



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

S.B. 336

129th General Assembly
(As Introduced)

Sens. Wagoner and Hughes, Patton

BILL SUMMARY

- Enhances the penalty for wrong-way driving on a divided interstate highway if the offender drove the wrong way while committing an OVI offense.
- Requires a driver's license suspension for driving the wrong way on a divided interstate highway (1) for more than 500 feet, or (2) causing a collision that results in physical harm to another or death.
- Requires a definite jail or prison term for driving under a license suspension imposed for operating a vehicle on the wrong side of a divided interstate highway under the specified circumstances and also authorizes increased fines for driving under the suspensions.

CONTENT AND OPERATION

Overview

In Ohio, a person who operates a motor vehicle the wrong way on a street or highway may be charged under one of several traffic laws, depending on the situation. No single traffic law addresses wrong-way driving under all circumstances. (See "**Background**," below.) One specific situation that may be classified as wrong-way driving involves divided highways. Generally, a divided highway consists of a highway that has been divided into two roadways by an intervening space or by a physical barrier. Existing law requires vehicles to be driven only on the right-hand roadway of a divided highway and generally prohibits any vehicle from being driven over or across any dividing space or barrier.¹ Under specific circumstances, the bill

¹ R.C. 4511.35(A).

enhances the penalty for wrong-way driving on a divided interstate highway. The bill also creates a new offense of driving under a license suspension imposed for certain wrong-way driving.

The bill: wrong-way driving on a divided interstate highway

Court appearance

Generally, a person who is charged with a moving traffic violation may plead guilty to the offense by signing the traffic ticket. In that case, the offender does not need to appear in court.² Under the bill, however, a person cannot sign a ticket to plead guilty and must appear in court to answer a charge of driving the wrong way on a divided highway if the ticket indicates that the person operated a motor vehicle upon the left-hand roadway of a divided interstate highway under one of the following conditions:

(1) For a distance of 500 feet or more;

(2) For any distance, while committing a state or municipal OVI offense; or

(3) For any distance, if the person was involved in a motor vehicle collision on that left-hand roadway causing either physical harm to another person or the death of another person.³

Penalty for wrong-way driving with OVI offense

Generally, driving the wrong way on a divided highway is a minor misdemeanor on a first offense and the penalty may increase based on other specified traffic violations within one year. The bill retains this penalty except in regard to operating a motor vehicle upon the left-hand roadway of a divided interstate highway while committing a state or municipal OVI offense. In this circumstance, a wrong way violation while committing the OVI offense is a fourth degree felony.⁴

License suspension

The bill establishes mandatory driver's license suspensions for operating a motor vehicle upon the left-hand roadway of a divided interstate highway as follows:

² Traf. Rule 13. The ability to sign a traffic ticket depends on circumstances set forth in the Traffic Rules promulgated by the Ohio Supreme Court.

³ R.C. 4511.35(B).

⁴ R.C. 4511.35(C)(2).

(1) For a definite period not to exceed one year (Class 7 suspension) upon finding that the person operated a motor vehicle in that situation for a distance of 500 feet or more; and

(2) For a definite period of one to five years (Class 3 suspension) upon a finding that the person operated a motor vehicle in that situation for any distance and was involved in a motor vehicle collision causing either physical harm to another person or the death of another person.⁵

Under current law, the sentence for an OVI violation already has a license suspension component.⁶

Driving in violation of the wrong-way license suspension

In addition to establishing license suspensions for the wrong-way driving violations as described above, the bill creates a new offense of driving in violation of the wrong-way license suspension and establishes the penalties for the offense. Under the bill, a person who drives in violation of the Class 7 license suspension described above is guilty of a misdemeanor. The court is required to sentence that offender to a jail term of one year and may impose a fine of not more than \$1,000. A person who drives in violation of a Class 3 license suspension after being involved in a motor vehicle collision that caused physical harm or death to another person is guilty of a third degree felony. The court is required to sentence the offender to a definite prison term of three years and may impose a fine of not more than \$10,000 for the violation.⁷

Background

As noted above, the Revised Code currently does not establish a specific offense of operating a vehicle the wrong way on a roadway, but a person who does so could be charged under any of the following provisions, depending on the circumstances:

(1) Disobeying traffic control devices;⁸

(2) Reckless operation;⁹

⁵ R.C. 4511.35(D).

⁶ R.C. 4511.19 (not in the bill).

⁷ R.C. 4510.19.

⁸ R.C. 4511.12 (not in the bill).

⁹ R.C. 4511.20 (not in the bill).

- (3) Lanes of travel on roadways;¹⁰
- (4) Vehicles traveling in opposite directions;¹¹
- (5) Rules for overtaking and passing of vehicles;¹²
- (6) Driving to the left of center line;¹³
- (7) Prohibition against driving on the left side of a road;¹⁴
- (8) One-way highways;¹⁵ and
- (9) Divided highways.¹⁶

Each of these offenses is a minor misdemeanor but may increase to a fourth or a third degree misdemeanor based on other specified traffic convictions within one year. Except for reckless operation, none of the offenses specifically requires a license suspension, although one may be imposed based an accumulation of twelve or more points against a person's license.¹⁷ A court may impose a license suspension of a definite period of six months to one year (a Class 5 license suspension) for a reckless operation conviction.¹⁸

HISTORY

ACTION	DATE
Introduced	04-26-12

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¹⁰ R.C. 4511.25 (not in the bill).

¹¹ R.C. 4511.26 (not in the bill).

¹² R.C. 4511.27 (not in the bill).

¹³ R.C. 4511.29 (not in the bill).

¹⁴ R.C. 4511.30 (not in the bill).

¹⁵ R.C. 4511.32 (not in the bill).

¹⁶ R.C. 4511.35.

¹⁷ R.C. 4510.037 (not in the bill).

¹⁸ R.C. 4510.15 (not in the bill).

