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H.B. 132
136th General Assembly*

Bill Analysis

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Version: As Reported by House Judiciary

Primary Sponsors: Reps. Craig and M. Miller

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SUMMARY

Vehicular homicide

- Increases the fine for a vehicular homicide offense that involves a violation of the Move Over Law to up to \$10,000, rather than a fine of up to \$750 or up to \$1,000 (depending on the level of offense) as in current law.
- Imposes a minimum one-year driver's license suspension on an offender for a vehicular homicide offense that involves a violation of the Move Over Law, rather than a suspension of three months to two years (Class 6) or, if specified circumstances apply, a suspension of one to five years (Class 4).

Vehicular assault

- Creates a new vehicular assault offense by prohibiting causing serious physical harm to another person or another's unborn as the proximate result of operating a vehicle in violation of the Move Over Law.
- Specifies that a violation of the new offense is a third degree misdemeanor, except when specified circumstances apply, in which case it is a second degree misdemeanor.
- In addition to other penalties that may apply to the offender, imposes:
 - A fine of up to \$5,000 for the new offense; and
 - A Class 4 (one to five years) driver's license suspension, or a Class 3 (two to ten years) driver's license suspension under specified circumstances.

* This analysis was prepared before the report of the House Judiciary Committee appeared in the House Journal. Note that the legislative history may be incomplete.

Move Over Law

- Alters the maximum fines that may be imposed for a violation of the Move Over Law.
- Requires a driver to reduce a motor vehicle's speed to below the posted speed limit in circumstances in which the driver is unable to safely change lanes.

Other provisions

- Requires rules adopted by the Director of Public Safety pertaining to the required classroom or online driver education courses to include instruction on the requirements of the Move Over Law.
- Requires the Department of Transportation to create a sign that describes the penalties for vehicular homicide and vehicular assault resulting from a violation of the Move Over Law.

“Philip Wigal’s Law”

- Names the bill “Philip Wigal’s Law.”

DETAILED ANALYSIS

Introduction

Under Ohio’s Move Over Law, when a driver is approaching certain stationary motor vehicles, the driver must take one of the following actions:

- Change lanes into a lane that is not adjacent to the stationary vehicle; or
- If the driver is unable to change lanes because it is not possible or is unsafe, reduce the speed of the motor vehicle, proceed with due caution, and maintain a safe speed based on the road, weather, and traffic conditions.

The Move Over Law applies to the following stationary vehicles:

- Public safety vehicles;
- Emergency vehicles;
- Road service vehicles;
- Waste collection vehicles;
- Vehicles used by the public utilities commission to conduct motor vehicle inspections; and
- Highway maintenance vehicles that are displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights.¹

¹ R.C. 4511.213.

The bill establishes new requirements that apply when a driver fails to move over as required under current law. Specifically, the bill alters the penalties for a violation of the Move Over Law and for a vehicular homicide offense that involves that law. It also creates a new vehicular assault offense when the offense proximately results from a violation of the Move Over Law. Finally, it requires instruction regarding the Move Over Law as part of Ohio's driver education program, and it requires ODOT to produce and place signs informing drivers of the bill's new penalties for a vehicular homicide and vehicular assault offense.

Vehicular homicide

The bill increases the maximum fine for a vehicular homicide offense that proximately results from a traffic offense if the traffic offense is a violation of the Move Over Law or a substantially equivalent municipal ordinance. Specifically, the fine is increased from \$750 to \$10,000 if the offense is a second degree misdemeanor, and from \$1,000 to \$10,000 if the offense is a first degree misdemeanor. An offense is a first degree misdemeanor if the offender's driver's license is suspended or cancelled at the time of the offense, the offender did not have a driver's license at the time of the offense, or if the offender previously has been convicted of or pleaded guilty to a violation of a vehicular homicide offense or any traffic-related homicide, manslaughter, or assault offense.

