

As Introduced

136th General Assembly

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H. B. No. 132

Representatives Craig, Miller, M.

Cosponsors: Representatives Deeter, Thomas, D., Santucci, Williams, Plummer

A BILL

To amend sections 2903.06, 2903.08, 4508.02, and 4511.213 and to enact section 5501.28 of the Revised Code to increase penalties for failing to slow down or change lanes when approaching specified stationary vehicles, to increase penalties for vehicular homicide and vehicular assault resulting from that offense, and to name this act Philip Wigal's Law.

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

Section 1. That sections 2903.06, 2903.08, 4508.02, and 4511.213 be amended and section 5501.28 of the Revised Code be enacted to read as follows:

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

(1) As the proximate result of committing an OVI offense.

(2) In one of the following ways:

(a) Recklessly;	19
(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (F) of this section.	20 21 22 23 24 25 26 27 28
(3) In one of the following ways:	29
(a) Negligently;	30
(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (F) of this section.	31 32 33 34 35 36 37 38 39
(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor.	40 41 42 43 44 45 46
(B) (1) Whoever violates division (A) (1) or (2) of this	47

section is guilty of aggravated vehicular homicide and shall be 48
punished as provided in divisions (B) (2) and (3) of this 49
section. 50

(2) (a) Except as otherwise provided in division (B) (2) (b), 51
(c), or (d) of this section, aggravated vehicular homicide 52
committed in violation of division (A) (1) of this section is a 53
felony of the second degree and the court shall impose a 54
mandatory prison term on the offender as described in division 55
(E) of this section. 56

(b) Except as otherwise provided in division (B) (2) (c) or 57
(d) of this section, aggravated vehicular homicide committed in 58
violation of division (A) (1) of this section is a felony of the 59
first degree, and the court shall impose a mandatory prison term 60
on the offender as described in division (E) of this section, if 61
any of the following apply: 62

(i) At the time of the offense, the offender was driving 63
under a suspension or cancellation imposed under Chapter 4510. 64
or any other provision of the Revised Code or was operating a 65
motor vehicle or motorcycle, did not have a valid driver's 66
license, commercial driver's license, temporary instruction 67
permit, probationary license, or nonresident operating 68
privilege, and was not eligible for renewal of the offender's 69
driver's license or commercial driver's license without 70
examination under section 4507.10 of the Revised Code. 71

(ii) The offender previously has been convicted of or 72
pleaded guilty to one prior OVI offense within the previous 73
twenty years. 74

(iii) The offender previously has been convicted of or 75
pleaded guilty to one prior traffic-related homicide, 76

manslaughter, or assault offense within the previous twenty 77
years. 78

(c) Except as otherwise provided in division (B) (2) (d) of 79
this section, aggravated vehicular homicide committed in 80
violation of division (A) (1) of this section is a felony of the 81
first degree, and the court shall sentence the offender to a 82
mandatory prison term as provided in section 2929.142 of the 83
Revised Code and described in division (E) of this section if 84
any of the following apply: 85

(i) The offender previously has been convicted of or 86
pleaded guilty to two prior OVI offenses within the previous 87
twenty years. 88

(ii) The offender previously has been convicted of or 89
pleaded guilty to two prior traffic-related homicide, 90
manslaughter, or assault offenses within the previous twenty 91
years. 92

(iii) The offender previously has been convicted of or 93
pleaded guilty to two prior violations of any combination of the 94
offenses listed in division (B) (2) (c) (i) and (ii) of this 95
section within the previous twenty years. 96

(d) Aggravated vehicular homicide committed in violation 97
of division (A) (1) of this section is a felony of the first 98
degree, and the court shall sentence the offender to a mandatory 99
prison term as provided in section 2929.142 of the Revised Code 100
and described in division (E) of this section if any of the 101
following apply: 102

(i) The offender previously has been convicted of or 103
pleaded guilty to three or more prior OVI offenses within the 104
previous twenty years. 105

(ii) The offender previously has been convicted of or 106
pleaded guilty to three or more prior traffic-related homicide, 107
manslaughter, or assault offenses within the previous twenty 108
years. 109

