

As Introduced

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Regular Session

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H. B. No. 714

Representatives Sigrist, Odioso

Cosponsors: Representatives Brennan, Ray, Johnson, Salvo, Williams, Robinson

To amend sections 2903.08, 2903.081, 4511.14, and 4511.46 of the Revised Code to alter the laws governing vehicular assault and failing to yield the right of way to pedestrians.

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

Section 1. That sections 2903.08, 2903.081, 4511.14, and 4511.46 of the Revised Code be amended to read as follows:

Sec. 2903.08. (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 serious physical harm to another person or another's unborn in any of the following ways:

(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;

(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;

(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. 20

(2) In one of the following ways: 21

(a) As the proximate result of committing, while operating 22
or participating in the operation of a motor vehicle, utility 23
vehicle, mini-truck, or motorcycle in a construction zone, a 24
reckless operation offense, provided that this division applies 25
only if the person to whom the serious physical harm is caused 26
or to whose unborn the serious physical harm is caused is in the 27
construction zone at the time of the offender's commission of 28
the reckless operation offense in the construction zone and does 29
not apply as described in division (E) of this section; 30

(b) Recklessly. 31

(3) In one of the following ways: 32

(a) As the proximate result of committing, while operating 33
or participating in the operation of a motor vehicle, utility 34
vehicle, mini-truck, or motorcycle in a construction zone, a 35
speeding offense, provided that this division applies only if 36
the person to whom the serious physical harm is caused or to 37
whose unborn the serious physical harm is caused is in the 38
construction zone at the time of the offender's commission of 39
the speeding offense in the construction zone and does not apply 40
as described in division (E) of this section; 41

(b) Negligently. 42

(B) (1) Whoever violates division (A) (1) of this section is 43
guilty of aggravated vehicular assault. Except as otherwise 44
provided in this division, aggravated vehicular assault is a 45
felony of the third degree. Aggravated vehicular assault is a 46
felony of the second degree if any of the following apply: 47

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| (a) At the time of the offense, the offender was driving | 48 |
| under a suspension imposed under Chapter 4510. or any other | 49 |
| provision of the Revised Code. | 50 |
| (b) The offender previously has been convicted of or | 51 |
| pleaded guilty to a violation of this section. | 52 |
| (c) The offender previously has been convicted of or | 53 |
| pleaded guilty to any traffic-related homicide, manslaughter, or | 54 |
| assault offense. | 55 |
| (d) The offender previously has been convicted of or | 56 |
| pleaded guilty to three or more prior violations of division (A) | 57 |
| of section 4511.19 of the Revised Code or a substantially | 58 |
| equivalent municipal ordinance within the previous ten years. | 59 |
| (e) The offender previously has been convicted of or | 60 |
| pleaded guilty to three or more prior violations of division (A) | 61 |
| of section 1547.11 of the Revised Code or of a substantially | 62 |
| equivalent municipal ordinance within the previous ten years. | 63 |
| (f) The offender previously has been convicted of or | 64 |
| pleaded guilty to three or more prior violations of division (A) | 65 |
| (3) of section 4561.15 of the Revised Code or of a substantially | 66 |
| equivalent municipal ordinance within the previous ten years. | 67 |
| (g) The offender previously has been convicted of or | 68 |
| pleaded guilty to three or more prior violations of any | 69 |
| combination of the offenses listed in division (B) (1) (d), (e), | 70 |
| or (f) of this section. | 71 |
| (h) The offender previously has been convicted of or | 72 |
| pleaded guilty to a second or subsequent felony violation of | 73 |
| division (A) of section 4511.19 of the Revised Code. | 74 |
| (2) In addition to any other sanctions imposed pursuant to | 75 |

division (B) (1) of this section, except as otherwise provided in 76
this division, the court shall impose upon the offender a class 77
three suspension of the offender's driver's license, commercial 78
driver's license, temporary instruction permit, probationary 79
license, or nonresident operating privilege from the range 80
specified in division (A) (3) of section 4510.02 of the Revised 81
Code. If the offender previously has been convicted of or 82
pleaded guilty to a violation of this section, any traffic- 83
related homicide, manslaughter, or assault offense, or any 84
traffic-related murder, felonious assault, or attempted murder 85
offense, the court shall impose either a class two suspension of 86
the offender's driver's license, commercial driver's license, 87
temporary instruction permit, probationary license, or 88
nonresident operating privilege from the range specified in 89
division (A) (2) of that section or a class one suspension as 90
specified in division (A) (1) of that section. 91

