

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 39

Senator Beagle

Cosponsors: Senators LaRose, Bacon

A BILL

To amend section 4511.46 of the Revised Code to 1
increase the penalties for failing to yield the 2
right-of-way to a pedestrian who is crossing a 3
roadway within a crosswalk when the crosswalk is 4
located within a school zone. 5

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

Section 1. That section 4511.46 of the Revised Code be 6
amended to read as follows: 7

Sec. 4511.46. (A) ~~When traffic control signals are not in-~~ 8
~~place, not in operation, or are not clearly assigning the right-~~ 9
~~of way, the driver of a vehicle, trackless trolley, or streetcar-~~ 10
~~shall yield the right of way, slowing down or stopping if need-~~ 11
~~be to so yield or if required by section 4511.132 of the Revised-~~ 12
~~Code, to a pedestrian crossing the roadway within a crosswalk-~~ 13
~~when the pedestrian is upon the half of the roadway upon which-~~ 14
~~the vehicle is traveling, or when the pedestrian is approaching-~~ 15
~~so closely from the opposite half of the roadway as to be in-~~ 16
~~danger.~~(1) No driver of a vehicle, trackless trolley, or 17
streetcar shall fail to yield the right-of-way to a pedestrian, 18
by slowing down or stopping if need be to so yield or if 19

required by section 4511.132 of the Revised Code, if both of the 20
following apply: 21

(a) Traffic control signals are not in place, not in 22
operation, or not clearly assigning the right-of-way. 23

(b) The pedestrian is crossing the roadway within a 24
crosswalk when the pedestrian is on the half of the roadway on 25
which the vehicle is traveling, or when the pedestrian is 26
approaching so closely from the opposite half of the roadway so 27
as to be in danger. 28

(2) No driver of a vehicle, trackless trolley, or 29
streetcar shall fail to comply with division (A) (1) of this 30
section if the crosswalk is located within a school zone. 31

(B) No pedestrian shall suddenly leave a curb or other 32
place of safety and walk or run into the path of a vehicle, 33
trackless trolley, or streetcar which is so close as to 34
constitute an immediate hazard. 35

(C) Division (A) of this section does not apply under the 36
conditions stated in division (B) of section 4511.48 of the 37
Revised Code. 38

(D) Whenever any vehicle, trackless trolley, or streetcar 39
is stopped at a marked crosswalk or at any unmarked crosswalk at 40
an intersection to permit a pedestrian to cross the roadway, ~~the~~ 41
no driver of any other vehicle, trackless trolley, or streetcar 42
approaching from the rear shall ~~not~~ overtake and pass the 43
stopped vehicle. 44

(E) (1) Except as otherwise provided in ~~this~~ division (E) 45
(1) of this section, whoever violates division (A) (1), (B), or 46
(D) of this section is guilty of a minor misdemeanor. If, within 47
one year of the offense, the offender previously has been 48

convicted of or pleaded guilty to one predicate motor vehicle or 49
traffic offense, whoever violates this section is guilty of a 50
misdemeanor of the fourth degree. If, within one year of the 51
offense, the offender previously has been convicted of two or 52
more predicate motor vehicle or traffic offenses, whoever 53
violates this section is guilty of a misdemeanor of the third 54
degree. 55

(2) Whoever violates division (A) (2) of this section is 56
guilty of a misdemeanor of the third degree. In addition, if, at 57
the time of the offense, the offender was driving under a 58
suspension imposed under any provision of the Revised Code, the 59
court, in addition to any other sanctions it imposes, shall 60
impose on the offender a class seven suspension of six months of 61
the offender's driver's license, commercial driver's license, 62
temporary instruction permit, probationary license, or 63
nonresident operating privilege. 64

(F) The offenses established under this section are strict 65
liability offenses and section 2901.20 of the Revised Code does 66
not apply. 67

Section 2. That existing section 4511.46 of the Revised 68
Code is hereby repealed. 69