(iii) The offender previously has been convicted of or 110
pleaded guilty to three or more prior violations of any 111
combination of the offenses listed in divisions (B) (2) (d) (i) and 112
(ii) of this section within the previous twenty years. 113

(e) In addition to any other sanctions imposed pursuant to 114
division (B) (2) (a), (b), (c), or (d) of this section for 115
aggravated vehicular homicide committed in violation of division 116
(A) (1) of this section, the court shall impose upon the offender 117
a class one suspension of the offender's driver's license, 118
commercial driver's license, temporary instruction permit, 119
probationary license, or nonresident operating privilege as 120
specified in division (A) (1) of section 4510.02 of the Revised 121
Code. 122

Divisions (A) (1) to (3) of section 4510.54 of the Revised 123
Code apply to a suspension imposed under division (B) (2) (e) of 124
this section. 125

(f) Notwithstanding section 2929.18 of the Revised Code, 126
and in addition to any other sanctions imposed pursuant to 127
division (B) (2) of this section for aggravated vehicular 128
homicide committed in violation of division (A) (1) of this 129
section, the court shall impose upon the offender a fine of not 130
more than twenty-five thousand dollars. 131

(3) Except as otherwise provided in this division, 132
aggravated vehicular homicide committed in violation of division 133
(A) (2) of this section is a felony of the third degree. 134

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

In addition to any other sanctions imposed pursuant to 150
this division for a violation of division (A) (2) of this 151
section, the court shall impose upon the offender a class two 152
suspension of the offender's driver's license, commercial 153
driver's license, temporary instruction permit, probationary 154
license, or nonresident operating privilege from the range 155
specified in division (A) (2) of section 4510.02 of the Revised 156
Code or, if the offender previously has been convicted of or 157
pleaded guilty to a traffic-related murder, felonious assault, 158
or attempted murder offense, a class one suspension of the 159
offender's driver's license, commercial driver's license, 160
temporary instruction permit, probationary license, or 161
nonresident operating privilege as specified in division (A) (1) 162
of that section. 163

(C) Whoever violates division (A) (3) of this section is 164
guilty of vehicular homicide. Except as otherwise provided in 165

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

In addition to any other sanctions imposed pursuant to 183
this division, the court shall impose upon the offender a class 184
four suspension of the offender's driver's license, commercial 185
driver's license, temporary instruction permit, probationary 186
license, or nonresident operating privilege from the range 187
specified in division (A) (4) of section 4510.02 of the Revised 188
Code, or, if the offender previously has been convicted of or 189
pleaded guilty to a violation of this section or any traffic- 190
related homicide, manslaughter, or assault offense, a class 191
three suspension of the offender's driver's license, commercial 192
driver's license, temporary instruction permit, probationary 193
license, or nonresident operating privilege from the range 194
specified in division (A) (3) of that section, or, if the 195
offender previously has been convicted of or pleaded guilty to a 196

traffic-related murder, felonious assault, or attempted murder 197
offense, a class two suspension of the offender's driver's 198
license, commercial driver's license, temporary instruction 199
permit, probationary license, or nonresident operating privilege 200
as specified in division (A)(2) of that section. 201

~~(D)~~ (D)(1) Whoever violates division (A)(4) of this section 202
is guilty of vehicular manslaughter. Except as otherwise 203
provided in this division, vehicular manslaughter is a 204
misdemeanor of the second degree. Vehicular manslaughter is a 205
misdemeanor of the first degree if, at the time of the offense, 206
the offender was driving under a suspension or cancellation 207
imposed under Chapter 4510. or any other provision of the 208
Revised Code or was operating a motor vehicle or motorcycle, did 209
not have a valid driver's license, commercial driver's license, 210
temporary instruction permit, probationary license, or 211
nonresident operating privilege, and was not eligible for 212
renewal of the offender's driver's license or commercial 213
driver's license without examination under section 4507.10 of 214
the Revised Code or if the offender previously has been 215
convicted of or pleaded guilty to a violation of this section or 216
any traffic-related homicide, manslaughter, or assault offense. 217

