

As Reported by the House Public Safety Committee

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H. B. No. 533

Representative Miller, K.

Cosponsors: Representatives Abrams, Hall, T., Willis

To amend sections 2903.06 and 2903.08 of the
Revised Code to add to the list of vehicles that
can be used to commit a vehicular homicide or
vehicular assault.

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

Section 1. That sections 2903.06 and 2903.08 of the
Revised Code be amended to read as follows:

Sec. 2903.06. (A) No person, while operating or
participating in the operation of a motor vehicle, motorcycle,
under-speed vehicle, motorized bicycle or moped, motor-driven
cycle or motor scooter, all-purpose vehicle, 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;

(b) As the proximate result of committing, while operating
or participating in the operation of a motor vehicle, under-

speed vehicle, motorized bicycle or moped, motor-driven cycle or 19
motor scooter, all-purpose vehicle, utility vehicle, mini-truck, 20
or motorcycle in a construction zone, a reckless operation 21
offense, provided that this division applies only if the person 22
whose death is caused or whose pregnancy is unlawfully 23
terminated is in the construction zone at the time of the 24
offender's commission of the reckless operation offense in the 25
construction zone and does not apply as described in division 26
(F) of this section. 27

(3) In one of the following ways: 28

(a) Negligently; 29

(b) As the proximate result of committing, while operating 30
or participating in the operation of a motor vehicle, under- 31
speed vehicle, motorized bicycle or moped, motor-driven cycle or 32
motor scooter, all-purpose vehicle, utility vehicle, mini-truck, 33
or motorcycle in a construction zone, a speeding offense, 34
provided that this division applies only if the person whose 35
death is caused or whose pregnancy is unlawfully terminated is 36
in the construction zone at the time of the offender's 37
commission of the speeding offense in the construction zone and 38
does not apply as described in division (F) of this section. 39

(4) As the proximate result of committing a violation of 40
any provision of any section contained in Title XLV of the 41
Revised Code that is a minor misdemeanor or of a municipal 42
ordinance that, regardless of the penalty set by ordinance for 43
the violation, is substantially equivalent to any provision of 44
any section contained in Title XLV of the Revised Code that is a 45
minor misdemeanor. 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) Whoever violates division (A)(4) of this section is 202
guilty of vehicular manslaughter. Except as otherwise provided 203
in this division, vehicular manslaughter is a misdemeanor of the 204
second degree. Vehicular manslaughter is a misdemeanor of the 205
first degree if, at the time of the offense, the offender was 206
driving under a suspension or cancellation imposed under Chapter 207
4510. or any other provision of the Revised Code or was 208
operating a motor vehicle or motorcycle, did not have a valid 209
driver's license, commercial driver's license, temporary 210
instruction permit, probationary license, or nonresident 211
operating privilege, and was not eligible for renewal of the 212
offender's driver's license or commercial driver's license 213
without examination under section 4507.10 of the Revised Code or 214
if the offender previously has been convicted of or pleaded 215
guilty to a violation of this section or any traffic-related 216
homicide, manslaughter, or assault offense. 217

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

offense, a class four suspension of the offender's driver's 228
license, commercial driver's license, temporary instruction 229
permit, probationary license, or nonresident operating privilege 230
from the range specified in division (A)(4) of that section. 231

(E)(1) The court shall impose a mandatory prison term on 232
an offender who is convicted of or pleads guilty to a violation 233
of division (A)(1) of this section. Except as otherwise provided 234
in this division, the mandatory prison term shall be a definite 235
term from the range of prison terms provided in division (A)(1) 236
(b) of section 2929.14 of the Revised Code for a felony of the 237
first degree or from division (A)(2)(b) of that section for a 238
felony of the second degree, whichever is applicable, except 239
that if the violation is committed on or after March 22, 2019, 240
the court shall impose as the minimum prison term for the 241
offense a mandatory prison term that is one of the minimum terms 242
prescribed for a felony of the first degree in division (A)(1) 243
(a) of section 2929.14 of the Revised Code or one of the terms 244
prescribed for a felony of the second degree in division (A)(2) 245
(a) of that section, whichever is applicable. If division (B)(2) 246
(c) or (d) of this section applies to an offender who is 247
convicted of or pleads guilty to the violation of division (A) 248
(1) of this section, the court shall impose the mandatory prison 249
term pursuant to division (A) or (B) of section 2929.142 of the 250
Revised Code, as applicable. The court shall impose a mandatory 251
jail term of at least fifteen days on an offender who is 252
convicted of or pleads guilty to a misdemeanor violation of 253
division (A)(3)(b) of this section and may impose upon the 254
offender a longer jail term as authorized pursuant to section 255
2929.24 of the Revised Code. 256

