(3) of section 4561.15 of the Revised Code or of a substantially	510
equivalent municipal ordinance within the previous ten years.	511
(iv) The offender previously has been convicted of or	512
pleaded guilty to three or more prior violations of division (A)	513
(1) of this section within the previous ten years.	514
(v) The offender previously has been convicted of or	515
pleaded guilty to three or more prior violations of division (A)	516
(1) of section 2903.08 of the Revised Code within the previous	517
ten years.	518
(vi) The offender previously has been convicted of or	519
pleaded guilty to three or more prior violations of section	520
2903.04 of the Revised Code within the previous ten years in	521
circumstances in which division (D) of that section applied	522
regarding the violations.	523
(vii) The offender previously has been convicted of or	524
pleaded guilty to three or more violations of any combination of	525
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),	526
(v), or (vi) of this section within the previous ten years.	527
(viii) The offender previously has been convicted of or	528
pleaded guilty to a second or subsequent felony violation of	529
division (A) of section 4511.19 of the Revised Code.	530
(d) In addition to any other sanctions imposed pursuant to	531
division (B) (2) (a), (b), or (c) of this section for aggravated	532
vehicular homicide committed in violation of division (A) (1) of	533
this section, the court shall impose upon the offender a class	534
one suspension of the offender's driver's license, commercial	535
driver's license, temporary instruction permit, probationary	536

license, or nonresident operating privilege as specified in 537
division (A) (1) of section 4510.02 of the Revised Code. 538

Divisions (A) (1) to (3) of section 4510.54 of the Revised 539
Code apply to a suspension imposed under division (B) (2) (d) of 540
this section. 541

(3) Except as otherwise provided in this division, 542
aggravated vehicular homicide committed in violation of division 543
(A) (2) of this section is a felony of the third degree. 544
Aggravated vehicular homicide committed in violation of division 545
(A) (2) of this section is a felony of the second degree if, at 546
the time of the offense, the offender was driving under a 547
suspension or cancellation imposed under Chapter 4510. or any 548
other provision of the Revised Code or was operating a motor 549
vehicle or motorcycle, did not have a valid driver's license, 550
commercial driver's license, temporary instruction permit, 551
probationary license, or nonresident operating privilege, and 552
was not eligible for renewal of the offender's driver's license 553
or commercial driver's license without examination under section 554
4507.10 of the Revised Code or if the offender previously has 555
been convicted of or pleaded guilty to a violation of this 556
section or any traffic-related homicide, manslaughter, or 557
assault offense. The court shall impose a mandatory prison term 558
on the offender when required by division (E) of this section. 559

In addition to any other sanctions imposed pursuant to 560
this division for a violation of division (A) (2) of this 561
section, the court shall impose upon the offender a class two 562
suspension of the offender's driver's license, commercial 563
driver's license, temporary instruction permit, probationary 564
license, or nonresident operating privilege from the range 565
specified in division (A) (2) of section 4510.02 of the Revised 566

Code or, if the offender previously has been convicted of or 567
pleaded guilty to a traffic-related murder, felonious assault, 568
or attempted murder offense, a class one suspension of the 569
offender's driver's license, commercial driver's license, 570
temporary instruction permit, probationary license, or 571
nonresident operating privilege as specified in division (A)(1) 572
of that section. 573

(C) Whoever violates division (A)(3) of this section is 574
guilty of vehicular homicide. Except as otherwise provided in 575
this division, vehicular homicide is a misdemeanor of the first 576
degree. Vehicular homicide committed in violation of division 577
(A)(3) of this section is a felony of the fourth degree if, at 578
the time of the offense, the offender was driving under a 579
suspension or cancellation imposed under Chapter 4510. or any 580
other provision of the Revised Code or was operating a motor 581
vehicle or motorcycle, did not have a valid driver's license, 582
commercial driver's license, temporary instruction permit, 583
probationary license, or nonresident operating privilege, and 584
was not eligible for renewal of the offender's driver's license 585
or commercial driver's license without examination under section 586
4507.10 of the Revised Code or if the offender previously has 587
been convicted of or pleaded guilty to a violation of this 588
section or any traffic-related homicide, manslaughter, or 589
assault offense. The court shall impose a mandatory jail term or 590
a mandatory prison term on the offender when required by 591
division (E) of this section. 592

In addition to any other sanctions imposed pursuant to 593
this division, the court shall impose upon the offender a class 594
four suspension of the offender's driver's license, commercial 595
driver's license, temporary instruction permit, probationary 596
license, or nonresident operating privilege from the range 597

specified in division (A) (4) 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 or any traffic-related homicide, manslaughter, or assault offense, a class three 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) (3) of that section, or, if the offender previously has been convicted of or pleaded guilty to a traffic-related murder, felonious assault, or attempted murder offense, a class two 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) (2) of that section.

(D) Whoever violates division (A) (4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, 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 examination under section 4507.10 of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to

this division, the court shall impose upon the offender a class 629
six suspension of the offender's driver's license, commercial 630
driver's license, temporary instruction permit, probationary 631
license, or nonresident operating privilege from the range 632
specified in division (A) (6) of section 4510.02 of the Revised 633
Code or, if the offender previously has been convicted of or 634
pleaded guilty to a violation of this section, any traffic- 635
related homicide, manslaughter, or assault offense, or a 636
traffic-related murder, felonious assault, or attempted murder 637
offense, a class four suspension of the offender's driver's 638
license, commercial driver's license, temporary instruction 639
permit, probationary license, or nonresident operating privilege 640
from the range specified in division (A) (4) of that section. 641

(E) (1) The court shall impose a mandatory prison term on 642
an offender who is convicted of or pleads guilty to a violation 643
of division (A) (1) of this section. Except as otherwise provided 644
in this division, the mandatory prison term shall be a definite 645
term from the range of prison terms provided in division (A) (1) 646
(b) of section 2929.14 of the Revised Code for a felony of the 647
first degree or from division (A) (2) (b) of that section for a 648
felony of the second degree, whichever is applicable, except 649
that if the violation is committed on or after ~~the effective~~ 650
~~date of this amendment~~ March 22, 2019, the court shall impose as 651
the minimum prison term for the offense a mandatory prison term 652
that is one of the minimum terms prescribed for a felony of the 653
first degree in division (A) (1) (a) of section 2929.14 of the 654
Revised Code or one of the terms prescribed for a felony of the 655
second degree in division (A) (2) (a) of that section, whichever 656
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 657
(vi), (vii), or (viii) of this section applies to an offender 658
who is convicted of or pleads guilty to the violation of 659

division (A) (1) of this section, the court shall impose the 660
mandatory prison term pursuant to division (B) of section 661
2929.142 of the Revised Code. The court shall impose a mandatory 662
jail term of at least fifteen days on an offender who is 663
convicted of or pleads guilty to a misdemeanor violation of 664
division (A) (3) (b) of this section and may impose upon the 665
offender a longer jail term as authorized pursuant to section 666
2929.24 of the Revised Code. 667

(2) The court shall impose a mandatory prison term on an 668
offender who is convicted of or pleads guilty to a violation of 669
division (A) (2) or (3) (a) of this section or a felony violation 670
of division (A) (3) (b) of this section if either division (E) (2) 671
(a) or (b) of this section applies. The mandatory prison term 672
shall be a definite term from the range of prison terms provided 673
in division ~~(A) (3) (a)~~ (A) (2) (b) of section 2929.14 of the 674
Revised Code for a felony of the ~~third~~ second degree or from 675
division (A) (4) of that section for a felony of the fourth 676
degree, whichever is applicable. However, if the violation is a 677
felony of the second degree committed on or after March 22, 678
2019, the court shall impose as the minimum prison term for the 679
offense a mandatory prison term that is one of the minimum terms 680
prescribed for a felony of the second degree in division (A) (2) 681
(a) of section 2929.14 of the Revised Code. The court shall 682
impose a mandatory prison term on an offender in a category 683
described in this division if either of the following applies: 684

