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To: **Ohio House Public Safety Committee**
From: **Ottawa County Prosecuting Attorney James VanEerten**
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House Bill 533 Proponent Testimony

Chair Abrams, Ranking Member Thomas, and members of the House Public Safety Committee, thank you for the opportunity to give proponent testimony on House Bill 533.

As you are aware, HB 533 is a piece of straightforward legislation that is aimed at including golf carts, motorized bicycles, mopeds, motor scooters and all purpose vehicles to the definition of "motor vehicles" for purposes of vehicular homicide and vehicular assault.

Ottawa County is home to a booming tourist industry that includes several well-known tourist destinations including Put-In-Bay, South Bass Island, Middle Bass Island, Catawba Island, Lakeside, and Marblehead, among others. These villages and islands have an abundance of golf-carts and other "non-traditional" motor vehicles that frequently traverse the public roads. These golf carts and non-traditional vehicles are, for the most part, law abiding. However, serious situations do arise with some frequency involving impaired and/or reckless operation of these vehicles.

Under the current definition/application scheme, an individual who is operating a golf cart/utility vehicle while impaired/recklessly, and who caused the death/serious injury of/to another cannot be charged with aggravated vehicular manslaughter/aggravated vehicular assault, because under

Chapter 29, the golf cart would not be a motor vehicle. This leads to a troubling result. Someone driving a golf cart is driving a vehicle for OVI purposes, but if they cause the death of another while operating said golf cart, they cannot be found guilty of manslaughter because it is not a "vehicle" under Ohio Revised Code 4501.01.

If the law is allowed to stand as is, a person who causes the death of another while operating a golf cart impaired would be charged with OVI (M1), and Negligent Manslaughter (M3). The maximum possible penalty under this would be 9 months of local incarceration. If the same person were to cause the death of another while operating a "normal" car while impaired, they would be charged with OVI (M1), and Aggravated Vehicular Manslaughter (F2 with mandatory prison time). The maximum possible penalty for these offenses would be 8-12 years in prison.

The operation of golf carts while impaired is a substantial problem in our area. The reckless operation of golf carts is also a problem. In addition to golf carts, the small-town tourist culture has led to a continued increase in the operation of non-traditional vehicles on our public roads. Each year I prosecute numerous cases where serious injuries occur as a result of impaired driving. These types of cases are already difficult for the victims and family members to deal with, and I am afraid that this statutory loophole will further exacerbate an already difficult situation.

In my professional opinion, the current statutory scheme relating to golf carts and other non-traditional vehicles can and will result in absurd and unjust results. Victims of vehicular assault and/or vehicular manslaughter deserve justice regardless of the type of vehicle the perpetrator was operating.

Chair Abrams, Ranking Member Thomas and members of the committee, thank you again for allowing me to provide testimony on HB533. Please feel free to contact me if you have any questions.

Regards,

James VanEerten
Ottawa County Prosecuting Attorney