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H.B. 56
135th General Assembly

Final Analysis

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Primary Sponsors: Reps. Plummer and White

Effective date: October 24, 2024

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CORRECTED VERSION*

SUMMARY

Fleeing law enforcement

- Increases the penalty for willfully eluding or fleeing a police officer using a motor vehicle from a first degree misdemeanor to a fourth degree felony.
- Relatedly, increases the penalty from a fourth degree felony to a third degree felony if the flight is immediately after the commission of a felony.
- Also relatedly, increases the possible prison term for circumstances when the flight:
 - Was the proximate cause of serious physical harm to persons or property; or
 - Caused a substantial risk of serious physical harm to persons or property.

Policy for pursuit

- Requires a law enforcement entity, when adopting a policy for pursuing criminal offenders in a motor vehicle, to consider pursuit policy standards and best-practice recommendations from the Ohio Collaborative Community-Police Advisory Board or a similar accrediting entity and to train its peace officers on the policy.

Stunt driving and street takeover

- Prohibits any person from knowingly participating in stunt driving (i.e., burnouts, doughnuts, drifting wheelies, or allowing passengers to ride partially or fully outside the vehicle) on any public road, street, or highway, or private property open to the general public.

* This version corrects the effective date.

- Prohibits a person from knowingly participating in a street takeover (i.e., blocking or impeding the regular flow of vehicle or pedestrian traffic for the purpose of street racing or stunt driving) on any public road, street, highway, or private property that is open to the general public.
- Makes the two new criminal offenses a first degree misdemeanor, with a possible driver's license suspension of 30 days to three years, and requires the assessment of six points on the offender's driver's license.
- Specifies that anyone rendering assistance to stunt driving or street takeover must be charged the same as the participants.
- Prohibits street racing on private property open to the public and applies the current law penalties for street racing on public roads, streets, and highways to the offense.
- Exempts competitive operation of vehicles on public or private property from the above prohibitions when either the political subdivision with jurisdiction of the location or the owner of the property knowingly allows the operation of the vehicles at that location.

Vehicular homicide and assault

- Adds a utility vehicle and a mini-truck to the list of vehicles that can be used to commit a vehicular homicide or assault offense.
- Corrects a reference pertaining to consecutive prison terms for certain license suspension and OVI offenses committed in conjunction with involuntary manslaughter.

Third-party driver's exam administrators

- Clarifies who may be a third-party administrator for the standard motor vehicle skills test, which includes a clerk of the court of common pleas.
- Requires any fees collected by a clerk of the court of common pleas serving as a third-party administrator to be deposited into the existing Certificate of Title Administration Fund.
- Requires fees that have been so collected by clerks serving as third-party administrators between April 12, 2021, and October 24, 2024 (the act's effective date), be deposited into that fund.

Indigent Defense Support Fund: funding restoration

- Restores a provision from prior law that allocated increased amounts of the reinstatement fee associated with failure to maintain proof of financial responsibility to the Indigent Defense Support Fund.

DETAILED ANALYSIS

Fleeing law enforcement

The act increases the penalties for willfully eluding or fleeing a police officer using a motor vehicle. Under prior law, the base offense was a first degree misdemeanor. The act increases the base offense to a fourth degree felony. If the jury or judge (as trier of fact) finds beyond a reasonable doubt that the flight was immediately after the commission of a felony, the act increases the penalty from a fourth degree felony to a third degree felony. The act retains the third degree felony designation for eluding or fleeing a police officer that either (1) was the proximate cause of serious physical harm to persons or property, or (2) caused a substantial risk of serious physical harm to persons or property. However, to differentiate flight after a felony from flight that caused or risked serious physical harm, the act increases the possible prison term for the latter offense.¹

The implications of the act's penalty increases are listed in the tables below.

Penalties for fleeing police officer with motor vehicle ²		
	Prior law	Under the act
Degree of offense	1 st degree misdemeanor	4 th degree felony
Financial sanctions	Up to \$1,000	Up to \$5,000
Confinement	Jail term: up to 180 days, served concurrently to any other jail or prison term imposed	Prison term: between 6 to 18 months, served consecutively to any other jail or prison term imposed
Driver's license suspension	Class 5 suspension (6 months to 3 years)	Class 2 suspension (3 years to life)

¹ R.C. 2921.331(C) and 2929.14(A)(3)(a).

² R.C. 2921.331(C)(3) and 2929.14; R.C. 2929.18, 2929.24, 2929.28, and 4510.02, not in the act.