(a) The offender previously has been convicted of or 685
pleaded guilty to a violation of this section or section 2903.08 686
of the Revised Code. 687

(b) At the time of the offense, the offender was driving 688
under suspension or cancellation under Chapter 4510. or any 689

other provision of the Revised Code or was operating a motor 690
vehicle or motorcycle, did not have a valid driver's license, 691
commercial driver's license, temporary instruction permit, 692
probationary license, or nonresident operating privilege, and 693
was not eligible for renewal of the offender's driver's license 694
or commercial driver's license without examination under section 695
4507.10 of the Revised Code. 696

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 697
apply in a particular construction zone unless signs of the type 698
described in section 2903.081 of the Revised Code are erected in 699
that construction zone in accordance with the guidelines and 700
design specifications established by the director of 701
transportation under section 5501.27 of the Revised Code. The 702
failure to erect signs of the type described in section 2903.081 703
of the Revised Code in a particular construction zone in 704
accordance with those guidelines and design specifications does 705
not limit or affect the application of division (A) (1), (A) (2) 706
(a), (A) (3) (a), or (A) (4) of this section in that construction 707
zone or the prosecution of any person who violates any of those 708
divisions in that construction zone. 709

(G) (1) As used in this section: 710

(a) "Mandatory prison term" and "mandatory jail term" have 711
the same meanings as in section 2929.01 of the Revised Code. 712

(b) "Traffic-related homicide, manslaughter, or assault 713
offense" means a violation of section 2903.04 of the Revised 714
Code in circumstances in which division (D) of that section 715
applies, a violation of section 2903.06 or 2903.08 of the 716
Revised Code, or a violation of section 2903.06, 2903.07, or 717
2903.08 of the Revised Code as they existed prior to March 23, 718
2000. 719

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	720 721
(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.	722 723 724
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	725 726 727
(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.	728 729 730 731 732 733 734 735 736 737 738
(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	739 740
(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.	741 742 743 744 745 746 747
<u>(H) The offenses established under divisions (A) (1) (d) and</u>	748

(e) of this section are strict liability offenses and section 749
2901.20 of the Revised Code does not apply. The designation of 750
these offenses as strict liability offenses shall not be 751
construed to imply that any other offense, for which there is no 752
specified degree of culpability, is not a strict liability 753
offense. 754

Sec. 2903.07. (A) No person, while operating a motor 755
vehicle, trackless trolley, or streetcar, shall cause physical 756
harm, excluding serious physical harm, to another or another's 757
unborn, or serious physical harm to property in either of the 758
following ways: 759

(1) As the proximate result of a violation of an offense 760
listed in division (B) of section 4511.991 of the Revised Code, 761
or a substantially equivalent municipal ordinance, when both of 762
the following apply: 763

(a) The offender committed the violation while distracted 764
as defined in section 4511.991 of the Revised Code and 765

(b) The distracting activity was a contributing factor to 766
the violation. 767

(2) As the proximate result of committing a violation of 768
division (B) of section 4511.204 of the Revised Code or of a 769
substantially equivalent municipal ordinance. 770

(B) Whoever violates division (A) of this section is 771
guilty of vehicular harm, a misdemeanor of the first degree. In 772
addition to any other authorized penalty, the court shall impose 773
upon the offender all of the following: 774

(1) Notwithstanding division (A)(2) of section 2929.28 of 775
the Revised Code, a fine not less than five hundred dollars and 776
not more than one thousand dollars; 777

(2) A class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. 778
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(C) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 782
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Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn in any of the following ways: 788
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(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; 793
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(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance; 796
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(c) As the proximate result of committing a violation of division (A) (3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance; 799
800
801

(d) As the proximate result of committing a violation of division (B) of section 4511.204 of the Revised Code or of a substantially equivalent municipal ordinance; 802
803
804

(e) As a proximate result of a violation of an offense listed in division (B) of section 4511.991 of the Revised Code, 805
806

or a substantially equivalent municipal ordinance, when both of 807
the following apply: 808

(i) The offender committed the violation while distracted 809
as defined in section 4511.991 of the Revised Code; and 810

(ii) The distracting activity was a contributing factor to 811
the commission of the violation. 812

(2) In one of the following ways: 813

(a) As the proximate result of committing, while operating 814
or participating in the operation of a motor vehicle or 815
motorcycle in a construction zone, a reckless operation offense, 816
provided that this division applies only if the person to whom 817
the serious physical harm is caused or to whose unborn the 818
serious physical harm is caused is in the construction zone at 819
the time of the offender's commission of the reckless operation 820
offense in the construction zone and does not apply as described 821
in division (E) of this section; 822

(b) Recklessly. 823

(3) As the proximate result of committing, while operating 824
or participating in the operation of a motor vehicle or 825
motorcycle in a construction zone, a speeding offense, provided 826
that this division applies only if the person to whom the 827
serious physical harm is caused or to whose unborn the serious 828
physical harm is caused is in the construction zone at the time 829
of the offender's commission of the speeding offense in the 830
construction zone and does not apply as described in division 831
(E) of this section. 832

(B) (1) Whoever violates division (A) (1) of this section is 833
guilty of aggravated vehicular assault. Except as otherwise 834
provided in this division, aggravated vehicular assault is a 835

felony of the third degree. ~~Aggravated~~ 836

(a) Aggravated vehicular assault is a felony of the second 837
degree if any of the following apply: 838

~~(a)-(i)~~ At the time of the offense, the offender was 839
driving under a suspension imposed under Chapter 4510. or any 840
other provision of the Revised Code. 841

~~(b)-(ii)~~ The offender previously has been convicted of or 842
pleaded guilty to a violation of this section. 843

~~(c)-(iii)~~ The offender previously has been convicted of or 844
pleaded guilty to any traffic-related homicide, manslaughter, or 845
assault offense. 846

~~(d) The~~ (b) Aggravated vehicular assault under division 847
(A) (1) (a), (b), or (c) of this section is a felony of the second 848
degree if any of the following apply: 849

(i) The offender previously has been convicted of or 850
pleaded guilty to three or more prior violations of section 851
4511.19 of the Revised Code or a substantially equivalent 852
municipal ordinance within the previous ten years. 853

~~(e)-(ii)~~ The offender previously has been convicted of or 854
pleaded guilty to three or more prior violations of division (A) 855
of section 1547.11 of the Revised Code or of a substantially 856
equivalent municipal ordinance within the previous ten years. 857

~~(f)-(iii)~~ The offender previously has been convicted of or 858
pleaded guilty to three or more prior violations of division (A) 859
(3) of section 4561.15 of the Revised Code or of a substantially 860
equivalent municipal ordinance within the previous ten years. 861

~~(g)-(iv)~~ The offender previously has been convicted of or 862
pleaded guilty to three or more prior violations of any 863

combination of the offenses listed in division ~~(B) (1) (d)~~ (B) (1)
(b) (i), ~~(e) (ii)~~, or ~~(f) (iii)~~ of this section. 864
865

~~(h) (v)~~ The offender previously has been convicted of or 866
pleaded guilty to a second or subsequent felony violation of 867
division (A) of section 4511.19 of the Revised Code. 868

