

As Reported by the House Criminal Justice Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 27

Representative Patton

Cosponsor: Representative Leland

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