~~In~~ (2) Except as otherwise provided in division (D)(3) of 218
this section, in addition to any other sanctions imposed 219
pursuant to ~~this~~ division (D)(1) of this section, the court 220
shall impose upon the offender a class six suspension of the 221
offender's driver's license, commercial driver's license, 222
temporary instruction permit, probationary license, or 223
nonresident operating privilege from the range specified in 224
division (A)(6) of section 4510.02 of the Revised Code or, if 225
the offender previously has been convicted of or pleaded guilty 226
to a violation of this section, any traffic-related homicide, 227

manslaughter, or assault offense, or a traffic-related murder, 228
felonious assault, or attempted murder offense, a class four 229
suspension of the offender's driver's license, commercial 230
driver's license, temporary instruction permit, probationary 231
license, or nonresident operating privilege from the range 232
specified in division (A) (4) of that section. 233

(3) In addition to any other sanctions, if the violation 234
of division (A) (4) of this section was the proximate result of 235
committing a violation of section 4511.213 of the Revised Code 236
or a substantially equivalent municipal ordinance, the court 237
shall impose the following on the offender: 238

(a) Notwithstanding section 2929.28 of the Revised Code, a 239
fine of not more than ten thousand dollars; 240

(b) Notwithstanding the ranges specified in division (A) 241
of section 4510.02 of the Revised Code, a suspension of the 242
offender's driver's license, commercial driver's license, 243
temporary instruction permit, probationary license, or 244
nonresident operating privilege that is not less than one year. 245

(E) (1) The court shall impose a mandatory prison term on 246
an offender who is convicted of or pleads guilty to a violation 247
of division (A) (1) of this section. Except as otherwise provided 248
in this division, the mandatory prison term shall be a definite 249
term from the range of prison terms provided in division (A) (1) 250
(b) of section 2929.14 of the Revised Code for a felony of the 251
first degree or from division (A) (2) (b) of that section for a 252
felony of the second degree, whichever is applicable, except 253
that if the violation is committed on or after March 22, 2019, 254
the court shall impose as the minimum prison term for the 255
offense a mandatory prison term that is one of the minimum terms 256
prescribed for a felony of the first degree in division (A) (1) 257

(a) of section 2929.14 of the Revised Code or one of the terms 258
prescribed for a felony of the second degree in division (A) (2) 259
(a) of that section, whichever is applicable. If division (B) (2) 260
(c) or (d) of this section applies to an offender who is 261
convicted of or pleads guilty to the violation of division (A) 262
(1) of this section, the court shall impose the mandatory prison 263
term pursuant to division (A) or (B) of section 2929.142 of the 264
Revised Code, as applicable. The court shall impose a mandatory 265
jail term of at least fifteen days on an offender who is 266
convicted of or pleads guilty to a misdemeanor violation of 267
division (A) (3) (b) of this section and may impose upon the 268
offender a longer jail term as authorized pursuant to section 269
2929.24 of the Revised Code. 270

(2) The court shall impose a mandatory prison term on an 271
offender who is convicted of or pleads guilty to a violation of 272
division (A) (2) or (3) (a) of this section or a felony violation 273
of division (A) (3) (b) of this section if either division (E) (2) 274
(a) or (b) of this section applies. The mandatory prison term 275
shall be a definite term from the range of prison terms provided 276
in division (A) (3) (a) of section 2929.14 of the Revised Code for 277
a felony of the third degree or from division (A) (4) of that 278
section for a felony of the fourth degree, whichever is 279
applicable. The court shall impose a mandatory prison term on an 280
offender in a category described in this division if either of 281
the following applies: 282

(a) The offender previously has been convicted of or 283
pleaded guilty to a violation of this section or section 2903.08 284
of the Revised Code. 285

(b) At the time of the offense, the offender was driving 286
under suspension or cancellation under Chapter 4510. or any 287

other provision of the Revised Code or was operating a motor 288
vehicle or motorcycle, did not have a valid driver's license, 289
commercial driver's license, temporary instruction permit, 290
probationary license, or nonresident operating privilege, and 291
was not eligible for renewal of the offender's driver's license 292
or commercial driver's license without examination under section 293
4507.10 of the Revised Code. 294