(2) In addition to any other sanctions imposed pursuant to 869
division (B) (1) of this section, except as otherwise provided in 870
this division, the court shall impose upon the offender a class 871
three suspension of the offender's driver's license, commercial 872
driver's license, temporary instruction permit, probationary 873
license, or nonresident operating privilege from the range 874
specified in division (A) (3) of section 4510.02 of the Revised 875
Code. If the offender previously has been convicted of or 876
pleaded guilty to a violation of this section, any traffic- 877
related homicide, manslaughter, or assault offense, or any 878
traffic-related murder, felonious assault, or attempted murder 879
offense, the court shall impose either a class two suspension of 880
the offender's driver's license, commercial driver's license, 881
temporary instruction permit, probationary license, or 882
nonresident operating privilege from the range specified in 883
division (A) (2) of that section or a class one suspension as 884
specified in division (A) (1) of that section. 885

(C) (1) Whoever violates division (A) (2) or (3) of this 886
section is guilty of vehicular assault and shall be punished as 887
provided in divisions (C) (2) and (3) of this section. 888

(2) Except as otherwise provided in this division, 889
vehicular assault committed in violation of division (A) (2) of 890
this section is a felony of the fourth degree. Vehicular assault 891
committed in violation of division (A) (2) of this section is a 892
felony of the third degree if, at the time of the offense, the 893

offender was driving under a suspension imposed under Chapter 894
4510. or any other provision of the Revised Code, if the 895
offender previously has been convicted of or pleaded guilty to a 896
violation of this section or any traffic-related homicide, 897
manslaughter, or assault offense, or if, in the same course of 898
conduct that resulted in the violation of division (A) (2) of 899
this section, the offender also violated section 4549.02, 900
4549.021, or 4549.03 of the Revised Code. 901

In addition to any other sanctions imposed, the court 902
shall impose upon the offender a class four suspension of the 903
offender's driver's license, commercial driver's license, 904
temporary instruction permit, probationary license, or 905
nonresident operating privilege from the range specified in 906
division (A) (4) of section 4510.02 of the Revised Code or, if 907
the offender previously has been convicted of or pleaded guilty 908
to a violation of this section, any traffic-related homicide, 909
manslaughter, or assault offense, or any traffic-related murder, 910
felonious assault, or attempted murder offense, a class three 911
suspension of the offender's driver's license, commercial 912
driver's license, temporary instruction permit, probationary 913
license, or nonresident operating privilege from the range 914
specified in division (A) (3) of that section. 915

(3) Except as otherwise provided in this division, 916
vehicular assault committed in violation of division (A) (3) of 917
this section is a misdemeanor of the first degree. Vehicular 918
assault committed in violation of division (A) (3) of this 919
section is a felony of the fourth degree if, at the time of the 920
offense, the offender was driving under a suspension imposed 921
under Chapter 4510. or any other provision of the Revised Code 922
or if the offender previously has been convicted of or pleaded 923
guilty to a violation of this section or any traffic-related 924

homicide, manslaughter, or assault offense. 925

In addition to any other sanctions imposed, the court 926
shall impose upon the offender a class four suspension of the 927
offender's driver's license, commercial driver's license, 928
temporary instruction permit, probationary license, or 929
nonresident operating privilege from the range specified in 930
division (A) (4) of section 4510.02 of the Revised Code or, if 931
the offender previously has been convicted of or pleaded guilty 932
to a violation of this section, any traffic-related homicide, 933
manslaughter, or assault offense, or any traffic-related murder, 934
felonious assault, or attempted murder offense, a class three 935
suspension of the offender's driver's license, commercial 936
driver's license, temporary instruction permit, probationary 937
license, or nonresident operating privilege from the range 938
specified in division (A) (3) of section 4510.02 of the Revised 939
Code. 940

(D) (1) The court shall impose a mandatory prison term, as 941
described in division (D) (4) of this section, on an offender who 942
is convicted of or pleads guilty to a violation of division (A) 943
(1) of this section. 944

(2) The court shall impose a mandatory prison term, as 945
described in division (D) (4) of this section, on an offender who 946
is convicted of or pleads guilty to a violation of division (A) 947
(2) of this section or a felony violation of division (A) (3) of 948
this section if either of the following applies: 949

(a) The offender previously has been convicted of or 950
pleaded guilty to a violation of this section or section 2903.06 951
of the Revised Code. 952

(b) At the time of the offense, the offender was driving 953

under suspension under Chapter 4510. or any other provision of 954
the Revised Code. 955

(3) The court shall impose a mandatory jail term of at 956
least seven days on an offender who is convicted of or pleads 957
guilty to a misdemeanor violation of division (A) (3) of this 958
section and may impose upon the offender a longer jail term as 959
authorized pursuant to section 2929.24 of the Revised Code. 960

(4) A mandatory prison term required under division (D) (1) 961
or (2) of this section shall be a definite term from the range 962
of prison terms provided in division (A) (2) (b) of section 963
2929.14 of the Revised Code for a felony of the second degree, 964
from division (A) (3) (a) of that section for a felony of the 965
third degree, or from division (A) (4) of that section for a 966
felony of the fourth degree, whichever is applicable, except 967
that if the violation is a felony of the second degree committed 968
on or after ~~the effective date of this amendment~~ March 22, 2019, 969
the court shall impose as the minimum prison term for the 970
offense a mandatory prison term that is one of the minimum terms 971
prescribed for a felony of the second degree in division (A) (2) 972
(a) of section 2929.14 of the Revised Code. 973

(E) Divisions (A) (2) (a) and (3) of this section do not 974
apply in a particular construction zone unless signs of the type 975
described in section 2903.081 of the Revised Code are erected in 976
that construction zone in accordance with the guidelines and 977
design specifications established by the director of 978
transportation under section 5501.27 of the Revised Code. The 979
failure to erect signs of the type described in section 2903.081 980
of the Revised Code in a particular construction zone in 981
accordance with those guidelines and design specifications does 982
not limit or affect the application of division (A) (1) or (2) (b) 983

of this section in that construction zone or the prosecution of 984
any person who violates either of those divisions in that 985
construction zone. 986

(F) As used in this section: 987

(1) "Mandatory prison term" and "mandatory jail term" have 988
the same meanings as in section 2929.01 of the Revised Code. 989

(2) "Traffic-related homicide, manslaughter, or assault 990
offense" and "traffic-related murder, felonious assault, or 991
attempted murder offense" have the same meanings as in section 992
2903.06 of the Revised Code. 993

(3) "Construction zone" has the same meaning as in section 994
5501.27 of the Revised Code. 995

(4) "Reckless operation offense" and "speeding offense" 996
have the same meanings as in section 2903.06 of the Revised 997
Code. 998

(G) For the purposes of this section, when a penalty or 999
suspension is enhanced because of a prior or current violation 1000
of a specified law or a prior or current specified offense, the 1001
reference to the violation of the specified law or the specified 1002
offense includes any violation of any substantially equivalent 1003
municipal ordinance, former law of this state, or current or 1004
former law of another state or the United States. 1005

(H) The offenses established under division (A) (1) (d) and 1006
(e) of this section are strict liability offenses and section 1007
2901.20 of the Revised Code does not apply. The designation of 1008
these offenses as strict liability offenses shall not be 1009
construed to imply that any other offense, for which there is no 1010
specified degree of culpability, is not a strict liability 1011
offense. 1012

Sec. 2929.41. (A) Except as provided in division (B) of 1013
this section, division (C) of section 2929.14, or division (D) 1014
or (E) of section 2971.03 of the Revised Code, a prison term, 1015
jail term, or sentence of imprisonment shall be served 1016
concurrently with any other prison term, jail term, or sentence 1017
of imprisonment imposed by a court of this state, another state, 1018
or the United States. Except as provided in division (B)(3) of 1019
this section, a jail term or sentence of imprisonment for 1020
misdemeanor shall be served concurrently with a prison term or 1021
sentence of imprisonment for felony served in a state or federal 1022
correctional institution. 1023