(2) The court shall impose a mandatory prison term on an 257
offender who is convicted of or pleads guilty to a violation of 258

division (A) (2) or (3) (a) of this section or a felony violation 259
of division (A) (3) (b) of this section if either division (E) (2) 260
(a) or (b) of this section applies. The mandatory prison term 261
shall be a definite term from the range of prison terms provided 262
in division (A) (3) (a) of section 2929.14 of the Revised Code for 263
a felony of the third degree or from division (A) (4) of that 264
section for a felony of the fourth degree, whichever is 265
applicable. The court shall impose a mandatory prison term on an 266
offender in a category described in this division if either of 267
the following applies: 268

(a) The offender previously has been convicted of or 269
pleaded guilty to a violation of this section or section 2903.08 270
of the Revised Code. 271

(b) At the time of the offense, the offender was driving 272
under suspension or cancellation under Chapter 4510. or any 273
other provision of the Revised Code or was operating a motor 274
vehicle or motorcycle, did not have a valid driver's license, 275
commercial driver's license, temporary instruction permit, 276
probationary license, or nonresident operating privilege, and 277
was not eligible for renewal of the offender's driver's license 278
or commercial driver's license without examination under section 279
4507.10 of the Revised Code. 280

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 281
apply in a particular construction zone unless signs of the type 282
described in section 2903.081 of the Revised Code are erected in 283
that construction zone in accordance with the guidelines and 284
design specifications established by the director of 285
transportation under section 5501.27 of the Revised Code. The 286
failure to erect signs of the type described in section 2903.081 287
of the Revised Code in a particular construction zone in 288

accordance with those guidelines and design specifications does 289
not limit or affect the application of division (A) (1), (A) (2) 290
(a), (A) (3) (a), or (A) (4) of this section in that construction 291
zone or the prosecution of any person who violates any of those 292
divisions in that construction zone. 293

(G) (1) As used in this section: 294

(a) "Mandatory prison term" and "mandatory jail term" have 295
the same meanings as in section 2929.01 of the Revised Code. 296

(b) "Traffic-related homicide, manslaughter, or assault 297
offense" means a violation of section 2903.04 of the Revised 298
Code in circumstances in which division (D) of that section 299
applies, a violation of section 2903.06 or 2903.08 of the 300
Revised Code, or a violation of section 2903.06, 2903.07, or 301
2903.08 of the Revised Code as they existed prior to March 23, 302
2000. 303

(c) "Construction zone" has the same meaning as in section 304
5501.27 of the Revised Code. 305

(d) "Reckless operation offense" means a violation of 306
section 4511.20 of the Revised Code or a municipal ordinance 307
substantially equivalent to section 4511.20 of the Revised Code. 308

(e) "Speeding offense" means a violation of section 309
4511.21 of the Revised Code or a municipal ordinance pertaining 310
to speed. 311

(f) "Traffic-related murder, felonious assault, or 312
attempted murder offense" means a violation of section 2903.01 313
or 2903.02 of the Revised Code in circumstances in which the 314
offender used a motor vehicle as the means to commit the 315
violation, a violation of division (A) (2) of section 2903.11 of 316
the Revised Code in circumstances in which the deadly weapon 317

used in the commission of the violation is a motor vehicle, or 318
an attempt to commit aggravated murder or murder in violation of 319
section 2923.02 of the Revised Code in circumstances in which 320
the offender used a motor vehicle as the means to attempt to 321
commit the aggravated murder or murder. 322

