



H.B. 50

125th General Assembly
(As Introduced)

Reps. Hughes, Latta, Flowers, J. Stewart, Gilb, McGregor, DePiero, Redfern, Allen, Seaver, Schaffer, Barrett, Young, Schmidt, Grendell

BILL SUMMARY

- Enhances the penalties for an offender who fails to comply with certain statutory provisions regarding a person's duties at the scene of an accident or collision, when the accident or collision that is the basis of the violation results in death to a person.

CONTENT AND OPERATION

Operation of the bill--penalty for leaving the scene of an accident

The bill enhances the penalties for an offender who fails to comply with the requirements described under **'Existing law--duties regarding leaving the scene of an accident,'** below, that describe the duties of a person at the scene of an accident or collision. Under existing law, if a person violates these requirements and if the accident or collision that is the basis of the violation results in death to a person, the offender is guilty of a felony of the fifth degree. The bill raises this penalty to a felony of the third degree. (R.C. 4549.99(B) in Section 1 of the bill and R.C. 4549.02(B) and 4549.021(B) in Section 4 of the bill.)

Existing law--duties regarding leaving the scene of an accident

R.C. 4549.02

Under R.C. 4549.02, in case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, is required to immediately stop the motor vehicle at the scene of the accident or collision. The person must remain at the scene of the accident or collision until the person has given the person's name and address (and, if the person is not the owner, the name and address of the owner of the motor vehicle) and the registered number of the motor vehicle, to (1)

any person injured in the accident or collision, (2) to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or (3) to any police officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information, the other driver involved must forthwith notify the nearest police authority concerning the location of the accident or collision, and the other driver's name, address, and the registered number of the motor vehicle the other driver was operating. The other driver then must remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an ambulance or an emergency vehicle operated by a political subdivision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator colliding with such a motor vehicle must securely attach the required information, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. (R.C. 4549.02.)

R.C. 4549.021

Under R.C. 4549.021, in case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, is required to stop. Upon request of the person injured or damaged, or any other person, the driver or operator of the motor vehicle must give the other person the driver's or operator's name and address (and, if the driver or operator is not the motor vehicle owner, the name and address of the owner) together with the registered number of the motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of damaged property is not furnished with this information, the driver involved in the accident or collision must, within 24 hours after the accident or collision, forward to the appropriate police department or sheriff the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with the motor vehicle must securely attach the required information, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. (R.C. 4549.021.)

Existing law--penalties for leaving the scene of an accident

Generally, a person who violates either of the preceding provisions is guilty of a misdemeanor of the first degree. But, when the accident or collision that is the basis of the violation results in serious physical harm or death to a person, the offender is guilty of a felony of the fifth degree. (R.C. 4549.99(B).)

Vehicular homicide offenses

OVI-related aggravated vehicular homicide

R.C. 2903.06(A)(1) prohibits a person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, from causing the death of another or the unlawful termination of another's pregnancy as the proximate result of committing state OVI or of a substantially equivalent municipal ordinance. A person who violates this prohibition is guilty of aggravated vehicular homicide and, generally, is guilty of a felony of the second degree. The violation is a felony of the first degree if, at the time of the offense, the offender was driving under a suspension or if the offender previously has been convicted of or pleaded guilty to certain specified offenses. (R.C. 2903.06(B)(1)(a).)

Aggravated vehicular homicide committed recklessly

R.C. 2903.06(A)(2) prohibits a person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, from recklessly causing the death of another or the unlawful termination of another's pregnancy. A person who violates this prohibition is guilty of aggravated vehicular homicide and, generally, is guilty of a felony of the third degree. The violation is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension or if the offender previously has been convicted of or pleaded guilty to certain specified offenses. (R.C. 2903.06(B)(1)(b).)

Vehicular homicide

R.C. 2903.06(A)(3) prohibits a person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, from negligently causing the death of another or the unlawful termination of another's pregnancy. A person who violates this prohibition is guilty of vehicular homicide and, generally, is guilty of a misdemeanor of the first degree. The violation is a felony of the fourth degree if, at the time of the offense, the offender was driving under a suspension or revocation or if the offender

previously has been convicted of or pleaded guilty to certain specified offenses. (R.C. 2903.06(B)(2).)

Vehicular manslaughter

R.C. 2903.06(A)(4) prohibits a person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, from causing the death of another or the unlawful termination of another's pregnancy as the proximate result of committing a violation of any provision of any section contained in the Traffic Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in the Traffic Code that is a minor misdemeanor. A person who violates this prohibition is guilty of vehicular manslaughter and, generally, is guilty of a misdemeanor of the second degree. The violation is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a R.C. Chapter 4507. suspension or if the offender previously has been convicted of or pleaded guilty to certain specified offenses. (R.C. 2903.06(B)(3).)

HISTORY

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