(B)(1) A jail term or sentence of imprisonment for a 1024
misdemeanor shall be served consecutively to any other prison 1025
term, jail term, or sentence of imprisonment when the trial 1026
court specifies that it is to be served consecutively or when it 1027
is imposed for a misdemeanor violation of section 2907.322, 1028
2921.34, or 2923.131 of the Revised Code. 1029

When consecutive sentences are imposed for misdemeanor 1030
under this division, the term to be served is the aggregate of 1031
the consecutive terms imposed, except that the aggregate term to 1032
be served shall not exceed eighteen months. 1033

(2) If a court of this state imposes a prison term upon 1034
the offender for the commission of a felony and a court of 1035
another state or the United States also has imposed a prison 1036
term upon the offender for the commission of a felony, the court 1037
of this state may order that the offender serve the prison term 1038
it imposes consecutively to any prison term imposed upon the 1039
offender by the court of another state or the United States. 1040

(3) A jail term or sentence of imprisonment imposed for a 1041
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 1042

4510.21, or 4511.19 of the Revised Code shall be served 1043
consecutively to a prison term that is imposed for a felony 1044
violation of section 2903.06, ~~2903.07~~, 2903.08, or 4511.19 of 1045
the Revised Code or a felony violation of section 2903.04 of the 1046
Revised Code involving the operation of a motor vehicle by the 1047
offender and that is served in a state correctional institution 1048
when the trial court specifies that it is to be served 1049
consecutively. 1050

When consecutive jail terms or sentences of imprisonment 1051
and prison terms are imposed for one or more misdemeanors and 1052
one or more felonies under this division, the term to be served 1053
is the aggregate of the consecutive terms imposed, and the 1054
offender shall serve all terms imposed for a felony before 1055
serving any term imposed for a misdemeanor. 1056

Sec. 3321.141. (A) (1) Within one hundred twenty minutes 1057
after the beginning of each school day, the attendance officer, 1058
attendance officer's assistant for each individual school 1059
building, or other person the attendance officer designates to 1060
take attendance for each school building shall make at least one 1061
attempt to contact, in accordance with division (A) (2) of this 1062
section, the parent, guardian, or other person having care of 1063
any student who was absent without legitimate excuse from the 1064
school the student is required to attend as of the beginning of 1065
that school day. 1066

(2) An attempt to contact a student's parent, guardian, or 1067
other person having care of the student shall be made through 1068
one of the following methods: 1069

(a) A telephone call placed in person; 1070

(b) An automated telephone call via a system that includes 1071

verification that each call was actually placed, and either the 1072
call was answered by its intended recipient or a voice mail 1073
message was left by the automated system relaying the required 1074
information; 1075

(c) A notification sent through the school's automated 1076
student information system; 1077

(d) A text-based communication sent to the parent's, 1078
guardian's, or other person's electronic wireless communications 1079
device, as defined in division ~~(G) (1)~~ (A) of section 4511.204 of 1080
the Revised Code; 1081

(e) A notification sent to the electronic mail address of 1082
the parent, guardian, or other person; 1083

(f) A visit, in person, to the student's residence of 1084
record; 1085

(g) Any other notification procedure that has been adopted 1086
by resolution of the board of education of a school district. 1087

(B) If the parent, guardian, or other person having care 1088
of a student initiates a telephone call or other communication 1089
notifying the school or building administration of the student's 1090
excused or unexcused absence within one hundred twenty minutes 1091
after the beginning of the school day, the school is under no 1092
further obligation with respect to the requirement prescribed in 1093
division (A) of this section. 1094

(C) A school district, or any officer, director, employee, 1095
or member of the school district board of education is not 1096
liable in damages in a civil action for injury, death, or loss 1097
to person or property allegedly arising from an employee's 1098
action or inaction in good faith compliance with this section. 1099
This section does not eliminate, limit, or reduce any other 1100

immunity or defense that a person may be entitled to under 1101
Chapter 2744. or any other provision of the Revised Code or 1102
under the common law of this state. 1103

(D) This section does not apply to either of the 1104
following: 1105

(1) Students who are in home-based, online, or internet- 1106
or computer-based instruction; 1107

(2) Instances where a student was not expected to be in 1108
attendance at a particular school building due to that student's 1109
participation in off-campus activities, including but not 1110
limited to participation in the college credit plus program 1111
established under Chapter 3365. of the Revised Code. 1112

Sec. 4508.02. (A) (1) The director of public safety, 1113
subject to Chapter 119. of the Revised Code, shall adopt and 1114
prescribe such rules concerning the administration and 1115
enforcement of this chapter as are necessary to protect the 1116
public. The rules shall require an assessment of the holder of a 1117
probationary instructor license. The director shall inspect the 1118
school facilities and equipment of applicants and licensees and 1119
examine applicants for instructor's licenses. 1120

(2) The director shall adopt rules governing online driver 1121
education courses that may be completed via the internet to 1122
satisfy the classroom instruction under division (C) of this 1123
section. The rules shall do all of the following: 1124

(a) Establish standards that an online driver training 1125
enterprise must satisfy to be licensed to offer an online driver 1126
education course via the internet, including, at a minimum, 1127
proven expertise in providing driver education and an acceptable 1128
infrastructure capable of providing secure online driver 1129

education in accord with advances in internet technology. The 1130
rules shall allow an online driver training enterprise to be 1131
affiliated with a licensed driver training school offering in- 1132
person classroom instruction, but shall not require such an 1133
affiliation. 1134

(b) Establish content requirements that an online driver 1135
education course must satisfy to be approved as equivalent to 1136
twenty-four hours of in-person classroom instruction; 1137

(c) Establish attendance standards, including a maximum 1138
number of course hours that may be completed in a twenty-four- 1139
hour period; 1140

(d) Allow an enrolled applicant to begin the required 1141
eight hours of actual behind-the-wheel instruction upon 1142
completing at least two hours of course instruction and being 1143
issued a certificate of enrollment by a licensed online driver 1144
training enterprise; 1145

(e) Establish any other requirements necessary to regulate 1146
online driver education. 1147

(B) The director shall administer and enforce this 1148
chapter. 1149

(C) The rules shall require twenty-four hours of in-person 1150
classroom instruction or completion of an approved, equivalent 1151
online driver education course offered via the internet by a 1152
licensed online driver training enterprise, and eight hours of 1153
actual behind-the-wheel instruction conducted on public streets 1154
and highways of this state for all beginning drivers of 1155
noncommercial motor vehicles who are under age eighteen. The 1156
rules also shall require the classroom instruction or online 1157
driver education course for such drivers to include instruction 1158

on both of the following: 1159

(1) The dangers of driving a motor vehicle while 1160
distracted, including while using an electronic wireless 1161
communications device to write, send, or read a text-based 1162
communication, or engaging in any other activity that distracts 1163
a driver from the safe and effective operation of a motor 1164
vehicle; 1165

(2) The dangers of driving a motor vehicle while under the 1166
influence of a controlled substance, prescription medication, or 1167
alcohol. 1168

(D) The rules shall state the minimum hours for classroom 1169
and behind-the-wheel instruction required for beginning drivers 1170
of commercial trucks, commercial cars, buses, and commercial 1171
tractors, trailers, and semitrailers. 1172

(E) (1) The department of public safety may charge a fee to 1173
each online driver training enterprise in an amount sufficient 1174
to pay the actual expenses the department incurs in the 1175
regulation of online driver education courses. 1176

(2) The department shall supply to each licensed online 1177
driver training enterprise certificates to be used for 1178
certifying an applicant's enrollment in an approved online 1179
driver education course and a separate certificate to be issued 1180
upon successful completion of an approved online driver 1181
education course. The certificates shall be numbered serially. 1182
The department may charge a fee to each online driver training 1183
enterprise per certificate supplied to pay the actual expenses 1184
the department incurs in supplying the certificates. 1185