(g) "Motor vehicle," "mini-truck," "under-speed vehicle," 323
"motorized bicycle or moped," "motor-driven cycle or motor 324
scooter," and "utility vehicle" have the same meanings as in 325
section 4501.01 of the Revised Code. 326

(h) "All-purpose vehicle" has the same meaning as in 327
section 4519.01 of the Revised Code. 328

(i) "OVI offense" means a violation of division (A) of 329
section 4511.19 of the Revised Code, a violation of division (A) 330
of section 1547.11 of the Revised Code, a violation of division 331
(A) (3) of section 4561.15 of the Revised Code, or a 332
substantially equivalent municipal ordinance. 333

(2) For the purposes of this section, when a penalty or 334
suspension is enhanced because of a prior or current violation 335
of a specified law or a prior or current specified offense, the 336
reference to the violation of the specified law or the specified 337
offense includes any violation of any substantially equivalent 338
municipal ordinance, former law of this state, or current or 339
former law of another state or the United States. 340

Sec. 2903.08. (A) No person, while operating or 341
participating in the operation of a motor vehicle, motorcycle, 342
under-speed vehicle, motorized bicycle or moped, motor-driven 343
cycle or motor scooter, all-purpose vehicle, utility vehicle, 344
mini-truck, snowmobile, locomotive, watercraft, or aircraft, 345
shall cause serious physical harm to another person or another's 346

unborn in any of the following ways: 347

(1) (a) As the proximate result of committing a violation 348
of division (A) of section 4511.19 of the Revised Code or of a 349
substantially equivalent municipal ordinance; 350

(b) As the proximate result of committing a violation of 351
division (A) of section 1547.11 of the Revised Code or of a 352
substantially equivalent municipal ordinance; 353

(c) As the proximate result of committing a violation of 354
division (A) (3) of section 4561.15 of the Revised Code or of a 355
substantially equivalent municipal ordinance. 356

(2) In one of the following ways: 357

(a) As the proximate result of committing, while operating 358
or participating in the operation of a motor vehicle, under- 359
speed vehicle, motorized bicycle or moped, motor-driven cycle or 360
motor scooter, all-purpose vehicle, utility vehicle, mini-truck, 361
or motorcycle in a construction zone, a reckless operation 362
offense, provided that this division applies only if the person 363
to whom the serious physical harm is caused or to whose unborn 364
the serious physical harm is caused is in the construction zone 365
at the time of the offender's commission of the reckless 366
operation offense in the construction zone and does not apply as 367
described in division (E) of this section; 368

(b) Recklessly. 369

(3) As the proximate result of committing, while operating 370
or participating in the operation of a motor vehicle, under- 371
speed vehicle, motorized bicycle or moped, motor-driven cycle or 372
motor scooter, all-purpose vehicle, utility vehicle, mini-truck, 373
or motorcycle in a construction zone, a speeding offense, 374
provided that this division applies only if the person to whom 375

the serious physical harm is caused or to whose unborn the 376
serious physical harm is caused is in the construction zone at 377
the time of the offender's commission of the speeding offense in 378
the construction zone and does not apply as described in 379
division (E) of this section. 380

(B) (1) Whoever violates division (A) (1) of this section is 381
guilty of aggravated vehicular assault. Except as otherwise 382
provided in this division, aggravated vehicular assault is a 383
felony of the third degree. Aggravated vehicular assault is a 384
felony of the second degree if any of the following apply: 385

(a) At the time of the offense, the offender was driving 386
under a suspension imposed under Chapter 4510. or any other 387
provision of the Revised Code. 388

(b) The offender previously has been convicted of or 389
pleaded guilty to a violation of this section. 390

(c) The offender previously has been convicted of or 391
pleaded guilty to any traffic-related homicide, manslaughter, or 392
assault offense. 393

(d) The offender previously has been convicted of or 394
pleaded guilty to three or more prior violations of division (A) 395
of section 4511.19 of the Revised Code or a substantially 396
equivalent municipal ordinance within the previous ten years. 397

(e) The offender previously has been convicted of or 398
pleaded guilty to three or more prior violations of division (A) 399
of section 1547.11 of the Revised Code or of a substantially 400
equivalent municipal ordinance within the previous ten years. 401

