



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

S.B. 305

129th General Assembly
(As Introduced)

Sens. Hughes, Patton

BILL SUMMARY

- Prohibits a person from knowingly designing, building, constructing, or fabricating a vehicle with a hidden compartment, or modifying or altering a vehicle to create or add a hidden compartment knowing or having reasonable cause to believe the vehicle will be used to facilitate a crime.
- Prohibits a person from knowingly operating, possessing, or using a vehicle with a hidden compartment, knowing or having reasonable cause to believe that the vehicle has been or will be used to facilitate a crime.

CONTENT AND OPERATION

The bill enacts two separate prohibitions that relate to a person engaging in any of several types of specified conduct that involve a "hidden compartment" in a "vehicle" (see "**Definitions**," below).

Prohibitions and penalties

The first prohibition prohibits a person from knowingly designing, building, constructing, or fabricating a vehicle with a hidden compartment, or modifying or altering any portion of a vehicle in order to create or add a hidden compartment with knowledge or reasonable cause to believe that the vehicle will be used to facilitate a crime. A violation of this prohibition is the offense of "designing a vehicle with a hidden compartment." The offense generally is a fourth degree felony, but it is a third degree felony if offender previously has been convicted of or pleaded guilty to a violation of the prohibition.¹

¹ R.C. 2923.241(B) and (D).

The second prohibition prohibits a person from knowingly operating, possessing, or using a vehicle with a hidden compartment with knowledge or reasonable cause to believe that the vehicle has been or will be used to facilitate a crime. A violation of this prohibition is the offense of "operating a vehicle with a hidden compartment." The offense generally is a fourth degree, but it is a third degree felony if the offender previously has been convicted of or pleaded guilty to a violation of the prohibition, and it is a second degree felony if the hidden compartment contains a "controlled substance" (see "**Definitions**," below) at the time of the offense.²

Neither of the bill's prohibitions described above applies to any law enforcement officer acting in the performance of the officer's duties.³

Definitions

As used in the bill:

"Controlled substance" means a drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V. As used in this definition, "**schedule I**," "**schedule II**," "**schedule III**," "**schedule IV**," and "**schedule V**" mean controlled substance schedules I, II, III, IV, and V, respectively, established pursuant to R.C. 3719.41, as amended pursuant to R.C. 3719.43 or 3719.44.⁴

"Hidden compartment" means a container, space, or enclosure that conceals, hides, or otherwise prevents the discovery of the contents of the container, space, or enclosure. "**Hidden compartment**" includes, but is not limited to, any of the following: (1) false, altered, or modified fuel tanks, (2) any original factory equipment on a vehicle that has been modified to conceal, hide, or prevent the discovery of the modified equipment's contents, or (3) any compartment, space, box, or other closed container that is added or attached to existing compartments, spaces, boxes, or closed containers integrated or attached to a vehicle.⁵

"Vehicle" means every device, including a "motorized bicycle," in, upon, or by which any person or property may be transported or drawn upon a highway, except that it does not include any "motorized wheelchair," any "electric personal assistive mobility device," any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device,

² R.C. 2923.241(C) and (E).

³ R.C. 2923.241(F).

⁴ R.C. 2923.241(A), by reference to R.C. 3719.01, which is not in the bill.

⁵ R.C. 2923.241(A).

other than a "bicycle," that is moved by human power. "**Vehicle**" includes, but is not limited to, a "motor vehicle," "commercial tractor," "trailer," "noncommercial trailer," "semitrailer," "mobile home," "recreational vehicle," or "motor home."⁶

As used in the definition of "**vehicle**" that applies to the bill:

"**Motorized bicycle**" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.⁷

"**Motorized wheelchair**" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.⁸

"**Electric personal assistive mobility device**" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 175 pounds has a maximum speed of less than 20 miles per hour.⁹

"**Bicycle**" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than 14 inches in diameter.¹⁰

"**Motor vehicle**" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "**Motor vehicle**" does not include utility vehicles as defined in R.C. 4501.01(VV), motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other

⁶ R.C. 2923.241(A) and R.C. 4511.01, which is not in the bill, by reference.

⁷ R.C. 4511.01, which is not in the bill.

⁸ R.C. 4511.01, which is not in the bill.

⁹ R.C. 4501.01, which is not in the bill.

¹⁰ R.C. 4511.01, which is not in the bill.

equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.¹¹

"Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than 25 miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour. **"Trailer"** does not include a manufactured home or travel trailer.¹²

"Noncommercial trailer" means any trailer, except a travel trailer or trailer that is used to transport a boat as described in R.C. 4511.01(B), but, where applicable, includes a vehicle that is used to transport a boat as described in R.C. 4511.01(M), that has a gross weight of no more than 10,000 pounds, and that is used exclusively for purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.¹³

"Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.¹⁴

¹¹ R.C. 2923.241(A), by reference to R.C. 4501.01, which is not in the bill.

¹² R.C. 2923.241(A), by reference to R.C. 4501.01, which is not in the bill.

¹³ R.C. 2923.241(A), by reference to R.C. 4501.01, which is not in the bill.

¹⁴ R.C. 2923.241(A), by reference to R.C. 4501.01, which is not in the bill.

"Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in R.C. 3781.06(C)(4) or as an industrialized unit as defined in division (C)(3) of that section.¹⁵

"Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:¹⁶ (1) it is designed for the sole purpose of recreational travel, (2) it is not used for the purpose of engaging in business for profit, (3) it is not used for the purpose of engaging in intrastate commerce, (4) it is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, (5) it is not regulated by the Public Utilities Commission of Ohio, and (6) it is classed as one of the following:

(a) **"Travel trailer"** means a nonself-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet of space when erected on site. **"Travel trailer"** includes a tent-type fold-out camping trailer as defined in R.C. 4507.01.

(b) **"Motor home"** means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

(c) **"Truck camper"** means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. **"Truck camper"** does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

(d) **"Fifth wheel trailer"** means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

¹⁵ R.C. 2923.241(A), by reference to R.C. 4501.01, which is not in the bill.

¹⁶ R.C. 2923.241(A), by reference to R.C. 4501.01, which is not in the bill.

(e) "**Park trailer**" means a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of 400 square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

"**Commercial tractor**" is not defined in the bill for purposes the definition of "vehicle" that applies to the bill; the bill specifies that the R.C. 4501.01 definition of "**commercial trailer**" applies to the bill,¹⁷ but R.C. 4501.01 does not define that term and the bill does not use that term.

HISTORY

ACTION	DATE
Introduced	02-27-12

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¹⁷ R.C. 2323.241(A).