(C) (1) Whoever violates division (A) (2) ~~or (3)~~, (3) (a), or 92
(3) (b) of this section is guilty of vehicular assault and shall 93
be punished as provided in divisions (C) (2) ~~and~~, (3), and (4) 94
of this section. 95

(2) Except as otherwise provided in this division, 96
vehicular assault committed in violation of division (A) (2) of 97
this section is a felony of the fourth degree. Vehicular assault 98
committed in violation of division (A) (2) of this section is a 99
felony of the third degree if, at the time of the offense, the 100
offender was driving under a suspension imposed under Chapter 101
4510. or any other provision of the Revised Code, if the 102
offender previously has been convicted of or pleaded guilty to a 103
violation of this section or any traffic-related homicide, 104
manslaughter, or assault offense, or if, in the same course of 105
conduct that resulted in the violation of division (A) (2) of 106

this section, the offender also violated section 4549.02, 107
4549.021, or 4549.03 of the Revised Code. 108

In addition to any other sanctions imposed, the court 109
shall impose upon the offender a class four suspension of the 110
offender's driver's license, commercial driver's license, 111
temporary instruction permit, probationary license, or 112
nonresident operating privilege from the range specified in 113
division (A) (4) of section 4510.02 of the Revised Code or, if 114
the offender previously has been convicted of or pleaded guilty 115
to a violation of this section, any traffic-related homicide, 116
manslaughter, or assault offense, or any traffic-related murder, 117
felonious assault, or attempted murder offense, a class three 118
suspension of the offender's driver's license, commercial 119
driver's license, temporary instruction permit, probationary 120
license, or nonresident operating privilege from the range 121
specified in division (A) (3) of that section. 122

(3) Except as otherwise provided in this division, 123
vehicular assault committed in violation of division ~~(A) (3)~~ (A) 124
(3) (a) of this section is a misdemeanor of the first degree. 125
Vehicular assault committed in violation of division ~~(A) (3)~~ (A) 126
(3) (a) of this section is a felony of the fourth degree if, at 127
the time of the offense, the offender was driving under a 128
suspension imposed under Chapter 4510. or any other provision of 129
the Revised Code or if the offender previously has been 130
convicted of or pleaded guilty to a violation of this section or 131
any traffic-related homicide, manslaughter, or assault offense. 132

In addition to any other sanctions imposed, the court 133
shall impose upon the offender a class four suspension of the 134
offender's driver's license, commercial driver's license, 135
temporary instruction permit, probationary license, or 136

nonresident operating privilege from the range specified in 137
division (A) (4) of section 4510.02 of the Revised Code or, if 138
the offender previously has been convicted of or pleaded guilty 139
to a violation of this section, any traffic-related homicide, 140
manslaughter, or assault offense, or any traffic-related murder, 141
felonious assault, or attempted murder offense, a class three 142
suspension of the offender's driver's license, commercial 143
driver's license, temporary instruction permit, probationary 144
license, or nonresident operating privilege from the range 145
specified in division (A) (3) of section 4510.02 of the Revised 146
Code. 147

(4) Except as otherwise provided in this division, 148
vehicular assault committed in violation of division (A) (3) (b) 149
of this section is a misdemeanor of the second degree. Vehicular 150
assault committed in violation of division (A) (3) (b) of this 151
section is a misdemeanor of the first degree if, at the time of 152
the offense, the offender was driving under a suspension imposed 153
under Chapter 4510. or any other provision of the Revised Code 154
or if the offender previously has been convicted of or pleaded 155
guilty to a violation of this section or any traffic-related 156
homicide, manslaughter, or assault offense. 157

In addition to any other sanctions imposed, the court 158
shall impose upon the offender a class five suspension of the 159
offender's driver's license, commercial driver's license, 160
temporary instruction permit, probationary license, or 161
nonresident operating privilege from the range specified in 162
division (A) (5) of section 4510.02 of the Revised Code or, if 163
the offender previously has been convicted of or pleaded guilty 164
to a violation of this section, any traffic-related homicide, 165
manslaughter, or assault offense, or any traffic-related murder, 166
felonious assault, or attempted murder offense, a class four 167