(F) The director shall adopt rules in accordance with 1186
Chapter 119. of the Revised Code governing an abbreviated driver 1187

training course for adults that must be completed by any 1188
applicant for an initial driver's license who is eighteen years 1189
of age or older and who failed the road or maneuverability test 1190
required under division (A) (2) of section 4507.11 of the Revised 1191
Code prior to attempting the test a second or subsequent time. 1192

Sec. 4510.036. (A) The bureau of motor vehicles shall 1193
record within ten days of conviction or bail ~~forfeiture~~ 1194
forfeiture and shall keep at its main office, all abstracts 1195
received under this section or section 4510.03, 4510.031, 1196
4510.032, or 4510.034 of the Revised Code and shall maintain 1197
records of convictions and bond forfeitures for any violation of 1198
a state law or a municipal ordinance regulating the operation of 1199
vehicles, streetcars, and trackless trolleys on highways and 1200
streets, except a violation related to parking a motor vehicle. 1201

(B) Every court of record or mayor's court before which a 1202
person is charged with a violation for which points are 1203
chargeable by this section shall assess and transcribe to the 1204
abstract of conviction that is furnished by the bureau to the 1205
court the number of points chargeable by this section in the 1206
correct space assigned on the reporting form. A United States 1207
district court that has jurisdiction within this state and 1208
before which a person is charged with a violation for which 1209
points are chargeable by this section may assess and transcribe 1210
to the abstract of conviction report that is furnished by the 1211
bureau the number of points chargeable by this section in the 1212
correct space assigned on the reporting form. If the federal 1213
court so assesses and transcribes the points chargeable for the 1214
offense and furnishes the report to the bureau, the bureau shall 1215
record the points in the same manner as those assessed and 1216
transcribed by a court of record or mayor's court. 1217

(C) A court shall assess the following points for an offense based on the following formula:	1218 1219
(1) Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault when the offense involves the operation of a vehicle, streetcar, or trackless trolley on a highway or street _____ 6 points	1220 1221 1222 1223 1224
(2) A violation of section 2921.331 of the Revised Code or any ordinance prohibiting the willful fleeing or eluding of a law enforcement officer _____ 6 points	1225 1226 1227
(3) A violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident _____ 6 points	1228 1229 1230 1231
(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing _____ 6 points	1232 1233
(5) A violation of section 4510.037 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under a twelve-point suspension _____ 6 points	1234 1235 1236 1237
(6) A violation of section 4510.14 of the Revised Code, or any ordinance prohibiting the operation of a motor vehicle upon the public roads or highways within this state while the driver's or commercial driver's license of the person is under suspension and the suspension was imposed under section 4511.19, 4511.191, or 4511.196 of the Revised Code or section 4510.07 of the Revised Code due to a conviction for a violation of a municipal OVI ordinance or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial	1238 1239 1240 1241 1242 1243 1244 1245 1246

driver's license is under suspension for an OVI offense	1247
_____ 6 points	1248
(7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine _____ 6 points	1249 1250 1251 1252 1253 1254 1255 1256 1257
(8) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner _____ 6 points	1258 1259 1260 1261
(9) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used _____ 6 points	1262 1263 1264
(10) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine _____ 4 points	1265 1266 1267 1268 1269
(11) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property _____ 4 points	1270 1271 1272 1273
(12) A violation of any law or ordinance pertaining to <u>speed when the offender was not distracted, as defined in</u>	1274 1275

<u>section 4511.991 of the Revised Code:</u>	1276
(a) Notwithstanding divisions (C) (12) (b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more _____ 4 points	1277 1278 1279
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour _____ 2 points	1280 1281 1282
(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour _____ 2 points	1283 1284 1285
(d) When the speed does not exceed the amounts set forth in divisions (C) (12) (a), (b), or (c) of this section _____ 0 points	1286 1287 1288
<u>(13) A violation of any law or ordinance pertaining to speed when the offender also was distracted, as defined in section 4511.991 of the Revised Code, and the distracting activity was a contributing factor to the violation:</u>	1289 1290 1291 1292
<u>(a) Notwithstanding divisions (C) (13) (b) and (c) of this section, when the speed exceeds the lawful limit by thirty miles per hour or more _____ 6 points</u>	1293 1294 1295
<u>(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour _____ 4 points</u>	1296 1297 1298
<u>(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour _____ 4 points</u>	1299 1300 1301
<u>(d) When the speed does not exceed the amounts set forth in divisions (C) (13) (a), (b), or (c) of this section _____</u>	1302 1303

<u>2 points</u>	1304
<u>(14) A violation of division (B) of section 4511.204 of</u>	1305
<u>the Revised Code or any substantially similar municipal</u>	1306
<u>ordinance:</u>	1307
<u>(a) For a first offense within any three-year period</u>	1308
<u>2 points</u>	1309
<u>(b) For a second offense within any three-year period</u>	1310
<u>3 points</u>	1311
<u>(c) For a third or subsequent offense within any three-</u>	1312
<u>year period 4 points.</u>	1313
<u>(15) Operating a motor vehicle in violation of a</u>	1314
<u>restriction imposed by the registrar 2 points</u>	1315
(14) <u>(16) A violation of section 4510.11, 4510.111,</u>	1316
<u>4510.16, or 4510.21 of the Revised Code or any ordinance</u>	1317
<u>prohibiting the operation of a motor vehicle while the driver's</u>	1318
<u>or commercial driver's license is under suspension 2</u>	1319
<u>points</u>	1320
(15) With <u>(17) Except as provided in division (C) (18) of</u>	1321
<u>this section and with the exception of violations under section</u>	1322
<u>4510.12 of the Revised Code where no points shall be assessed,</u>	1323
<u>all other moving violations reported under this section</u>	1324
<u>2 points</u>	1325
<u>(18) With the exception of violations under section</u>	1326
<u>4510.12 of the Revised Code where no points shall be assessed,</u>	1327
<u>all other moving violations reported under this section when the</u>	1328
<u>offender also was distracted, as defined in section 4511.991 of</u>	1329
<u>the Revised Code, and the distracting activity was a</u>	1330
<u>contributing factor to the violation 4 points</u>	1331

(D) Upon receiving notification from the proper court, 1332
including a United States district court that has jurisdiction 1333
within this state, the bureau shall delete any points entered 1334
for a bond forfeiture if the driver is acquitted of the offense 1335
for which bond was posted. 1336

(E) If a person is convicted of or forfeits bail for two 1337
or more offenses arising out of the same facts and points are 1338
chargeable for each of the offenses, points shall be charged for 1339
only the conviction or bond forfeiture for which the greater 1340
number of points is chargeable, and, if the number of points 1341
chargeable for each offense is equal, only one offense shall be 1342
recorded, and points shall be charged only for that offense. 1343

Sec. 4511.043. (A) (1) No law enforcement officer who stops 1344
the operator of a motor vehicle in the course of an authorized 1345
sobriety or other motor vehicle checkpoint operation or a motor 1346
vehicle safety inspection shall issue a ticket, citation, or 1347
summons for a secondary traffic offense unless in the course of 1348
the checkpoint operation or safety inspection the officer first 1349
determines that an offense other than a secondary traffic 1350
offense has occurred and either places the operator or a vehicle 1351
occupant under arrest or issues a ticket, citation, or summons 1352
to the operator or a vehicle occupant for an offense other than 1353
a secondary offense. 1354

(2) A law enforcement agency that operates a motor vehicle 1355
checkpoint for an express purpose related to a secondary traffic 1356
offense shall not issue a ticket, citation, or summons for any 1357
secondary traffic offense at such a checkpoint, but may use such 1358
a checkpoint operation to conduct a public awareness campaign 1359
and distribute information. 1360

