



# City of Gahanna

200 South Hamilton Road  
Gahanna, Ohio 43230

## Signature

Ordinance: ORD-0050-2021

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File Number: ORD-0050-2021

**AN ORDINANCE TO ADOPT AMENDMENTS TO TRAFFIC CODE SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the duly elected governing authority of the City of Gahanna, Ohio is authorized by ORC ♦ 715.01 to adopt ordinances relating to its property, affairs and local government; and WHEREAS, certain provisions within the Codified Ordinances of the City of Gahanna, should be amended to conform with current State law as required by the Ohio Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That the Codified Ordinances of the City of Gahanna are hereby amended as reflected in EXHIBIT A and made a part herein, for the following code sections:

301.101, 301.511, 301.20, 301.04, 301.27, 303.06, 313.01, 303.082, 303.100, 313.01, 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20, 331.22, 331.23, 331.24, 331.26, 331.27, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40, 331.43, 333.02, 333.03, 333.031, 333.032, 333.04, 333.05, 335.03, 335.031, 335.05, 335.09, 335.12, 335.13, 337.19, 337.26, 337.27, 337.28, 339.03, 339.05, 339.09, 341.01, 341.03, 341.04, 341.05, 341.06, 351.03, 351.04, 351.07, 371.01, 371.02, 371.07, 371.13, 373.01, 373.015, 373.02, 373.03, 373.04, 373.06, 373.07, 373.21, 375.02, 375.035, 375.06, 375.08, 377.01, 377.02, 377.04, 377.05, 377.06, 377.07, 377.10, 377.11, 377.99.

Section 2. The addition, amendment, or removal of sections of the Codified Ordinances when passed in such form as to indicate the intention of the governing authority of the City of Gahanna, Ohio to make the same a part of the Codified Ordinances shall be deemed to be incorporated in the Codified Ordinances, so that reference to the Codified Ordinances includes the additions, amendments, and removals.

Section 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Codified Ordinances of the City of Gahanna, Ohio is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Codified Ordinances.

Section 4. Supplementation of Code:

(A) In preparing a supplement to Codified Ordinances, all portions of this ordinance which have been repealed shall be excluded from the Codified Ordinances by the omission thereof from reprinted pages.

(B) When preparing a supplement to the Codified Ordinances, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Codified Ordinances printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections 301 to 377", as set forth above; and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Codified Ordinances; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Codified Ordinances.

(C) In preparing a supplement to the Codified Ordinances, the pages of the published supplement shall be included so that they will fit properly into the Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared so that, when they have been included, the Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of EXHIBIT A that duplicate or track state statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. That this ordinance shall be in full force and effect upon passage by this Council and 30 days after date of signature approval by the Mayor.

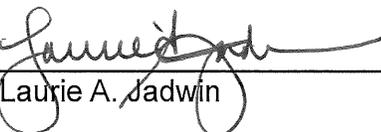
At a meeting of the City Council on 9/7/2021, a motion was made by Jamie Leeseberg, seconded by Stephen A. Renner, that this Ordinance be Adopted. The motion passed.

