

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 27**

**Representative Patton**

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

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**A BILL**

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

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

**Section 1.** That sections 4513.31 and 4513.99 of the  
Revised Code be amended to read as follows:

**Sec. 4513.31.** (A) ~~No vehicle shall be driven or moved on  
any highway unless the vehicle is so constructed, loaded, or  
covered as to prevent~~ (1) Except as otherwise provided in  
divisions (A) (2) and (D) of this section, no person operating a  
vehicle shall negligently fail to prevent any of its load from  
dropping, sifting, leaking, or otherwise escaping therefrom,  
except that sand on or in the vehicle to drop, sift, leak, or  
otherwise escape onto any highway.

(2) Division (A) (1) of this section does not apply to a  
person moving or driving a vehicle that is dropping or  
sprinkling either of the following on the highway:

(a) Sand or other substance may be dropped for the purpose

of securing traction, ~~or water;~~ 19

(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 transport 23  
agricultural produce or agricultural production materials or a 24  
rubbish vehicle in the process of acquiring its loadas otherwise 25  
provided in division (B) (3) of this section, no person shall 26  
negligently fail to cover a vehicle loaded with any material 27  
described in division (B) (2) of this section so as to prevent 28  
the load or any part of the load from spilling onto a highway 29  
when the vehicle is driven or moved by the person on the 30  
highway. 31

(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 produce 43  
or agricultural production materials; 44

(b) A rubbish vehicle in the process of acquiring its 45  
load. 46

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

(D) of this section, whoever violates this section shall be- 48  
punished as provided in section 4513.99 of the Revised Code is 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, ~~4513.31~~, 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