(B) As used in this section, "secondary traffic offense" 1361

means a violation of division (A) or (F) (2) of section 4507.05, 1362
division (B) (1) (a) or (b) or (E) of section 4507.071, ~~division~~ 1363
~~(A) of section 4511.204,~~ division (C) or (D) of section 4511.81, 1364
division (A) (3) of section 4513.03, or division (B) of section 1365
4513.263 of the Revised Code. 1366

Sec. 4511.122. (A) The department of transportation shall 1367
include a sign, in the department's manual for a uniform system 1368
of traffic control devices adopted under section 4511.09 of the 1369
Revised Code, regarding the prohibition against using an 1370
electronic wireless communications device while driving, as 1371
established under section 4511.204 of the Revised Code. 1372

(B) The director of transportation shall erect these signs 1373
in the following locations: 1374

(1) Where an interstate or United States route enters 1375
Ohio; and 1376

(2) Where a road, originating from a commercial service 1377
airport, exits the airport's property. 1378

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 1379
the Revised Code: 1380

(A) "Equivalent offense" means any of the following: 1381

(1) A violation of division (A) or (B) of section 4511.19 1382
of the Revised Code; 1383

(2) A violation of a municipal OVI ordinance; 1384

(3) A violation of section 2903.04 of the Revised Code in 1385
a case in which the offender was subject to the sanctions 1386
described in division (D) of that section; 1387

(4) A violation of division ~~(A) (1)~~ (A) (1) (a), (b), or (c) 1388

of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to ~~either~~any of those divisions;

(5) A violation of division (A) (2), (3), or (4) of section 2903.06, division (A) (2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(6) A violation of division (A) or (B) of section 1547.11 of the Revised Code;

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 or division (A) or (B) of section 1547.11 of the Revised Code;

(9) A violation of a former law of this state that was

substantially equivalent to division (A) or (B) of section 1418
4511.19 or division (A) or (B) of section 1547.11 of the Revised 1419
Code. 1420

(B) "Mandatory jail term" means the mandatory term in jail 1421
of three, six, ten, twenty, thirty, or sixty days that must be 1422
imposed under division (G) (1) (a), (b), or (c) of section 4511.19 1423
of the Revised Code upon an offender convicted of a violation of 1424
division (A) of that section and in relation to which all of the 1425
following apply: 1426

(1) Except as specifically authorized under section 1427
4511.19 of the Revised Code, the term must be served in a jail. 1428

(2) Except as specifically authorized under section 1429
4511.19 of the Revised Code, the term cannot be suspended, 1430
reduced, or otherwise modified pursuant to sections 2929.21 to 1431
2929.28 or any other provision of the Revised Code. 1432

(C) "Municipal OVI ordinance" and "municipal OVI offense" 1433
mean any municipal ordinance prohibiting a person from operating 1434
a vehicle while under the influence of alcohol, a drug of abuse, 1435
or a combination of them or prohibiting a person from operating 1436
a vehicle with a prohibited concentration of alcohol, a 1437
controlled substance, or a metabolite of a controlled substance 1438
in the whole blood, blood serum or plasma, breath, or urine. 1439

(D) "Community residential sanction," "continuous alcohol 1440
monitoring," "jail," "mandatory prison term," "mandatory term of 1441
local incarceration," "sanction," and "prison term" have the 1442
same meanings as in section 2929.01 of the Revised Code. 1443

(E) "Drug of abuse" has the same meaning as in section 1444
4506.01 of the Revised Code. 1445

(F) "Equivalent offense that is vehicle-related" means an 1446

equivalent offense that is any of the following:	1447
(1) A violation described in division (A)(1), (2), (3),	1448
(4), or (5) of this section;	1449
(2) A violation of an existing or former municipal	1450
ordinance, law of another state, or law of the United States	1451
that is substantially equivalent to division (A) or (B) of	1452
section 4511.19 of the Revised Code;	1453
(3) A violation of a former law of this state that was	1454
substantially equivalent to division (A) or (B) of section	1455
4511.19 of the Revised Code.	1456
Sec. 4511.202. (A) No person shall operate a motor	1457
vehicle, trackless trolley, streetcar, agricultural tractor, or	1458
agricultural tractor that is towing, pulling, or otherwise	1459
drawing a unit of farm machinery on any street, highway, or	1460
property open to the public for vehicular traffic without being	1461
in reasonable control of the vehicle, trolley, streetcar,	1462
agricultural tractor, or unit of farm machinery.	1463
(B) Whoever violates this section is guilty of operating a	1464
motor vehicle or agricultural tractor without being in control	1465
of it, a minor misdemeanor.	1466
<u>If the offender commits the offense while distracted and</u>	1467
<u>the distracting activity is a contributing factor to the</u>	1468
<u>commission of the offense, the offender is subject to the</u>	1469
<u>additional fine established under section 4511.991 of the</u>	1470
<u>Revised Code.</u>	1471
Sec. 4511.204. (A) <u>As used in this section:</u>	1472
(1) <u>"Electronic wireless communications device" includes</u>	1473
<u>any of the following:</u>	1474

<u>(a) A wireless telephone;</u>	1475
<u>(b) A text-messaging device;</u>	1476
<u>(c) A personal digital assistant;</u>	1477
<u>(d) A computer, including a laptop computer and a computer tablet;</u>	1478 1479
<u>(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;</u>	1480 1481
<u>(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.</u>	1482 1483 1484
<u>(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.</u>	1485 1486 1487 1488 1489
<u>(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.</u>	1490 1491
<u>(4) "Utility service vehicle" means a vehicle owned or operated by a utility.</u>	1492 1493
<u>(B) No person shall drive-operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld doing any of the following:</u>	1494 1495 1496 1497
<u>(1) Using any part of the person's body to operate, hold, or support an electronic wireless communications device to write, do any of the following:</u>	1498 1499 1500
<u>(a) Write, send, or read a text-based any communication,</u>	1501

including a text message, e-mail, social media interaction, or 1502
instant message; 1503

(b) Engage in any form of electronic data retrieval or 1504
electronic data communication; 1505

(c) Manually enter letters, numbers, or symbols into any 1506
website, search engine, or application, including a calendar or 1507
navigation service site; 1508

(d) Make any communication, including a phone call, video 1509
conference, voice message, or one-way voice communication; 1510

(2) Using an electronic wireless communications device to 1511
do any of the following: 1512

(a) View a video, movie, broadcast television image, or 1513
visual image; 1514

(b) Record, post, send, or broadcast a video or image. 1515

~~(B)~~ (C) Division ~~(A)~~ ~~(B)~~ of this section does not apply to 1516
any of the following: 1517

(1) A person using ~~a handheld~~ an electronic wireless 1518
communications device ~~in that manner for emergency purposes,~~ 1519
~~including an emergency to make contact, for emergency purposes,~~ 1520
with a law enforcement agency, hospital or health care provider, 1521
fire department, or other similar emergency agency or entity; 1522

(2) A person ~~driving~~ operating a public safety vehicle ~~who~~ 1523
~~uses a handheld~~ while using an electronic wireless 1524
communications device ~~in that manner~~ in the course of the 1525
person's official duties; 1526

(3) A person using ~~a handheld~~ an electronic wireless 1527
communications device ~~in that manner~~ whose motor vehicle is in a 1528

stationary position ~~and who is~~ outside a lane of travel; 1529

(4) A person ~~reading, selecting, or entering a name or~~ 1530
~~telephone number in a handheld electronic wireless~~ 1531
~~communications device for the purpose of making or receiving~~ 1532
operating a telephone call a utility service vehicle or a vehicle 1533
for or on behalf of a utility, if the person is acting in 1534
response to an emergency, power outage, or circumstance that 1535
affects the health or safety of individuals; 1536