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 295
apply in a particular construction zone unless signs of the type 296
described in section 2903.081 of the Revised Code are erected in 297
that construction zone in accordance with the guidelines and 298
design specifications established by the director of 299
transportation under section 5501.27 of the Revised Code. The 300
failure to erect signs of the type described in section 2903.081 301
of the Revised Code in a particular construction zone in 302
accordance with those guidelines and design specifications does 303
not limit or affect the application of division (A) (1), (A) (2) 304
(a), (A) (3) (a), or (A) (4) of this section in that construction 305
zone or the prosecution of any person who violates any of those 306
divisions in that construction zone. 307

(G) (1) As used in this section: 308

(a) "Mandatory prison term" and "mandatory jail term" have 309
the same meanings as in section 2929.01 of the Revised Code. 310

(b) "Traffic-related homicide, manslaughter, or assault 311
offense" means a violation of section 2903.04 of the Revised 312
Code in circumstances in which division (D) of that section 313
applies, a violation of section 2903.06 or 2903.08 of the 314
Revised Code, or a violation of section 2903.06, 2903.07, or 315
2903.08 of the Revised Code as they existed prior to March 23, 316
2000. 317

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	318 319
(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.	320 321 322
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	323 324 325
(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.	326 327 328 329 330 331 332 333 334 335 336
(g) "Motor vehicle," "mini-truck," and "utility vehicle" have the same meanings as in section 4501.01 of the Revised Code.	337 338 339
(h) "OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code, a violation of division (A) of section 1547.11 of the Revised Code, a violation of division (A) (3) of section 4561.15 of the Revised Code, or a substantially equivalent municipal ordinance.	340 341 342 343 344
(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation	345 346

of a specified law or a prior or current specified offense, the 347
reference to the violation of the specified law or the specified 348
offense includes any violation of any substantially equivalent 349
municipal ordinance, former law of this state, or current or 350
former law of another state or the United States. 351

Sec. 2903.08. (A) No person, while operating or 352
participating in the operation of a motor vehicle, motorcycle, 353
utility vehicle, mini-truck, snowmobile, locomotive, watercraft, 354
or aircraft, shall cause serious physical harm to another person 355
or another's unborn in any of the following ways: 356

(1) (a) As the proximate result of committing a violation 357
of division (A) of section 4511.19 of the Revised Code or of a 358
substantially equivalent municipal ordinance; 359

(b) As the proximate result of committing a violation of 360
division (A) of section 1547.11 of the Revised Code or of a 361
substantially equivalent municipal ordinance; 362

(c) As the proximate result of committing a violation of 363
division (A) (3) of section 4561.15 of the Revised Code or of a 364
substantially equivalent municipal ordinance. 365

(2) In one of the following ways: 366

(a) As the proximate result of committing, while operating 367
or participating in the operation of a motor vehicle, utility 368
vehicle, mini-truck, or motorcycle in a construction zone, a 369
reckless operation offense, provided that this division applies 370
only if the person to whom the serious physical harm is caused 371
or to whose unborn the serious physical harm is caused is in the 372
construction zone at the time of the offender's commission of 373
the reckless operation offense in the construction zone and does 374
not apply as described in division (E) of this section; 375

(b) Recklessly.	376
(3) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (E) of this section;	377 378 379 380 381 382 383 384 385
<u>(4) As the proximate result of committing a violation of section 4511.213 of the Revised Code or a substantially equivalent municipal ordinance.</u>	386 387 388
(B) (1) Whoever violates division (A) (1) of this section is guilty of aggravated vehicular assault. Except as otherwise provided in this division, aggravated vehicular assault is a felony of the third degree. Aggravated vehicular assault is a felony of the second degree if any of the following apply:	389 390 391 392 393
(a) At the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code.	394 395 396
(b) The offender previously has been convicted of or pleaded guilty to a violation of this section.	397 398
(c) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense.	399 400 401
(d) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 4511.19 of the Revised Code or a substantially	402 403 404

equivalent municipal ordinance within the previous ten years. 405

(e) The offender previously has been convicted of or 406
pleaded guilty to three or more prior violations of division (A) 407
of section 1547.11 of the Revised Code or of a substantially 408
equivalent municipal ordinance within the previous ten years. 409

