

H. B. No. 132

As Introduced

_____ moved to amend as follows:

In line 438, reinsert "or"; delete the first ", "; delete ", or (4)" 1

In line 470, delete "or" 2

In line 471, delete "(4)" 3

In line 472, delete "or" 4

In line 473, delete "(4)" 5

After line 493, insert: 6

"(4) Whoever violates division (A)(4) of this section is 7
guilty of vehicular assault and shall be punished as provided in 8
divisions (C)(4)(a), (b), and (c) of this section. 9

(a) Except as otherwise provided in this division, 10
vehicular assault committed in violation of division (A)(4) of 11
this section is a misdemeanor of the third degree. Vehicular 12
assault committed in violation of division (A)(4) of this 13
section is a misdemeanor of the second degree if, at the time of 14
the offense, the offender was driving under a suspension imposed 15
under Chapter 4510. or any other provision of the Revised Code 16



or if the offender previously has been convicted of or pleaded 17
guilty to a violation of this section or any traffic-related 18
homicide, manslaughter, or assault offense. 19

(b) In addition to any other sanctions imposed, the court 20
shall impose upon the offender a class four suspension of the 21
offender's driver's license, commercial driver's license, 22
temporary instruction permit, probationary license, or 23
nonresident operating privilege from the range specified in 24
division (A) (4) of section 4510.02 of the Revised Code or, if 25
the offender previously has been convicted of or pleaded guilty 26
to a violation of this section, any traffic-related homicide, 27
manslaughter, or assault offense, or any traffic-related murder, 28
felonious assault, or attempted murder offense, a class three 29
suspension of the offender's driver's license, commercial 30
driver's license, temporary instruction permit, probationary 31
license, or nonresident operating privilege from the range 32
specified in division (A) (3) of section 4510.02 of the Revised 33
Code." 34

In line 494, before "Notwithstanding" insert "(c)" 35

Delete lines 563 through 639 36

After line 639, insert: 37

"Sec. 4508.02. (A) (1) The director of public safety, 38
subject to Chapter 119. of the Revised Code, shall adopt and 39
prescribe such rules concerning the administration and 40
enforcement of this chapter as are necessary to protect the 41
public. The rules shall require an assessment of the holder of a 42
probationary instructor license. The director shall inspect the 43
school facilities and equipment of applicants and licensees and 44
examine applicants for instructor's licenses. 45

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

(a) Establish standards that an online driver training enterprise must satisfy to be licensed to offer an online driver education course via the internet, including, at a minimum, proven expertise in providing driver education and an acceptable infrastructure capable of providing secure online driver education in accord with advances in internet technology. The rules shall allow an online driver training enterprise to be affiliated with a licensed driver training school offering in-person classroom instruction, but shall not require such an affiliation.

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

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

(d) Allow an enrolled applicant to begin the required eight hours of actual behind-the-wheel instruction upon completing all twenty-four hours of course instruction;

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

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

(C) The rules shall require twenty-four hours of completed

in-person classroom instruction or the completion of an 74
approved, equivalent online driver education course offered via 75
the internet by a licensed online driver training enterprise, 76
followed by eight hours of actual behind-the-wheel instruction 77
conducted on public streets and highways of this state for all 78
beginning drivers of noncommercial motor vehicles who are 79
required to complete the training under section 4507.21 of the 80
Revised Code. The rules shall allow beginning drivers of 81
noncommercial motor vehicles to complete the driver education 82
course at any point while holding a valid temporary instruction 83
permit. The rules also shall require the classroom instruction 84
or online driver education course for such drivers to include 85
instruction on ~~both~~ all of the following: 86

(1) The dangers of driving a motor vehicle while 87
distracted, including while using an electronic wireless 88
communications device, or engaging in any other activity that 89
distracts a driver from the safe and effective operation of a 90
motor vehicle; 91

(2) The dangers of driving a motor vehicle while under the 92
influence of a controlled substance, prescription medication, or 93
alcohol; 94

(3) The requirement that a driver of a motor vehicle, upon 95
approaching certain stationary vehicles, either change lanes or 96
proceed with due caution in accordance with section 4511.213 of 97
the Revised Code. 98

(D) The rules shall state the minimum hours for classroom 99
and behind-the-wheel instruction required for beginning drivers 100
of commercial trucks, commercial cars, buses, and commercial 101
tractors, trailers, and semitrailers. 102

(E) (1) The department of public safety may charge a fee to 103
each online driver training enterprise in an amount sufficient 104
to pay the actual expenses the department incurs in the 105
regulation of online driver education courses. 106

(2) The department shall supply to each licensed online 107
driver training enterprise certificates to be used for 108
certifying an applicant's enrollment in an approved online 109
driver education course and a separate certificate to be issued 110
upon successful completion of an approved online driver 111
education course. The certificates shall be numbered serially. 112
The department may charge a fee to each online driver training 113
enterprise per certificate supplied to pay the actual expenses 114
the department incurs in supplying the certificates. 115

(F) The director shall adopt rules in accordance with 116
Chapter 119. of the Revised Code governing an abbreviated driver 117
training course for adults." 118

The motion was _____ agreed to.

SYNOPSIS 119

Vehicular assault in violation of the Move Over Law 120

R.C. 2903.08; R.C. 4508.02 (technical) 121

Regarding the newly created offense that prohibits a 122
person from causing serious physical harm with a motor vehicle 123
by failing to comply with the Move Over Law, reconciles the 124
offense's penalties with its vehicular manslaughter counterpart 125
by reducing both of the following: 126

1. The base penalty from a first degree misdemeanor to a	127
third degree misdemeanor (the corresponding vehicular	128
manslaughter penalty is a second degree misdemeanor);	129
2. The enhanced penalty from a fourth degree felony to a	130
second degree misdemeanor (the corresponding vehicular	131
manslaughter penalty is a first degree misdemeanor).	132
Makes a technical change to update R.C. 4508.02 of the	133
Revised Code to its most recent version, which was amended by	134
H.B. 96 of the 136th General Assembly.	135