In addition to the increased fine, the bill requires a court to impose a mandatory minimum driver's license suspension of one year on the offender. Under current law, the offender is generally subject to a minimum driver's license suspension of three months up to a maximum of two years (Class 6 suspension). However, if the offender previously has been convicted of or pleaded guilty to a vehicular homicide offense, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, the offender is subject to a driver's license suspension of one to five years (Class 4 suspension).²

Vehicular assault

The bill creates a new vehicular assault offense that prohibits causing serious physical harm to another person or another's unborn as the proximate result of operating a vehicle in violation of the Move Over Law. A violation of the new offense is generally a third degree misdemeanor. However, if, at the time of the offense, the offender was under a driver's license suspension or if the offender has been convicted of or pleaded guilty to a violation of a prior vehicular assault offense or any traffic-related homicide, manslaughter, or assault offense, a violation of the offense is a second degree misdemeanor.

Regardless of the level of the offense, the bill imposes a fine of up to \$5,000 on an offender. Under current law, the general fine for a third degree misdemeanor is up to \$500, and the fine for a second degree misdemeanor is up to \$750.³ Thus, if an offender commits the new offense, the offender is subject to a higher fine than otherwise would apply.

² R.C. 2903.06(D)(2) and (3).

³ R.C. 2929.28, not in the bill.

The bill also imposes a Class 4 driver's license suspension (one to five years) on the offender. This suspension increases to a Class 3 suspension (two to ten years) if the offender has previously been convicted of or pleaded guilty of a vehicular assault offense, any traffic-related homicide, manslaughter, or assault offense, or any traffic-related murder, felonious assault, or attempted murder offense.⁴

Under current law, vehicular assault can only occur as the proximate result of an OVI (operating while impaired) offense, a reckless operation offense, or a speeding offense in a construction zone. Unlike vehicular homicide, a serious physical injury caused by a violation of a general traffic law (other than speeding in a construction zone) is not a vehicular assault offense.

Move Over Law

Fines

The bill alters the fines for a violation of the Move Over Law. Under current law, the fines are based on the number of predicate motor vehicle offenses within the prior year. Under the bill, the fines are based on the number of prior violations of the Move Over Law that have occurred within the prior year. The changes made by the bill are reflected in the table below.⁵

Fines under current law	Fines under H.B. 132
Up to \$300 for an offender with no prior predicate motor vehicle offense* within the prior year	Up to \$300 for an offender with no prior Move Over Law offense within the prior year
Up to \$500 for an offender with one prior predicate motor vehicle offense within the prior year	Up to \$1,000 for an offender with one prior Move Over Law offense within the prior year
Up to \$1,000 for an offender with two or more prior predicate motor vehicle offenses within the prior year	Up to \$1,000 for an offender with two or more prior Move Over Law offenses within the prior year

* A "predicate motor vehicle offense" is a violation of any listed traffic offense (see R.C. 4511.01). Examples of predicate motor vehicle offenses include failure to obey a traffic control signal (R.C. 4511.12), the speeding law (4511.21), and illegally passing on the right (R.C. 4511.29).

Reducing speed to below the speed limit

The bill requires a driver to reduce the speed of a motor vehicle in circumstances in which the driver is unable to safely change lanes under the Move Over Law. Specifically, the bill requires the driver to reduce the motor vehicle's speed to below the posted speed limit, thereby adding a specific speed measurement to the current law requirement that a driver reduce the motor

⁴ R.C. 2903.08(A)(4) and (C).

⁵ R.C. 4511.213.

vehicle's speed with "due caution" while "maintaining a safe speed for the road, weather, and traffic conditions."⁶

Other provisions

The bill requires rules adopted by the Director of Public Safety pertaining to the required classroom or online driver education courses to include instruction on the requirements of the Move Over Law.⁷ Additionally, the bill requires the Department of Transportation (ODOT) to include a sign in ODOT's Manual for a Uniform System of Traffic Control Devices that describes the penalties for both vehicular homicide and vehicular assault involving a violation of the Move Over Law. The signs must be placed in appropriate locations as determined by the Director of ODOT.⁸

"Philip Wigal's Law"

The bill is named "Philip Wigal's Law."⁹

HISTORY

Action	Date
Introduced	02-24-25
Reported, H. Judiciary	----

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⁶ R.C. 4511.213(A)(2).

⁷ R.C. 4508.02(C).

⁸ R.C. 5501.28.

⁹ Section 3.