(f) The offender previously has been convicted of or 402
pleaded guilty to three or more prior violations of division (A) 403
(3) of section 4561.15 of the Revised Code or of a substantially 404

equivalent municipal ordinance within the previous ten years. 405

(g) The offender previously has been convicted of or 406
pleaded guilty to three or more prior violations of any 407
combination of the offenses listed in division (B)(1)(d), (e), 408
or (f) of this section. 409

(h) The offender previously has been convicted of or 410
pleaded guilty to a second or subsequent felony violation of 411
division (A) of section 4511.19 of the Revised Code. 412

(2) In addition to any other sanctions imposed pursuant to 413
division (B)(1) of this section, except as otherwise provided in 414
this division, the court shall impose upon the offender a class 415
three suspension of the offender's driver's license, commercial 416
driver's license, temporary instruction permit, probationary 417
license, or nonresident operating privilege from the range 418
specified in division (A)(3) of section 4510.02 of the Revised 419
Code. If the offender previously has been convicted of or 420
pleaded guilty to a violation of this section, any traffic- 421
related homicide, manslaughter, or assault offense, or any 422
traffic-related murder, felonious assault, or attempted murder 423
offense, the court shall impose either a class two suspension of 424
the offender's driver's license, commercial driver's license, 425
temporary instruction permit, probationary license, or 426
nonresident operating privilege from the range specified in 427
division (A)(2) of that section or a class one suspension as 428
specified in division (A)(1) of that section. 429

(C)(1) Whoever violates division (A)(2) or (3) of this 430
section is guilty of vehicular assault and shall be punished as 431
provided in divisions (C)(2) and (3) of this section. 432

(2) Except as otherwise provided in this division, 433

vehicular assault committed in violation of division (A) (2) of 434
this section is a felony of the fourth degree. Vehicular assault 435
committed in violation of division (A) (2) of this section is a 436
felony of the third degree if, at the time of the offense, the 437
offender was driving under a suspension imposed under Chapter 438
4510. or any other provision of the Revised Code, if the 439
offender previously has been convicted of or pleaded guilty to a 440
violation of this section or any traffic-related homicide, 441
manslaughter, or assault offense, or if, in the same course of 442
conduct that resulted in the violation of division (A) (2) of 443
this section, the offender also violated section 4549.02, 444
4549.021, or 4549.03 of the Revised Code. 445

In addition to any other sanctions imposed, the court 446
shall impose upon the offender a class four suspension of the 447
offender's driver's license, commercial driver's license, 448
temporary instruction permit, probationary license, or 449
nonresident operating privilege from the range specified in 450
division (A) (4) of section 4510.02 of the Revised Code or, if 451
the offender previously has been convicted of or pleaded guilty 452
to a violation of this section, any traffic-related homicide, 453
manslaughter, or assault offense, or any traffic-related murder, 454
felonious assault, or attempted murder offense, a class three 455
suspension of the offender's driver's license, commercial 456
driver's license, temporary instruction permit, probationary 457
license, or nonresident operating privilege from the range 458
specified in division (A) (3) of that section. 459

(3) Except as otherwise provided in this division, 460
vehicular assault committed in violation of division (A) (3) of 461
this section is a misdemeanor of the first degree. Vehicular 462
assault committed in violation of division (A) (3) of this 463
section is a felony of the fourth degree if, at the time of the 464

offense, the offender was driving under a suspension imposed 465
under Chapter 4510. or any other provision of the Revised Code 466
or if the offender previously has been convicted of or pleaded 467
guilty to a violation of this section or any traffic-related 468
homicide, manslaughter, or assault offense. 469

In addition to any other sanctions imposed, the court 470
shall impose upon the offender a class four suspension of the 471
offender's driver's license, commercial driver's license, 472
temporary instruction permit, probationary license, or 473
nonresident operating privilege from the range specified in 474
division (A) (4) of section 4510.02 of the Revised Code or, if 475
the offender previously has been convicted of or pleaded guilty 476
to a violation of this section, any traffic-related homicide, 477
manslaughter, or assault offense, or any traffic-related murder, 478
felonious assault, or attempted murder offense, a class three 479
suspension of the offender's driver's license, commercial 480
driver's license, temporary instruction permit, probationary 481
license, or nonresident operating privilege from the range 482
specified in division (A) (3) of section 4510.02 of the Revised 483
Code. 484