(f) The offender previously has been convicted of or 410
pleaded guilty to three or more prior violations of division (A) 411
(3) of section 4561.15 of the Revised Code or of a substantially 412
equivalent municipal ordinance within the previous ten years. 413

(g) The offender previously has been convicted of or 414
pleaded guilty to three or more prior violations of any 415
combination of the offenses listed in division (B) (1) (d), (e), 416
or (f) of this section. 417

(h) The offender previously has been convicted of or 418
pleaded guilty to a second or subsequent felony violation of 419
division (A) of section 4511.19 of the Revised Code. 420

(2) In addition to any other sanctions imposed pursuant to 421
division (B) (1) of this section, except as otherwise provided in 422
this division, the court shall impose upon the offender a class 423
three suspension of the offender's driver's license, commercial 424
driver's license, temporary instruction permit, probationary 425
license, or nonresident operating privilege from the range 426
specified in division (A) (3) of section 4510.02 of the Revised 427
Code. If the offender previously has been convicted of or 428
pleaded guilty to a violation of this section, any traffic- 429
related homicide, manslaughter, or assault offense, or any 430
traffic-related murder, felonious assault, or attempted murder 431
offense, the court shall impose either a class two suspension of 432
the offender's driver's license, commercial driver's license, 433

temporary instruction permit, probationary license, or 434
nonresident operating privilege from the range specified in 435
division (A) (2) of that section or a class one suspension as 436
specified in division (A) (1) of that section. 437

(C) (1) Whoever violates division (A) (2) ~~or~~, (3), or (4) of 438
this section is guilty of vehicular assault and shall be 439
punished as provided in divisions (C) (2) and (3) of this 440
section. 441

(2) Except as otherwise provided in this division, 442
vehicular assault committed in violation of division (A) (2) of 443
this section is a felony of the fourth degree. Vehicular assault 444
committed in violation of division (A) (2) of this section is a 445
felony of the third degree if, at the time of the offense, the 446
offender was driving under a suspension imposed under Chapter 447
4510. or any other provision of the Revised Code, if the 448
offender previously has been convicted of or pleaded guilty to a 449
violation of this section or any traffic-related homicide, 450
manslaughter, or assault offense, or if, in the same course of 451
conduct that resulted in the violation of division (A) (2) of 452
this section, the offender also violated section 4549.02, 453
4549.021, or 4549.03 of the Revised Code. 454

In addition to any other sanctions imposed, the court 455
shall impose upon the offender a class four suspension of the 456
offender's driver's license, commercial driver's license, 457
temporary instruction permit, probationary license, or 458
nonresident operating privilege from the range specified in 459
division (A) (4) of section 4510.02 of the Revised Code or, if 460
the offender previously has been convicted of or pleaded guilty 461
to a violation of this section, any traffic-related homicide, 462
manslaughter, or assault offense, or any traffic-related murder, 463

felonious assault, or attempted murder offense, a class three 464
suspension of the offender's driver's license, commercial 465
driver's license, temporary instruction permit, probationary 466
license, or nonresident operating privilege from the range 467
specified in division (A) (3) of that section. 468

(3) Except as otherwise provided in this division, 469
vehicular assault committed in violation of division (A) (3) or 470
(4) of this section is a misdemeanor of the first degree. 471
Vehicular assault committed in violation of division (A) (3) or 472
(4) of this section is a felony of the fourth degree if, at the 473
time of the offense, the offender was driving under a suspension 474
imposed under Chapter 4510. or any other provision of the 475
Revised Code or if the offender previously has been convicted of 476
or pleaded guilty to a violation of this section or any traffic- 477
related homicide, manslaughter, or assault offense. 478

In addition to any other sanctions imposed, the court 479
shall impose upon the offender a class four suspension of the 480
offender's driver's license, commercial driver's license, 481
temporary instruction permit, probationary license, or 482
nonresident operating privilege from the range specified in 483
division (A) (4) of section 4510.02 of the Revised Code or, if 484
the offender previously has been convicted of or pleaded guilty 485
to a violation of this section, any traffic-related homicide, 486
manslaughter, or assault offense, or any traffic-related murder, 487
felonious assault, or attempted murder offense, a class three 488
suspension of the offender's driver's license, commercial 489
driver's license, temporary instruction permit, probationary 490
license, or nonresident operating privilege from the range 491
specified in division (A) (3) of section 4510.02 of the Revised 492
Code. 493