(5) A person operating a commercial truck while using a 1537
mobile data terminal that transmits and receives data; 1538

(6) A person using an electronic wireless communications 1539
device for purposes of navigation, watching data related to 1540
navigation, or watching a static background image that supports 1541
a mapping service or similar application, provided that both of 1542
the following apply: 1543

(a) The person does not manually enter letters, numbers, 1544
or symbols into the device during the use. 1545

(b) The person is not holding or supporting the device 1546
with any part of the person's body. 1547

(7) A person receiving wireless messages on a device 1548
regarding the operation or navigation of a motor vehicle; 1549
safety-related information, including emergency, traffic, or 1550
weather alerts; or data used primarily by using a component that 1551
is permanently installed in the motor vehicle, trackless 1552
trolley, or streetcar, regardless of whether the component was 1553
factory-installed or installed after manufacture; 1554

~~(6) A person receiving wireless messages via radio waves;~~ 1555

~~(7) A person using a device for navigation purposes;~~ 1556

~~(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;~~ 1557
1558
1559
1560
1561

~~(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;~~ 1562
1563

~~(10)~~ (8) A person using a handheld an electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle to make or receive a communication or use an application, provided that both of the following apply: 1564
1565
1566
1567
1568

(a) The person does not manually enter letters, numbers, or symbols into the device during the use. 1569
1570

(b) The person is not holding or supporting the device with any part of the person's body. 1571
1572

(9) A person using the speaker phone function of the electronic wireless communications device, provided that the person is not holding or supporting the device with any part of the person's body; 1573
1574
1575
1576

(10) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that both of the following apply: 1577
1578
1579

(a) The person does not manually enter letters, numbers, or symbols into the device during the use. 1580
1581

(b) The person is not holding or supporting the device with any part of the person's body. 1582
1583

~~(C) (1) Notwithstanding any provision of law to the~~ 1584

~~contrary, no law enforcement officer shall cause an operator of
an automobile being operated on any street or highway to stop
the automobile for the sole purpose of determining whether a
violation of division (A) of this section has been or is being
committed or for the sole purpose of issuing a ticket, citation,
or summons for a violation of that nature or causing the arrest
of or commencing a prosecution of a person for a violation of
that nature, and no law enforcement officer shall view the
interior or visually inspect any automobile being operated on
any street or highway for the sole purpose of determining
whether a violation of that nature has been or is being
committed.~~

~~(2)~~ (D) On January 31 of each year, the department of
public safety shall issue a report to the general assembly that
specifies the number of citations issued for violations of this
section during the previous calendar year.

~~(D)~~ (E) (1) Whoever violates division ~~(A)~~ (B) of this
section is guilty of operating a minor misdemeanor motor vehicle
while using an electronic wireless communication device, an
unclassified misdemeanor.

(a) Except as provided in divisions (E) (1) (b) and (c) of
this section, the court shall impose upon the offender a fine of
one hundred fifty dollars.

(b) If, within three years of the violation, the offender
has been convicted of or pleaded guilty to one prior violation
of this section or a substantially equivalent municipal
ordinance, the court shall impose upon the offender a fine of
not less than two hundred and fifty dollars.

(c) If, within three years of the violation, the offender

has been convicted of or pleaded guilty to two or more prior 1614
violations of this section or a substantially equivalent 1615
municipal ordinance, the court shall impose upon the offender a 1616
fine of not less than five hundred dollars. The court also may 1617
impose a class seven suspension of the offender's driver's 1618
license, commercial driver's license, temporary instruction 1619
permit, probationary license, or nonresident operating privilege 1620
from the range specified in division (A) (7) of section 4510.02 1621
of the Revised Code. 1622

(2) The court may impose any other penalty authorized 1623
under sections 2929.21 to 2929.28 of the Revised Code. However, 1624
the court shall not impose a fine or a suspension not otherwise 1625
specified in division (E) (1) of this section. The court also 1626
shall not impose a jail term or community residential sanction. 1627

~~(E)~~ (F) This section shall not be construed as 1628
invalidating, preempting, or superseding a substantially 1629
equivalent municipal ordinance that prescribes penalties for 1630
violations of that ordinance that are greater than the penalties 1631
prescribed in this section for violations of this section. 1632

~~(F)~~ (G) A prosecution for a violation of this section does 1633
not preclude a prosecution for a violation of a substantially 1634
equivalent municipal ordinance based on the same conduct. 1635
~~However, if an offender is convicted of or pleads guilty to a~~ 1636
~~violation of this section and is also convicted of or pleads~~ 1637
~~guilty to a violation of a substantially equivalent municipal~~ 1638
~~ordinance based on the same conduct, the two offenses are allied~~ 1639
offenses of similar import under section 2941.25 of the Revised 1640
Code. 1641

~~(G) As used in this section:~~ 1642

~~(1) "Electronic wireless communications device" includes~~ 1643
~~any of the following:~~ 1644

~~(a) A wireless telephone;~~ 1645

~~(b) A text messaging device;~~ 1646

~~(c) A personal digital assistant;~~ 1647

~~(d) A computer, including a laptop computer and a computer~~ 1648
~~tablet;~~ 1649

~~(e) Any other substantially similar wireless device that~~ 1650
~~is designed or used to communicate text.~~ 1651

~~(2) "Voice operated or hands free device" means a device~~ 1652
~~that allows the user to vocally compose or send, or to listen to~~ 1653
~~a text based communication without the use of either hand except~~ 1654
~~to activate or deactivate a feature or function.~~ 1655

~~(3) "Write, send, or read a text based communication"~~ 1656
~~means to manually write or send, or read a text based~~ 1657
~~communication using an electronic wireless communications~~ 1658
~~device, including manually writing or sending, or reading~~ 1659
~~communications referred to as text messages, instant messages,~~ 1660
~~or electronic mail.~~ 1661
(H) The offense established under this section 1661
is a strict liability offense and section 2901.20 of the Revised 1662
Code does not apply. The designation of this offense as a strict 1663
liability offense shall not be construed to imply that any other 1664
offense, for which there is no specified degree of culpability, 1665
is not a strict liability offense. 1666

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 1667
trackless trolley upon meeting or overtaking from either 1668
direction any school bus stopped for the purpose of receiving or 1669
discharging any school child, person attending programs offered 1670

by community boards of mental health and county boards of 1671
developmental disabilities, or child attending a program offered 1672
by a head start agency, shall stop at least ten feet from the 1673
front or rear of the school bus and shall not proceed until such 1674
school bus resumes motion, or until signaled by the school bus 1675
driver to proceed. 1676

It is no defense to a charge under this division that the 1677
school bus involved failed to display or be equipped with an 1678
automatically extended stop warning sign as required by division 1679
(B) of this section. 1680

(B) Every school bus shall be equipped with amber and red 1681
visual signals meeting the requirements of section 4511.771 of 1682
the Revised Code, and an automatically extended stop warning 1683
sign of a type approved by the state board of education, which 1684
shall be actuated by the driver of the bus whenever but only 1685
whenever the bus is stopped or stopping on the roadway for the 1686
purpose of receiving or discharging school children, persons 1687
attending programs offered by community boards of mental health 1688
and county boards of developmental disabilities, or children 1689
attending programs offered by head start agencies. A school bus 1690
driver shall not actuate the visual signals or the stop warning 1691
sign in designated school bus loading areas where the bus is 1692
entirely off the roadway or at school buildings when children or 1693
persons attending programs offered by community boards of mental 1694
health and county boards of developmental disabilities are 1695
loading or unloading at curbside or at buildings when children 1696
attending programs offered by head start agencies are loading or 1697
unloading at curbside. The visual signals and stop warning sign 1698
shall be synchronized or otherwise operated as required by rule 1699
of the board. 1700

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (A) of this section.