Penalties for fleeing police officer with motor vehicle after committing felony³		
	Prior law	Under the act
Degree of offense	4 th degree felony	3 rd degree felony
Financial sanctions	Up to \$5,000	Up to \$10,000
Confinement	Prison term: between 6 to 18 months, served consecutively to any other jail or prison term imposed	Prison term: between 9 to 36 months, served consecutively to any other jail or prison term imposed
Driver's license suspension	Class 2 suspension (3 years to life)	No change

Penalties for fleeing police officer with motor vehicle and either causing or risking serious physical harm to persons or property⁴		
	Prior law	Under the act
Degree of offense	3 rd degree felony	No change
Financial sanctions	Up to \$10,000	No change
Confinement	Prison term: between 9 to 36 months, served consecutively to any other jail or prison term imposed	Prison term: between 12 to 60 months, served consecutively to any other jail or prison term imposed
Driver's license suspension	Class 2 suspension (3 years to life)	No change

Policy for pursuit

The act alters the requirement that each law enforcement entity adopt a policy for the pursuit of a motor vehicle. Specifically, it requires the policies to be written and expressly requires officers to be trained on the policy. The act, in the same manner as in prior law, does not specify details for what must be included in the policy. However, it does require a law enforcement entity to consider pursuit policy standards and best-practice recommendations, as established by the

³ R.C. 2921.331(C)(4) and 2929.14; R.C. 2929.18 and 4510.02, not in the act.

⁴ R.C. 2921.331(C)(5) and 2929.14; R.C. 2929.18 and 4510.02, not in the act.

Ohio Collaborative Community-Police Advisory Board or a similar law enforcement accrediting entity.⁵

Street racing, stunt driving, and street takeover

The act creates two new offenses related to, but distinct from, street racing: specifically, stunt driving and street takeover. First, it prohibits a person from knowingly participating in stunt driving (i.e., performing burnouts, doughnuts, drifting, wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle) on any public road, street, or highway, or on private property open to the general public. Second, it prohibits a person from knowingly participating in street takeover (i.e., blocking or impeding the regular flow of vehicle or pedestrian traffic for the purpose of street racing or stunt driving) in those same spaces. Anyone rendering assistance to stunt driving or street takeover must be charged the same as the participants, consistent with those rendering assistance to street racing under continuing law.⁶

Like the new offenses, continuing law prohibits street racing (i.e., operating two or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to out-distance each other or timing vehicles that start and end at the same point) on public roads, streets, or highways. The act expands the prohibition to include private property open to the general public.⁷

Penalties

The act applies the existing penalties for street racing on a public road, street, or highway to stunt driving and street takeover and to street racing on private property open to the public. Those penalties are a first degree misdemeanor, a 30-day to one three-year driver's license suspension, and six points assessed on the offender's driver's license.⁸

Exemption

The act exempts the competitive operation of vehicles on public or private property from the prohibitions against street racing, stunt driving, or street takeover when either the political subdivision with jurisdiction or the property owner knowingly allows such operation of the vehicles at that location.⁹ Thus, an authorized vehicle race or monster truck rally at a county fair, closed track, or city event would not be subject to the prohibitions. A similar exemption exists in

⁵ R.C. 2935.031. More information on the Ohio Collaborative Community-Police Advisory Board may be found on the Ohio Office of Criminal Justice Services' website at ocjs.ohio.gov.

⁶ R.C. 4511.251(A)(6) and (7), (B), and (D).

⁷ R.C. 4511.251(A)(1) and (B).

⁸ R.C. 4510.036 and 4511.251(C).

⁹ R.C. 4511.251(E).

continuing law for reckless operation of a vehicle on public and private property that is not a street or highway.¹⁰

Vehicular homicide and assault

The act expands the types of vehicles that can be used to commit a vehicular homicide or assault offense to include a utility vehicle and a mini-truck. Previously, prohibitions against committing vehicular homicide or assault only applied when the driver was operating a motor vehicle, a motorcycle, a snowmobile, a locomotive, a watercraft, and an aircraft.¹¹

A utility vehicle and a mini-truck are “vehicles” for purposes of most traffic laws because they operate on wheels. However, because they are designed primarily for off-road use and are not expected to meet the *motor vehicle* equipment requirements for operating on streets and highways, they generally are only subject to laws pertaining to *vehicles*, and not to *motor vehicles*.¹²

As the result of this nuance, the Ohio Supreme Court recently ruled that the operator of a utility vehicle, who operated it while under the influence of alcohol and injured multiple people after crashing, was not guilty of aggravated vehicular assault.¹³ The act directly responds to that ruling by making the use of utility vehicles and mini-trucks subject to the vehicular homicide and assault statutes.