Notwithstanding section 2929.28 of the Revised Code, in 494
addition to any other sanctions, if the offender violated 495
division (A) (4) of this section, the court shall impose on the 496
offender a fine of not more than five thousand dollars. 497

(D) (1) The court shall impose a mandatory prison term, as 498
described in division (D) (4) of this section, on an offender who 499
is convicted of or pleads guilty to a violation of division (A) 500
(1) of this section. 501

(2) The court shall impose a mandatory prison term, as 502
described in division (D) (4) of this section, on an offender who 503
is convicted of or pleads guilty to a violation of division (A) 504
(2) of this section or a felony violation of division (A) (3) of 505
this section if either of the following applies: 506

(a) The offender previously has been convicted of or 507
pleaded guilty to a violation of this section or section 2903.06 508
of the Revised Code. 509

(b) At the time of the offense, the offender was driving 510
under suspension under Chapter 4510. or any other provision of 511
the Revised Code. 512

(3) The court shall impose a mandatory jail term of at 513
least seven days on an offender who is convicted of or pleads 514
guilty to a misdemeanor violation of division (A) (3) of this 515
section and may impose upon the offender a longer jail term as 516
authorized pursuant to section 2929.24 of the Revised Code. 517

(4) A mandatory prison term required under division (D) (1) 518
or (2) of this section shall be a definite term from the range 519
of prison terms provided in division (A) (2) (b) of section 520
2929.14 of the Revised Code for a felony of the second degree, 521
from division (A) (3) (a) of that section for a felony of the 522

third degree, or from division (A)(4) of that section for a 523
felony of the fourth degree, whichever is applicable, except 524
that if the violation is a felony of the second degree committed 525
on or after March 22, 2019, the court shall impose as the 526
minimum prison term for the offense a mandatory prison term that 527
is one of the minimum terms prescribed for a felony of the 528
second degree in division (A)(2)(a) of section 2929.14 of the 529
Revised Code. 530

(E) Divisions (A)(2)(a) and (3) of this section do not 531
apply in a particular construction zone unless signs of the type 532
described in section 2903.081 of the Revised Code are erected in 533
that construction zone in accordance with the guidelines and 534
design specifications established by the director of 535
transportation under section 5501.27 of the Revised Code. The 536
failure to erect signs of the type described in section 2903.081 537
of the Revised Code in a particular construction zone in 538
accordance with those guidelines and design specifications does 539
not limit or affect the application of division (A)(1) or (2)(b) 540
of this section in that construction zone or the prosecution of 541
any person who violates either of those divisions in that 542
construction zone. 543

(F) As used in this section: 544

(1) "Mandatory prison term" and "mandatory jail term" have 545
the same meanings as in section 2929.01 of the Revised Code. 546

(2) "Traffic-related homicide, manslaughter, or assault 547
offense" and "traffic-related murder, felonious assault, or 548
attempted murder offense" have the same meanings as in section 549
2903.06 of the Revised Code. 550

(3) "Construction zone" has the same meaning as in section 551

5501.27 of the Revised Code.	552
(4) "Reckless operation offense" and "speeding offense"	553
have the same meanings as in section 2903.06 of the Revised	554
Code.	555
(G) For the purposes of this section, when a penalty or	556
suspension is enhanced because of a prior or current violation	557
of a specified law or a prior or current specified offense, the	558
reference to the violation of the specified law or the specified	559
offense includes any violation of any substantially equivalent	560
municipal ordinance, former law of this state, or current or	561
former law of another state or the United States.	562
Sec. 4508.02. (A) (1) The director of public safety,	563
subject to Chapter 119. of the Revised Code, shall adopt and	564
prescribe such rules concerning the administration and	565
enforcement of this chapter as are necessary to protect the	566
public. The rules shall require an assessment of the holder of a	567
probationary instructor license. The director shall inspect the	568
school facilities and equipment of applicants and licensees and	569
examine applicants for instructor's licenses.	570
(2) The director shall adopt rules governing online driver	571
education courses that may be completed via the internet to	572
satisfy the classroom instruction under division (C) of this	573
section. The rules shall do all of the following:	574
(a) Establish standards that an online driver training	575
enterprise must satisfy to be licensed to offer an online driver	576
education course via the internet, including, at a minimum,	577
proven expertise in providing driver education and an acceptable	578
infrastructure capable of providing secure online driver	579
education in accord with advances in internet technology. The	580