(D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(E) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(F) (1) Whoever violates division (A) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the

charge. 1731

(2) In addition to and independent of any other penalty 1732
provided by law, the court or mayor may impose upon an offender 1733
who violates this section a class seven suspension of the 1734
offender's driver's license, commercial driver's license, 1735
temporary instruction permit, probationary license, or 1736
nonresident operating privilege from the range specified in 1737
division (A) (7) of section 4510.02 of the Revised Code. When a 1738
license is suspended under this section, the court or mayor 1739
shall cause the offender to deliver the license to the court, 1740
and the court or clerk of the court immediately shall forward 1741
the license to the registrar of motor vehicles, together with 1742
notice of the court's action. 1743

If the offender commits the offense while distracted and 1744
the distracting activity is a contributing factor to the 1745
commission of the offense, the offender is subject to the 1746
additional fine established under section 4511.991 of the 1747
Revised Code. 1748

(G) As used in this section: 1749

(1) "Head start agency" has the same meaning as in section 1750
3301.32 of the Revised Code. 1751

(2) "School bus," as used in relation to children who 1752
attend a program offered by a head start agency, means a bus 1753
that is owned and operated by a head start agency, is equipped 1754
with an automatically extended stop warning sign of a type 1755
approved by the state board of education, is painted the color 1756
and displays the markings described in section 4511.77 of the 1757
Revised Code, and is equipped with amber and red visual signals 1758
meeting the requirements of section 4511.771 of the Revised 1759

Code, irrespective of whether or not the bus has fifteen or more 1760
children aboard at any time. "School bus" does not include a van 1761
owned and operated by a head start agency, irrespective of its 1762
color, lights, or markings. 1763

Sec. 4511.991. (A) As used in this section and each 1764
section referenced in division (B) of this section, all of the 1765
following apply: 1766

(1) "Distracted" means doing either of the following while 1767
operating a vehicle: 1768

(a) Using ~~a handheld~~ an electronic wireless communications 1769
device, as defined in section 4511.204 of the Revised Code, 1770
~~except when utilizing any of the following:~~ 1771

~~(i) The device's speakerphone function;~~ 1772

~~(ii) A wireless technology standard for exchanging data 1773
over short distances;~~ 1774

~~(iii) A "voice operated or hands free" device that allows 1775
the person to use the electronic wireless communications device 1776
without the use of either hand except to activate, deactivate, 1777
or initiate a feature or function;~~ 1778

~~(iv) Any device that is physically or electronically 1779
integrated into the motor vehicle in violation of that section. 1780~~

(b) Engaging in any activity that is not necessary to the 1781
operation of a vehicle and impairs, or reasonably would be 1782
expected to impair, the ability of the operator to drive the 1783
vehicle safely. 1784

(2) "Distracted" does not include operating a motor 1785
vehicle while wearing an earphone or earplug over or in both 1786
ears at the same time. A person who so wears earphones or 1787

earplugs may be charged with a violation of section 4511.84 of 1788
the Revised Code. 1789

(3) "Distracted" does not include conducting any activity 1790
while operating a utility service vehicle or a vehicle for or on 1791
behalf of a utility, provided that the driver of the vehicle is 1792
acting in response to an emergency, power outage, or a 1793
circumstance affecting the health or safety of individuals. 1794

As used in division (A)(3) of this section: 1795

(a) "Utility" means an entity specified in division (A), 1796
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 1797

(b) "Utility service vehicle" means a vehicle owned or 1798
operated by a utility. 1799

(B) If an offender violates section 4511.03, 4511.051, 1800
4511.12, 4511.121, 4511.132, 4511.202, 4511.21, 4511.211, 1801
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 1802
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 1803
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 1804
4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 1805
4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 1806
4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 1807
4511.72, ~~or~~ 4511.73, or 4511.75 of the Revised Code while 1808
distracted and the distracting activity is a contributing factor 1809
to the commission of the violation, the offender is subject to 1810
the applicable penalty for the violation and, notwithstanding 1811
section 2929.28 of the Revised Code, is subject to an additional 1812
fine of not more than one hundred dollars as follows: 1813

(1) Subject to the mandatory appearance requirements of 1814
Traffic Rule 13, if a law enforcement officer issues an offender 1815
a ticket, citation, or summons for a violation of any of the 1816

aforementioned sections of the Revised Code that indicates that 1817
the offender was distracted while committing the violation and 1818
that the distracting activity was a contributing factor to the 1819
commission of the violation, the offender may enter a written 1820
plea of guilty and waive the offender's right to contest the 1821
ticket, citation, or summons in a trial provided that the 1822
offender pays the total amount of the fine established for the 1823
violation and pays the additional fine of one hundred dollars. 1824

In lieu of payment of the additional fine of one hundred 1825
dollars, the offender instead may elect to attend a distracted 1826
driving safety course, the duration and contents of which shall 1827
be established by the director of public safety. If the offender 1828
attends and successfully completes the course, the offender 1829
shall be issued written evidence that the offender successfully 1830
completed the course. The offender shall be required to pay the 1831
total amount of the fine established for the violation, but 1832
shall not be required to pay the additional fine of one hundred 1833
dollars, so long as the offender submits to the court both the 1834
offender's payment in full and such written evidence. 1835

(2) If the offender appears in person to contest the 1836
ticket, citation, or summons in a trial and the offender pleads 1837
guilty to or is convicted of the violation, the court, in 1838
addition to all other penalties provided by law, may impose the 1839
applicable penalty for the violation and may impose the 1840
additional fine of not more than one hundred dollars. 1841

If the court imposes upon the offender the applicable 1842
penalty for the violation and an additional fine of not more 1843
than one hundred dollars, the court shall inform the offender 1844
that, in lieu of payment of the additional fine of not more than 1845
one hundred dollars, the offender instead may elect to attend 1846

the distracted driving safety course described in division (B) 1847
(1) of this section. If the offender elects the course option 1848
and attends and successfully completes the course, the offender 1849
shall be issued written evidence that the offender successfully 1850
completed the course. The offender shall be required to pay the 1851
total amount of the fine established for the violation, but 1852
shall not be required to pay the additional fine of not more 1853
than one hundred dollars, so long as the offender submits to the 1854
court the offender's payment and such written evidence. 1855

Section 2. That existing sections 2743.51, 2903.06, 1856
2903.08, 2929.41, 3321.141, 4508.02, 4510.036, 4511.043, 1857
4511.181, 4511.202, 4511.204, 4511.75, and 4511.991 of the 1858
Revised Code are hereby repealed. 1859

Section 3. Sections 1 and 2 of this act take effect six 1860
months after the effective date of this section. 1861

Section 4. (A) As used in this section, "interim period" 1862
means the period of time beginning on the effective date of this 1863
section and ending on the effective date of sections 1 and 2 of 1864
this act. 1865

(B) Notwithstanding any provision of law to the contrary, 1866
during the the interim period, a law enforcement officer may 1867
stop a motor vehicle operator for an action that would be a 1868
violation of section 4511.204 of the Revised Code, as amended by 1869
this act, if that section were in effect. The law enforcement 1870
officer may issue the person a written warning explaining the 1871
provisions of section 4511.204 of the Revised Code, as amended 1872
by this act. The written warning may notify the person of the 1873
specific date when law enforcement officers are authorized to 1874
begin issuing tickets, citations, and summons for violations of 1875
section 4511.204 of the Revised Code, as amended by this act. 1876

(C) The issuance of a written warning under division (B)	1877
of this section does not preclude the issuance of a ticket,	1878
citation, or summons for a violation of section 4511.204 of the	1879
Revised Code as that section exists during the interim period.	1880