(D) (1) The court shall impose a mandatory prison term, as 485
described in division (D) (4) of this section, on an offender who 486
is convicted of or pleads guilty to a violation of division (A) 487
(1) of this section. 488

(2) The court shall impose a mandatory prison term, as 489
described in division (D) (4) of this section, on an offender who 490
is convicted of or pleads guilty to a violation of division (A) 491
(2) of this section or a felony violation of division (A) (3) of 492
this section if either of the following applies: 493

(a) The offender previously has been convicted of or 494

pleaded guilty to a violation of this section or section 2903.06 495
of the Revised Code. 496

(b) At the time of the offense, the offender was driving 497
under suspension under Chapter 4510. or any other provision of 498
the Revised Code. 499

(3) The court shall impose a mandatory jail term of at 500
least seven days on an offender who is convicted of or pleads 501
guilty to a misdemeanor violation of division (A) (3) of this 502
section and may impose upon the offender a longer jail term as 503
authorized pursuant to section 2929.24 of the Revised Code. 504

(4) A mandatory prison term required under division (D) (1) 505
or (2) of this section shall be a definite term from the range 506
of prison terms provided in division (A) (2) (b) of section 507
2929.14 of the Revised Code for a felony of the second degree, 508
from division (A) (3) (a) of that section for a felony of the 509
third degree, or from division (A) (4) of that section for a 510
felony of the fourth degree, whichever is applicable, except 511
that if the violation is a felony of the second degree committed 512
on or after March 22, 2019, the court shall impose as the 513
minimum prison term for the offense a mandatory prison term that 514
is one of the minimum terms prescribed for a felony of the 515
second degree in division (A) (2) (a) of section 2929.14 of the 516
Revised Code. 517

(E) Divisions (A) (2) (a) and (3) of this section do not 518
apply in a particular construction zone unless signs of the type 519
described in section 2903.081 of the Revised Code are erected in 520
that construction zone in accordance with the guidelines and 521
design specifications established by the director of 522
transportation under section 5501.27 of the Revised Code. The 523
failure to erect signs of the type described in section 2903.081 524

of the Revised Code in a particular construction zone in 525
accordance with those guidelines and design specifications does 526
not limit or affect the application of division (A) (1) or (2) (b) 527
of this section in that construction zone or the prosecution of 528
any person who violates either of those divisions in that 529
construction zone. 530

(F) As used in this section: 531

(1) "Mandatory prison term" and "mandatory jail term" have 532
the same meanings as in section 2929.01 of the Revised Code. 533

(2) "Traffic-related homicide, manslaughter, or assault 534
offense" and "traffic-related murder, felonious assault, or 535
attempted murder offense" have the same meanings as in section 536
2903.06 of the Revised Code. 537

(3) "Construction zone" has the same meaning as in section 538
5501.27 of the Revised Code. 539

(4) "Reckless operation offense" and "speeding offense" 540
have the same meanings as in section 2903.06 of the Revised 541
Code. 542

(5) "Motor vehicle," "mini-truck," "under-speed vehicle," 543
"motorized bicycle or moped," "motor-driven cycle or motor 544
scooter," and "utility vehicle" have the same meanings as in 545
section 4501.01 of the Revised Code. 546

(6) "All-purpose vehicle" has the same meaning as in 547
section 4519.01 of the Revised Code. 548

(G) For the purposes of this section, when a penalty or 549
suspension is enhanced because of a prior or current violation 550
of a specified law or a prior or current specified offense, the 551
reference to the violation of the specified law or the specified 552

offense includes any violation of any substantially equivalent 553
municipal ordinance, former law of this state, or current or 554
former law of another state or the United States. 555

Section 2. That existing sections 2903.06 and 2903.08 of 556
the Revised Code are hereby repealed. 557