Consecutive prison term correction

The act corrects a reference in the criminal sentencing law pertaining to consecutive prison terms for certain offenses committed in conjunction with involuntary manslaughter. Generally, an offender must serve a jail term or sentence of imprisonment imposed for a misdemeanor violation of specified driver’s license suspension-related offenses (e.g., driving while under a suspension) or OVI offenses consecutively to a prison term imposed for a felony violation of vehicular homicide, vehicular assault, OVI, or involuntary manslaughter involving the operation of a *motor vehicle*. The act changes the “motor vehicle” reference to the broader category of “vehicle,” thus, making the sentencing requirements for involuntary manslaughter consistent with the involuntary manslaughter statute, which already encompasses all vehicles, not just motor vehicles.¹⁴

¹⁰ R.C. 4511.201, not in the act.

¹¹ R.C. 2903.06 and 2903.08.

¹² A “vehicle” means everything on wheels or runners, with a few exceptions. A “motor vehicle” means any vehicle that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, with certain exceptions that expressly exclude a utility vehicle and a mini-truck from the meaning of motor vehicle. R.C. 4501.01(A) and (B), not in the act.

¹³ *State v. Fork*. 2024-Ohio-1016.

¹⁴ R.C. 2929.41(B)(3).

Third-party driver's exam administrators

Under Ohio law, the Director of Public Safety may authorize a third party to administer the standard motor vehicle skills test, which is required for all first-time drivers to obtain an Ohio driver's license. Previously, that law did not specify or limit who may serve as a third-party administrator. The act does not change the Department of Public Safety's ongoing practice, but clarifies that any person, any state agency, or any agency, department, or instrumentality of local government, including a clerk of the court of common pleas, may serve as a third-party administrator, if approved by the Director.¹⁵ Those entities are also expressly eligible to be third-party administrators for the commercial driver's license skills test under laws unchanged by the act.¹⁶

Several common pleas clerks already serve as third-party administrators for the motor vehicle skills test. However, it was unclear where the fees they collected from the skills tests should be deposited. The act clarifies the issue by requiring the clerks to deposit the fees into the existing Certificate of Title Administration Fund. That fund is used to pay:

1. The clerk's costs for processing watercraft and vehicle titles; and
2. The clerk an annual \$8,000 supplement for performing the duties of a deputy registrar, if applicable.

Any excess funds are transferred to the county general fund.¹⁷ The act requires that all fees collected since April 12, 2021, and October 24, 2024 (the act's effective date), by a clerk serving as a third party administrator, be deposited into the Certificate of Title Administration Fund.¹⁸

Indigent Defense Support Fund: funding restoration

The act restores a provision from prior law that allocated increased amounts of the reinstatement fee associated with failure to maintain proof of financial responsibility (i.e., auto insurance) to the Indigent Defense Support Fund (IDSF). Specifically, it allocates \$50 of each \$300 reinstatement fee (for a second offense within five years), and \$100 of each \$600 reinstatement fee (for a third or subsequent offense within five years) to the IDSF.¹⁹

In H.B. 33 of the 135th General Assembly, the General Assembly in 2023 lowered the reinstatement fee associated with a driver's license suspension for failing to have auto insurance to \$40 for all offenses. The Governor partially vetoed the change by:

¹⁵ R.C. 4507.112(A).

¹⁶ R.C. 4506.09(B), not in the act.

¹⁷ R.C. 325.33.

¹⁸ Section 3.

¹⁹ R.C. 4509.101(E).

1. Retaining the new \$40 reinstatement fee for a first offense (instead of \$100 as under prior law); and

2. Restoring the \$300 reinstatement fee for a second offense within five years and the \$600 reinstatement fee for a third or subsequent offense within five years.²⁰

However, H.B. 33 also lowered the portion of the reinstatement fee distributed to the IDSF to \$10 regardless of the number of prior offenses within five years. The Governor's veto did not change that reduction. Thus, distributions to the IDSF became \$10 for all offenses.²¹ The act corrects that discrepancy and increases distributions back to \$50 for a second offense within five years and \$100 for a third or subsequent offense within five years.

HISTORY

Action	Date
Introduced	02-16-23
Reported, H. Criminal Justice	10-18-23
Passed House (84-6)	12-13-23
Reported, S. Judiciary	06-26-24
Passed Senate (31-0)	06-26-24
House concurred with Senate amendments (91-1)	06-26-24

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²⁰ R.C. 4509.101(A)(5)(a).

²¹ See also page 511 of the LSC [Final Analysis for H.B. 33 \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov.