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S.B. 88
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Brenner

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SUMMARY

- Requires the driver of a vehicle to stop and yield, rather than simply yield as in current law, the right-of-way to a pedestrian in a crosswalk when there is no traffic control signal.
- Requires the driver of a vehicle to stop and yield the right-of-way to a pedestrian waiting at the curb to enter a crosswalk on the half of the road on which the vehicle is traveling when there is no traffic control signal.

DETAILED ANALYSIS

Pedestrian right-of-way

The bill requires the driver of a vehicle to stop and yield the right-of-way to a pedestrian waiting at the curb to enter a crosswalk on the half of the road on which the vehicle is traveling when traffic control signals are not in place, not in operation, or clearly are not assigning the right-of-way.

The bill also requires drivers to stop and yield the right-of-way to pedestrians, as opposed to slow down or stop to yield as current law requires, in either of the following circumstances when traffic control signals are not in place, not in operation, or not clearly assigning the right-of-way:

1. The pedestrian is in the crosswalk on the half of the road the vehicle is travelling; or
2. The pedestrian is in the crosswalk on the opposite half of the road the vehicle is travelling, but is approaching so closely that it would be dangerous for the vehicle to continue.¹

¹ R.C. 4511.46(A).

Additional pedestrian-crossing requirements

The bill does not change any of the following requirements under current law:

1. A pedestrian is not permitted to suddenly leave a curb or other safe place to walk or run into the path of a vehicle.²
2. A driver is not required to yield to a pedestrian attempting to cross the road if a pedestrian tunnel or pedestrian overhead crossing is available for the pedestrian to use.³
3. A driver of another vehicle, approaching from the rear, is not permitted to overtake and pass a vehicle that has stopped to yield to a pedestrian.⁴

Penalties

Current law, unchanged by the bill, specifies that failure to yield the right-of-way to a pedestrian in a crosswalk is a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one additional predicate motor vehicle or traffic offense, the offender is guilty of a fourth degree misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more predicate motor vehicle or traffic offenses, the offender is guilty of a third degree misdemeanor.

If an offender commits the offense while distracted, the offender also is potentially subject to the additional \$100 fine established for distracted driving.⁵

HISTORY

Action	Date
Introduced	02-23-21

S0088-I-134/ar

² R.C. 4511.46(B).

³ R.C. 4511.46(C); references 4511.48(B), not in the bill.

⁴ R.C. 4511.46(D).

⁵ R.C. 4511.46(E); references 4511.991, not in the bill.