## As Passed by the House

134th General Assembly

Regular Session 2021-2022 Sub. H. B. No. 27

18

**Representative Patton** 

Cosponsors: Representatives Leland, Carruthers, Davis, Grendell, Lanese

## A BILL

To amend sections 4513.31 and 4513.99 of the	1
Revised Code to increase the criminal penalties	2
associated with failing to secure a load on a	3
vehicle.	4

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

Section 1. That sections 4513.31 and 4513.99 of the	5
Revised Code be amended to read as follows:	6
Sec. 4513.31. (A) No vehicle shall be driven or moved on	7
any highway unless the vehicle is so constructed, loaded, or	8
covered as to prevent (1) Except as otherwise provided in	9
divisions (A)(2) and (D) of this section, no person operating a	10
vehicle shall negligently fail to prevent any of its load from	11
dropping, sifting, leaking, or otherwise escaping therefrom,	12
except that sand on or in the vehicle to drop, sift, leak, or	13
<u>otherwise escape onto any highway.</u>	14
(2) Division (A)(1) of this section does not apply to a	15
person moving or driving a vehicle that is dropping or	16
sprinkling either of the following on the highway:	17

<u>(a) Sand</u>or other substance may be dropped for the purpose

of securing traction, or water;

(b) Water or other substance may be sprinkled on a roadway	20
in for the purpose of cleaning or maintaining the	21
roadwayhighway.	22

(B) (1) Except for a farm vehicle used to transportagricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load<u>as otherwise</u> provided in division (B) (3) of this section, no person shall negligently fail to cover a vehicle loaded with any material described in division (B) (2) of this section so as to prevent the load or any part of the load from spilling onto a highway when the vehicle is driven or moved by the person on the highway.

(2) Division (B)(1) of this section applies when the 32 vehicle is loaded with garbage, swill, cans, bottles, waste 33 paper, ashes, refuse, trash, rubbish, waste, wire, paper, 34 cartons, boxes, glass, solid waste, or any other material of an 35 unsanitary nature that is susceptible to blowing or bouncing 36 from a moving vehicle shall be driven or moved on any highway 37 unless the load is covered with a sufficient cover to prevent 38 the load or any part of the load from spilling onto the highway. 39 (3) Division (B)(1) of this section does not apply to a 40 person moving or driving any of the following vehicles on any 41 highway: 42

(a) A farm vehicle used to transport agricultural produce43or agricultural production materials;44

(b) A rubbish vehicle in the process of acquiring its45load.46

(C) Whoever (1) Except as provided in divisions (C) (2) and 47

19

23

24 25

26

27

28

29

30

31

(D) of this section, whoever violates this section shall be	48
punished as provided in section 4513.99 of the Revised Code <u>is</u>	49
guilty of a minor misdemeanor. Notwithstanding the fine	50
specified in division (A)(2)(a) of section 2929.28 of the	51
Revised Code, the court shall impose upon the offender a fine of	52
five hundred dollars.	53
(2) Whoever violates this section and, as a proximate	54
result of the violation, causes physical harm to a person or	55
property is guilty of a third degree misdemeanor.	56
Notwithstanding the fine specified in division (A)(2)(a) of	57
section 2929.28 of the Revised Code, and in addition to any	58
other penalty that may be imposed, the court shall impose upon	59
the offender a fine of two thousand five hundred dollars.	60
(D) This section does not apply to a person operating a	61
commercial motor vehicle. As used in this section, "commercial	62
motor vehicle" has the same meaning as in 49 C.F.R. 390.5.	63
Sec. 4513.99. (A) Any violation of section 4513.10,	64
4513.182, 4513.20, 4513.201, 4513.202, 4513.25, 4513.26,	65
4513.27, 4513.29, 4513.30, <del>4513.31,</del> 4513.32, or 4513.34 of the	66
Revised Code shall be punished under division (B) of this	67
section.	68
(B) Whoever violates the sections of this chapter that are	69
specifically required to be punished under this division, or any	70
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37	71
of the Revised Code for which violation no penalty is otherwise	72
provided, is guilty of a minor misdemeanor.	73
Section 2. That existing sections 4513.31 and 4513.99 of	74
-	
the Revised Code are hereby repealed.	75