



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 278

132nd General Assembly
(As Reported by H. Criminal Justice)

Reps. Patton and Kelly, Manning, Celebrezze, Rogers

BILL SUMMARY

- Prohibits causing serious physical harm to another while operating a motor vehicle and failing to move over or proceed with due caution when approaching certain stationary vehicles, including public safety vehicles.
 - Classifies the offense as vehicular assault.
 - Specifies that a violation of the prohibition is generally a second degree misdemeanor, with a mandatory minimum seven-day jail term and a one- to five-year suspension of the offender's driver's license.
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CONTENT AND OPERATION

Vehicular assault when approaching certain stationary vehicles

Current law prohibits a person, while operating a motor vehicle, from causing serious physical harm to another person or another's unborn, in a variety of different ways. These offenses are called either aggravated vehicular assault or vehicular assault. For example, if a person causes such harm as the result of committing a violation of the state OVI law (driving while intoxicated), the person is guilty of aggravated vehicular assault. If a person causes such harm as a result of operating a vehicle recklessly, the person is guilty of vehicular assault.¹

The bill adds a new category of vehicular assault. It prohibits a motor vehicle operator from causing serious physical harm by failing to comply with Ohio's Move-Over Law. That law requires the operator to move over or proceed with due caution

¹ R.C. 2903.08(A). The bill does not amend the vehicular homicide statute (R.C. 2903.06).

when approaching certain stationary vehicles.² Specifically, the following vehicles that are displaying flashing, oscillating, or rotating lights: (1) public safety, (2) emergency, (3) road service, (4) Public Utilities Commission when used to conduct vehicle inspections, (5) highway maintenance vehicles, and (6) waste collection.³

This is a strict liability offense, meaning that the prosecution need not demonstrate the offender's culpable mental state (such as knowledge or recklessness) to convict.

Penalties

The bill generally specifies that a violation of the prohibition is a second degree misdemeanor. A court must impose a mandatory minimum jail term of seven days with a maximum possible term of 90 days, a fine of up to \$750, and possible additional financial sanctions. The court is also required to impose a class four suspension of the offender's driver's license (one to five years).⁴

But, if at the time of the offense the offender was driving under suspension, or if the offender previously had been convicted of or pled guilty to a vehicular assault offense or any traffic-related homicide, manslaughter, or assault offense, the offense is a first degree misdemeanor. A court must impose a mandatory minimum jail term of seven days with a maximum possible term of up to 180 days, a fine of up to \$1,000, and possible additional financial sanctions.⁵

Last, if the offender was previously convicted of or pled guilty to any vehicular assault offense or any other traffic-related homicide, manslaughter, assault offense, or any traffic-related murder, felonious assault, or attempted murder offense, the court must impose a class three suspension of the offender's driver's license (two to ten years).⁶

² R.C. 4511.213, not in the bill.

³ R.C. 2903.08(A)(2)(c).

⁴ R.C. 2903.08(C)(4) and (D)(3); R.C. 2929.24 and 2929.28, not in the bill.

⁵ R.C. 2903.08(C)(4); R.C. 2929.24 and 2929.28, not in the bill.

⁶ R.C. 2903.08(C)(4).

HISTORY

ACTION

DATE

Introduced
Reported, H. Criminal Justice

06-20-17
11-28-18