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| <u>suspension of the offender's driver's license, commercial</u> | 168 |
| <u>driver's license, temporary instruction permit, probationary</u> | 169 |
| <u>license, or nonresident operating privilege from the range</u> | 170 |
| <u>specified in division (A) (4) of section 4510.02 of the Revised</u> | 171 |
| <u>Code.</u> | 172 |
| (D) (1) The court shall impose a mandatory prison term, as | 173 |
| described in division (D) (4) of this section, on an offender who | 174 |
| is convicted of or pleads guilty to a violation of division (A) | 175 |
| (1) of this section. | 176 |
| (2) The court shall impose a mandatory prison term, as | 177 |
| described in division (D) (4) of this section, on an offender who | 178 |
| is convicted of or pleads guilty to a violation of division (A) | 179 |
| (2) of this section or a felony violation of division (A) (3) <u>(A)</u> | 180 |
| <u>(3) (a)</u> of this section if either of the following applies: | 181 |
| (a) The offender previously has been convicted of or | 182 |
| pleaded guilty to a violation of this section or section 2903.06 | 183 |
| of the Revised Code. | 184 |
| (b) At the time of the offense, the offender was driving | 185 |
| under suspension under Chapter 4510. or any other provision of | 186 |
| the Revised Code. | 187 |
| (3) The court shall impose a mandatory jail term of at | 188 |
| least seven days on an offender who is convicted of or pleads | 189 |
| guilty to a misdemeanor violation of division (A) (3) <u>(A) (3) (a) or</u> | 190 |
| <u>(b)</u> of this section and may impose upon the offender a longer | 191 |
| jail term as authorized pursuant to section 2929.24 of the | 192 |
| Revised Code. | 193 |
| (4) A mandatory prison term required under division (D) (1) | 194 |
| or (2) of this section shall be a definite term from the range | 195 |
| of prison terms provided in division (A) (2) (b) of section | 196 |

2929.14 of the Revised Code for a felony of the second degree, 197
from division (A) (3) (a) of that section for a felony of the 198
third degree, or from division (A) (4) of that section for a 199
felony of the fourth degree, whichever is applicable, except 200
that if the violation is a felony of the second degree committed 201
on or after March 22, 2019, the court shall impose as the 202
minimum prison term for the offense a mandatory prison term that 203
is one of the minimum terms prescribed for a felony of the 204
second degree in division (A) (2) (a) of section 2929.14 of the 205
Revised Code. 206

(E) Divisions (A) (2) (a) and ~~(3) (3) (a)~~ of this section do 207
not apply in a particular construction zone unless signs of the 208
type described in section 2903.081 of the Revised Code are 209
erected in that construction zone in accordance with the 210
guidelines and design specifications established by the director 211
of transportation under section 5501.27 of the Revised Code. The 212
failure to erect signs of the type described in section 2903.081 213
of the Revised Code in a particular construction zone in 214
accordance with those guidelines and design specifications does 215
not limit or affect the application of division (A) (1) ~~or~~, (2) 216
(b), or (3) (b) of this section in that construction zone or the 217
prosecution of any person who violates ~~either~~ any of those 218
divisions in that construction zone. 219

(F) As used in this section: 220

(1) "Mandatory prison term" and "mandatory jail term" have 221
the same meanings as in section 2929.01 of the Revised Code. 222

(2) "Traffic-related homicide, manslaughter, or assault 223
offense" and "traffic-related murder, felonious assault, or 224
attempted murder offense" have the same meanings as in section 225
2903.06 of the Revised Code. 226

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| (3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. | 227 228 |
| (4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code. | 229 230 231 |
| (G) 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. | 232 233 234 235 236 237 238 |
| Sec. 2903.081. (A) As used in this section: | 239 |
| (1) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. | 240 241 |
| (2) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code. | 242 243 244 |
| (B) The director of transportation, board of county commissioners, or board of township trustees shall cause signs to be erected in construction zones notifying motorists of the prohibitions set forth in sections 2903.06 and 2903.08 of the Revised Code regarding the death of or injury to any person in the construction zone as a proximate result of a reckless operation offense or speeding offense in the construction zone. The prohibitions set forth in divisions (A) (2) (b) and (3) (b) of section 2903.06 and divisions (A) (2) (a) and (3) (a) of section 2903.08 of the Revised Code apply to persons who commit a reckless operation offense or speeding offense in a particular | 245 246 247 248 249 250 251 252 253 254 255 |

construction zone only when signs of that nature are erected in 256
that construction zone in accordance with the guidelines and 257
design specifications established by the director under section 258
5501.27 of the Revised Code. The failure to erect signs of that 259
nature in a particular construction zone in accordance with 260
those guidelines and design specifications does not limit or 261
affect the application of division (A) (1), (A) (2) (a), (A) (3) (a), 262
or (A) (4) of section 2903.06 or division (A) (1) ~~or~~, (2) (b), or 263
(3) (b) of section 2903.08 of the Revised Code in that 264
construction zone or the prosecution of any person who violates 265
either of those divisions in that construction zone. 266