rules shall allow an online driver training enterprise to be 581
affiliated with a licensed driver training school offering in- 582
person classroom instruction, but shall not require such an 583
affiliation. 584

(b) Establish content requirements that an online driver 585
education course must satisfy to be approved as equivalent to 586
twenty-four hours of in-person classroom instruction; 587

(c) Establish attendance standards, including a maximum 588
number of course hours that may be completed in a twenty-four- 589
hour period; 590

(d) Allow an enrolled applicant to begin the required 591
eight hours of actual behind-the-wheel instruction upon 592
completing all twenty-four hours of course instruction; 593

(e) Establish any other requirements necessary to regulate 594
online driver education. 595

(B) The director shall administer and enforce this 596
chapter. 597

(C) The rules shall require twenty-four hours of completed 598
in-person classroom instruction or the completion of an 599
approved, equivalent online driver education course offered via 600
the internet by a licensed online driver training enterprise, 601
followed by eight hours of actual behind-the-wheel instruction 602
conducted on public streets and highways of this state for all 603
beginning drivers of noncommercial motor vehicles who are under 604
age eighteen. The rules also shall require the classroom 605
instruction or online driver education course for such drivers 606
to include instruction on ~~both~~ all of the following: 607

(1) The dangers of driving a motor vehicle while 608
distracted, including while using an electronic wireless 609

communications device, or engaging in any other activity that 610
distracts a driver from the safe and effective operation of a 611
motor vehicle; 612

(2) The dangers of driving a motor vehicle while under the 613
influence of a controlled substance, prescription medication, or 614
alcohol; 615

(3) The requirement that a driver of a motor vehicle, upon 616
approaching certain stationary vehicles, either change lanes or 617
proceed with due caution in accordance with section 4511.213 of 618
the Revised Code. 619

(D) The rules shall state the minimum hours for classroom 620
and behind-the-wheel instruction required for beginning drivers 621
of commercial trucks, commercial cars, buses, and commercial 622
tractors, trailers, and semitrailers. 623

(E) (1) The department of public safety may charge a fee to 624
each online driver training enterprise in an amount sufficient 625
to pay the actual expenses the department incurs in the 626
regulation of online driver education courses. 627

(2) The department shall supply to each licensed online 628
driver training enterprise certificates to be used for 629
certifying an applicant's enrollment in an approved online 630
driver education course and a separate certificate to be issued 631
upon successful completion of an approved online driver 632
education course. The certificates shall be numbered serially. 633
The department may charge a fee to each online driver training 634
enterprise per certificate supplied to pay the actual expenses 635
the department incurs in supplying the certificates. 636

(F) The director shall adopt rules in accordance with 637
Chapter 119. of the Revised Code governing an abbreviated driver 638

training course for adults. 639

Sec. 4511.213. (A) The driver of a motor vehicle, upon 640
approaching a stationary public safety vehicle, emergency 641
vehicle, road service vehicle, waste collection vehicle, vehicle 642
used by the public utilities commission to conduct motor vehicle 643
inspections in accordance with sections 4923.04 and 4923.06 of 644
the Revised Code, or a highway maintenance vehicle that is 645
displaying the appropriate visual signals by means of flashing, 646
oscillating, or rotating lights, as prescribed in section 647
4513.17 of the Revised Code, shall do either of the following: 648

