



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

S.B. 92

129th General Assembly
(As Introduced)

Sen. Schaffer

BILL SUMMARY

- For specified traffic offenses (speeding and assured clear distance, driving in marked lane, and failure to yield right-of-way), when the violation results in serious physical harm to, or the death of, another person requires the sentencing court to impose (1) in addition to any other penalty imposed for the offense, a mandatory fine of a specified amount, (2) a mandatory Class 7 or Class 8 license suspension, and (3) a mandatory assessment of at least two points, with discretion to assess an increased number of points.
- Allows law enforcement officers investigating a motor vehicle accident who have reason to believe that the accident caused serious physical harm to, or the death of, a person to issue a ticket requiring a court appearance.
- Establishes the Highway Safety Education Fund, consisting of portions of the mandatory fines for the specified offenses when the violations result in serious physical harm to, or the death of, another person and requires the Department of Public Safety to use the money in the Fund only to pay for educational activities that relate to highway safety.

CONTENT AND OPERATION

Mandatory fines, license suspensions, and point assessments for certain traffic offenses that result in serious physical harm or death

The bill, in addition to penalties imposed under current law, applies increased penalties to a person who is convicted of or pleads guilty to a violation that results in

serious physical harm¹ to another person or the death of another person for each of the following offenses: (1) speeding and assured clear distance, (2) failure to drive in marked lanes, (3) failure to yield the right-of-way at an intersection, (4) failure to yield the right-of-way on a left turn, (5) failure to yield the right-of-way at a stop or yield sign, (6) failure to stop at a sidewalk, (7) failure to yield the right-of-way when entering a highway from any place other than another roadway, (8) failure to yield the right-of-way to a pedestrian on a sidewalk, (9) failure to yield the right-of-way to a public safety vehicle or coroner's vehicle, (10) failure to yield the right-of-way to a funeral procession, (11) failure to yield the right-of-way to a pedestrian at a crosswalk, and (12) failure to yield the right-of-way to a blind person.²

For each of these offenses, the bill requires the court to impose the following:

- If the person causes serious physical harm to another, a mandatory fine of up to \$500, a mandatory Class 8 license suspension (which the bill creates for a definite term of up to six months³), and a mandatory two points on the person's driver's license with permissive three or four points.
- If the person causes the death of another, a mandatory fine of up to \$1,000, a mandatory Class 7 license suspension (a definite period up to one year) and a mandatory two points on the person's driver's license with permissive three, four, five, or six points.

In addition, for the offense of failure to yield the right-of-way to a public safety vehicle or coroner's vehicle that results in serious physical harm to another, if the offender, within one year of the offense, had two or more violations of failure to yield the right-of-way to a public safety vehicle or coroner's vehicle, the bill requires a court to impose a mandatory fine of up to \$750. The license suspension and points are the

¹ For purposes of the entire Revised Code, existing R.C. 2901.01 (not in the bill) provides that, "serious physical harm to persons" means any of the following: (a) any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment, (b) any "physical harm" that carries a substantial risk of death, (c) any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity, (d) any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement, or (e) any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain. The section also provides that, as used in the Revised Code, "physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

² R.C. 4511.21(A), 4511.33(A), 4511.41(A), 4511.42(A), 4511.43, 4511.431(A), 4511.44(A), 4511.441(A), 4511.45(A)(1) or (2), 4511.451(B), 4511.46(A) or (D), and 4511.47(A).

³ R.C. 4510.02(A)(8).

same: a mandatory Class 8 license suspension and a mandatory two points on the person's driver's license with permissive three or four points.⁴

Under existing law, when a person has 12 or more points on the person's driving record in a two-year period, the person's license is administratively suspended for six months.⁵ Except in regard to speeding offenses (which may have zero to four points assessed based on how much the violation exceeds the lawful speed limit), the traffic violations that are the subject of the bill result in a two-point driving record assessment. The bill does not change the existing penalties for the affected traffic violations in circumstances other than when causing serious physical harm to another or death of another.

Charging and court appearance for motor vehicle accidents resulting in serious physical harm or death

The bill allows a law enforcement officer to issue a traffic ticket, citation, or summons prohibiting the offender from entering a written plea of guilty and waiving the offender's right to contest the ticket, citation, or summons in a trial but instead requiring the offender to appear in person in the proper court to answer the charge, when (1) a person who is not the offender is transported to a medical facility for emergency medical treatment and the law enforcement officer investigating the accident has reason to believe that serious physical harm to, or the death of, that person has occurred as a result of the traffic law violation or (2) an injured person is transported to a medical facility and the medical facility informs the officer that the offender caused serious physical harm to, or the death of, the injured person.⁶

Highway Safety Education Fund

The bill establishes the Highway Safety Education Fund in the state treasury and requires that the first \$25 of each additional mandatory fine of up to \$500 for causing serious physical harm to another and the first \$50 of each additional mandatory fine of up to \$1,000 for causing the death of another be deposited in the Fund. For the offense of failure to yield the right-of-way to a public safety vehicle or coroner's vehicle that results in serious physical harm to another, when a court is required to impose a mandatory fine of up to \$750, the bill requires the first \$38 of that fine to be deposited

⁴ R.C. 4511.45(D)(2)(b).

⁵ R.C. 4510.02 and 4510.037 (not in the bill).

⁶ R.C. 4513.39(C).

into the Fund. The bill requires the Department of Public Safety to use the money in the Fund only to pay for educational activities that relate to highway safety.⁷

HISTORY

ACTION	DATE
Introduced	02-23-11

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⁷ R.C. 4501.20.