Sec. 4511.14. Whenever special pedestrian control signals 267
exhibiting the words "walk" or "don't walk," or the symbol of a 268
walking person or an upraised palm are in place, such signals 269
shall indicate the following instructions: 270

~~(A)~~ (A) (1) A steady walking person signal indication, which 271
symbolizes "walk," means that a pedestrian facing the signal 272
indication is permitted to start to cross the roadway in the 273
direction of the signal indication, ~~possibly in conflict with~~ 274
~~turning vehicles. The~~ 275

(2) The pedestrian shall yield the right-of-way to 276
vehicles lawfully within the intersection at the time that the 277
walking person signal indication is first shown. 278

(B) A flashing upraised hand signal indication, which 279
symbolizes "don't walk," means that a pedestrian shall not start 280
to cross the roadway in the direction of the signal indication, 281
but that any pedestrian who has already started to cross on a 282
steady walking person signal indication shall proceed to the far 283
side of the traveled way of the street or highway, unless 284
otherwise directed by a traffic control device to proceed only 285

to the median of a divided highway or only to some other island 286
or pedestrian refuge area. 287

(C) A steady upraised hand signal indication means that a 288
pedestrian shall not enter the roadway in the direction of the 289
signal indication. 290

(D) Nothing in this section shall be construed to 291
invalidate the continued use of pedestrian control signals 292
utilizing the word "wait" if those signals were installed prior 293
to March 28, 1985. 294

(E) A flashing walking person signal indication has no 295
meaning and shall not be used. 296

Sec. 4511.46. (A) ~~When highway traffic signals are not in~~ 297
~~place, not in operation, or are not clearly assigning the right-~~ 298
~~of-way, the~~ The driver of a vehicle, trackless trolley, or 299
streetcar shall stop and yield the right of way, ~~slowing down or~~ 300
~~stopping if need be to so yield or if required by section~~ 301
~~4511.132 of the Revised Code,~~ to a pedestrian crossing the 302
roadway lawfully within a crosswalk when the pedestrian is ~~upon~~ 303
~~the half of the roadway upon which the vehicle is traveling, or~~ 304
~~when the pedestrian is approaching so closely from the opposite~~ 305
~~half of the roadway as to be in danger~~ in any of the following 306
lanes: 307

(1) The lane in which the driver's vehicle is traveling; 308

(2) The lane adjacent to the lane in which the driver's 309
vehicle is traveling; 310

(3) The lane into which the driver's vehicle is turning; 311

(4) The lane adjacent to a lane into which the driver's 312
vehicle is turning. 313

(B) No pedestrian shall suddenly leave a curb or other 314
place of safety and walk or run into the path of a vehicle, 315
trackless trolley, or streetcar which is so close as to 316
constitute an immediate hazard. 317

(C) Division (A) of this section does not apply under the 318
conditions stated in division (B) of section 4511.48 of the 319
Revised Code. 320

(D) Whenever any vehicle, trackless trolley, or streetcar 321
is stopped at a marked crosswalk or at any unmarked crosswalk at 322
an intersection to permit a pedestrian to cross the roadway, the 323
driver of any other vehicle, trackless trolley, or streetcar 324
approaching from the rear shall not overtake and pass the 325
stopped vehicle. 326

(E) Except as otherwise provided in this division, whoever 327
violates this section is guilty of a ~~minor~~-misdemeanor of the 328
fourth degree. If, within one year of the offense, the offender 329
previously has been convicted of or pleaded guilty to one 330
predicate motor vehicle or traffic offense, whoever violates 331
this section is guilty of a misdemeanor of the ~~fourth~~-third 332
degree. If, within one year of the offense, the offender 333
previously has been convicted of two or more predicate motor 334
vehicle or traffic offenses, whoever violates this section is 335
guilty of a misdemeanor of the ~~third~~-second degree. 336

If the offender commits the offense while distracted and 337
the distracting activity is a contributing factor to the 338
commission of the offense, the offender is subject to the 339
additional fine established under section 4511.991 of the 340
Revised Code. 341

Section 2. That existing sections 2903.08, 2903.081, 342

4511.14, and 4511.46 of the Revised Code are hereby repealed.

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