(1) If the driver of the motor vehicle is traveling on a 649
highway that consists of at least two lanes that carry traffic 650
in the same direction of travel as that of the driver's motor 651
vehicle, the driver shall proceed with due caution and, if 652
possible and with due regard to the road, weather, and traffic 653
conditions, shall change lanes into a lane that is not adjacent 654
to that of the stationary public safety vehicle, emergency 655
vehicle, road service vehicle, waste collection vehicle, vehicle 656
used by the public utilities commission to conduct motor vehicle 657
inspections in accordance with sections 4923.04 and 4923.06 of 658
the Revised Code, or a highway maintenance vehicle. 659

(2) If the driver is not traveling on a highway of a type 660
described in division (A) (1) of this section, or if the driver 661
is traveling on a highway of that type but it is not possible to 662
change lanes or if to do so would be unsafe, the driver shall 663
proceed with due caution, reduce the speed of the motor vehicle, 664
and maintain a safe speed for the road, weather, and traffic 665
conditions. 666

(B) This section does not relieve the driver of a public 667
safety vehicle, emergency vehicle, road service vehicle, waste 668

collection vehicle, vehicle used by the public utilities 669
commission to conduct motor vehicle inspections in accordance 670
with sections 4923.04 and 4923.06 of the Revised Code, or a 671
highway maintenance vehicle from the duty to drive with due 672
regard for the safety of all persons and property upon the 673
highway. 674

(C) No person shall fail to drive a motor vehicle in 675
compliance with division (A) (1) or (2) of this section when so 676
required by division (A) of this section. 677

(D) (1) Except as otherwise provided in this division, 678
whoever violates this section is guilty of a minor misdemeanor. 679
If, within one year of the offense, the offender previously has 680
been convicted of or pleaded guilty to one predicate motor 681
vehicle or traffic offense, whoever violates this section is 682
guilty of a misdemeanor of the fourth degree. If, within one 683
year of the offense, the offender previously has been convicted 684
of two or more predicate motor vehicle or traffic offenses, 685
whoever violates this section is guilty of a misdemeanor of the 686
third degree. 687

(2) Notwithstanding section 2929.28 of the Revised Code, 688
upon a finding that a person operated a motor vehicle in 689
violation of division (C) of this section, the court, in 690
addition to all other penalties provided by law, shall impose a 691
fine of ~~two times the usual amount imposed for the violation~~not 692
more than three hundred dollars. If, within one year of the 693
offense, the offender previously has been convicted of or 694
pleaded guilty to this section, the court, in addition to all 695
other penalties provided by law and notwithstanding section 696
2929.28 of the Revised Code, shall impose a fine of not more 697
than one thousand dollars. 698

(3) If the offender commits the offense while distracted 699
and the distracting activity is a contributing factor to the 700
commission of the offense, the offender is subject to the 701
additional fine established under section 4511.991 of the 702
Revised Code. 703

(E) The offense established under this section is a strict 704
liability offense and section 2901.20 of the Revised Code does 705
not apply. The designation of this offense as a strict liability 706
offense shall not be construed to imply that any other offense, 707
for which there is no specified degree of culpability, is not a 708
strict liability offense. 709

Sec. 5501.28. (A) The department of transportation shall 710
include a sign, in the department's manual for a uniform system 711
of traffic control devices adopted under section 4511.09 of the 712
Revised Code, that describes the penalties for vehicular 713
manslaughter and vehicular assault involving a violation of 714
section 4511.213 of the Revised Code that are specified in 715
division (D) of section 2903.06 and division (C) of section 716
2903.08 of the Revised Code. 717

(B) The signs shall be placed in appropriate locations as 718
determined by the director of transportation. 719

Section 2. That existing sections 2903.06, 2903.08, 720
4508.02, and 4511.213 of the Revised Code are hereby repealed. 721

Section 3. This act shall be known as Philip Wigal's Law. 722

Section 4. Section 4511.213 of the Revised Code is 723
presented in this act as a composite of the section as amended 724
by both H.B. 95 and S.B. 127 of the 132nd General Assembly. The 725
General Assembly, applying the principle stated in division (B) 726
of section 1.52 of the Revised Code that amendments are to be 727

harmonized if reasonably capable of simultaneous operation,	728
finds that the composite is the resulting version of the section	729
in effect prior to the effective date of the section as	730
presented in this act.	731