

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 88

Senator Brenner

A BILL

To amend section 4511.46 of the Revised Code to 1
alter the law governing yielding to pedestrians 2
in crosswalks. 3

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

Section 1. That section 4511.46 of the Revised Code be 4
amended to read as follows: 5

Sec. 4511.46. (A) When traffic control signals are not in 6
place, not in operation, or are not clearly assigning the right- 7
of-way, the driver of a vehicle, trackless trolley, or streetcar 8
shall stop to yield the right of way, ~~slowing down or stopping~~ 9
~~if need be to so yield or if required by section 4511.132 of the~~ 10
~~Revised Code,~~ to a pedestrian waiting at the curb to enter the 11
crosswalk on the half of the roadway upon which the vehicle is 12
traveling, to a pedestrian crossing the roadway within in a 13
crosswalk when the pedestrian is ~~upon~~ on the half of the roadway 14
upon which the vehicle is traveling, or to a pedestrian when the 15
pedestrian is in a crosswalk and is approaching so closely from 16
the opposite half of the roadway as to be in danger. The 17
vehicle, trackless trolley, or streetcar shall remain stopped 18
until the pedestrian has completed crossing the half of the 19

roadway upon which the vehicle is traveling. 20

(B) No pedestrian shall suddenly leave a curb or other 21
place of safety and walk or run into the path of a vehicle, 22
trackless trolley, or streetcar which is so close as to 23
constitute an immediate hazard. 24

(C) Division (A) of this section does not apply under the 25
conditions stated in division (B) of section 4511.48 of the 26
Revised Code. 27

(D) Whenever any vehicle, trackless trolley, or streetcar 28
is stopped at a marked crosswalk or at any unmarked crosswalk at 29
an intersection to permit a pedestrian to cross the roadway, the 30
driver of any other vehicle, trackless trolley, or streetcar 31
approaching from the rear shall not overtake and pass the 32
stopped vehicle. 33

(E) (1) Except as otherwise provided in this division, 34
whoever violates this section is guilty of a minor misdemeanor. 35
If, within one year of the offense, the offender previously has 36
been convicted of or pleaded guilty to one predicate motor 37
vehicle or traffic offense, whoever violates this section is 38
guilty of a misdemeanor of the fourth degree. If, within one 39
year of the offense, the offender previously has been convicted 40
of two or more predicate motor vehicle or traffic offenses, 41
whoever violates this section is guilty of a misdemeanor of the 42
third degree. 43

(2) The offense established under this section is a strict 44
liability offense and section 2901.20 of the Revised Code does 45
not apply. The designation of this offense as a strict liability 46
offense shall not be construed to imply that any other offense, 47
for which there is no specified degree of culpability, is not a 48

strict liability offense. 49

(3) If the offender commits the offense while distracted 50
and the distracting activity is a contributing factor to the 51
commission of the offense, the offender is subject to the 52
additional fine established under section 4511.991 of the 53
Revised Code. 54

Section 2. That existing section 4511.46 of the Revised 55
Code is hereby repealed. 56