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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

**H.B. 510**  
**133<sup>rd</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Patton

Helena Volzer, Attorney

### SUMMARY

- Increases the criminal penalty for failing to properly secure a load on a vehicle while driving or moving on a highway from a minor misdemeanor with a fine of up to \$150 to either of the following:
  - If no physical harm is caused, a minor misdemeanor with a fine of \$500; or
  - If physical harm to a person or property is caused as a proximate result of the violation, a third degree misdemeanor, punishable by a fine of \$2,500 (in addition to other potential sanctions).

### DETAILED ANALYSIS

#### Failure to secure a load on a vehicle

The bill increases the criminal penalty associated with the failure to secure a load on a vehicle while driving or moving on a highway. Current law prohibits any person from driving or moving a vehicle on any highway unless the vehicle is so constructed as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping. It also prohibits a person from driving or moving an insufficiently covered vehicle loaded with various types of garbage or other materials on any highway. Exemptions exist for certain types of vehicles (such as roadway maintenance vehicles cleaning the highway, agricultural vehicles moving agricultural products, and garbage trucks in the act of loading).

The current criminal penalty for a violation of either prohibition is a minor misdemeanor, punishable by a fine of up to \$150. The bill alters this penalty as indicated in the table below.<sup>1</sup>

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<sup>1</sup> R.C. 4513.31.

Penalty under current law	Penalty under the bill
Minor misdemeanor, punishable by a fine of up to \$150 <sup>2</sup>	<p>If the violation does not cause physical harm to a person or property, the violation is a minor misdemeanor, punishable by a fine of \$500.</p> <p>If, as a proximate result of the violation, physical harm to a person or property is caused, the violation is a third degree misdemeanor, punishable by a fine of \$2,500 and any other penalty the court may impose (including a definite jail term of up to 60 days, additional financial sanctions, and community residential or nonresidential sanctions).<sup>3</sup></p>

## HISTORY

Action	Date
Introduced	02-18-20

H0510-I-133/ks

<sup>2</sup> Generally, no community residential or nonresidential sanctions apply to minor misdemeanors. However, a court could order community service in lieu of the \$150 fine. A court can also order additional financial sanctions. R.C. 2929.28.

<sup>3</sup> R.C. 2929.24(A)(3), 2929.28(A), 2929.26, and 2929.27, not in the bill.