President   
Brian D. Larick

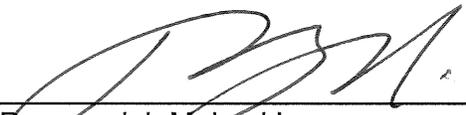
Date 9/7/2021

Attest by   
Krystal Gonchar, MPA  
Clerk of Council

Date 9/7/2021

Approved by the Mayor   
Laurie A. Jadwin

Date 9.8.2021

Approved as to Form   
Raymond J. Mularski  
City Attorney

Date 9-7-2021

ADOPTING TRAFFIC  
ORDINANCE

City of Gahanna

State of Ohio

ORDINANCE No. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF GAHANNA, OHIO, 1970, TO PROVIDE AMENDMENTS TO THE TRAFFIC CODE SECTIONS 301.101, 301.511, 301.20, 301.04, 301.27, 303.06, 313.01, 303.082, 303.100, 313.01, 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20, 331.22, 331.23, 331.24, 331.26, 331.27, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40, 331.43, 333.02, 333.03, 333.031, 333.032, 333.04, 333.05, 335.03, 335.031, 335.05, 335.09, 335.12, 335.13, 337.19, 337.26, 337.27, 337.28, 339.03, 339.05, 339.09, 341.01, 341.03, 341.04, 341.05, 341.06, 351.03, 351.04, 351.07, 371.01, 371.02, 371.07, 371.13, 373.01, 373.015, 373.02, 373.03, 373.04, 373.06, 373.07, 373.21, 375.02, 375.035, 375.06, 375.08, 377.01, 377.02, 377.04, 377.05, 377.06, 377.07, 377.10, 377.11, 377.99; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Gahanna, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs and local government.

THEREFORE, BE IT ORDAINED BY THE CITY OF GAHANNA, STATE OF OHIO:

Section 1. That the Codified Ordinances of Gahanna, Ohio, 1970, is hereby amended by the provisions as provided under Section 6, below.

Section 2. The addition, amendment, or removal of sections of the Codified Ordinances when passed in such form as to indicate the intention of the governing authority of the City of Gahanna, Ohio to make the same a part of the Codified Ordinances shall be deemed to be incorporated in the Codified Ordinances, so that reference to the Codified Ordinances includes the additions, amendments, and removals.

Section 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Codified Ordinances of the City of Gahanna, Ohio is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Codified Ordinances.

Section 4. Supplementation of Code.

(A) In preparing a supplement to Codified Ordinances, all portions of this

ordinance which have been repealed shall be excluded from the Codified Ordinances by the omission thereof from reprinted pages.

- (B) When preparing a supplement to the Codified Ordinances, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Codified Ordinances printed in the supplement, and make changes in such catchlines, headings and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections 301 to 377", as set forth above; and
  - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Codified Ordinances; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Codified Ordinances.
- (C) In preparing a supplement to the Codified Ordinances, the pages of the published supplement shall be included so that they will fit properly into the Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared so that, when they have been included, the Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Section 6 that duplicate or track state statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. The following sections and subsections of the Codified Ordinances are new or have been amended with new matter in the Codified Ordinances, and are hereby approved, adopted and enacted:

### **301.101 ELECTRIC BICYCLE**

- (A) Electric bicycle means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(ORC 4511.01 (RRR))

- (B) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(ORC 4511.01 (SSS))

- (C) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.

(ORC 4511.01 (TTT))

- (D) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

(ORC 4511.01 (UUU))

### **301.511 WASTE COLLECTION VEHICLE.**

Waste collection vehicle means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(ORC 4511.01 (RRR))

### **301.20 MOTOR VEHICLE.**

*Motor vehicle* means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.

(ORC 4511.01(B))

### 301.04 BICYCLE; MOTORIZED BICYCLE.

- (A) *Bicycle* means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than 14 inches in diameter. (ORC 4511.01(G))
- (B) *Motorized bicycle or moped* means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.

(ORC 4511.01(H))

### 301.27 PUBLIC SAFETY VEHICLE.

*Public safety vehicle* means any of the following:

- (A) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under ORC 4503.49;
- (B) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (C) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (C);
- (D) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.  
Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital. (ORC 4511.01(E))
- (E) Vehicles used by the ~~Commercial Motor Vehicle Safety~~ state department of public safety, division of state highway patrol, motor carrier enforcement unit for the enforcement of orders and rules of the Public

(ORC 4511.01(E))

**303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.**

- (A) No person, unless otherwise directed by a police officer, shall:
- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
  - (2) Occupy any space within the limits of the right-of-way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(C) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.051, 4511.991)

**313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.**

- (A) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.
- No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are

required, that section shall be effective even though no signs are erected or in place.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(C) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.12)

### **303.082 PRIVATE TOW-AWAY ZONES.**

- (A) The owner of private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:
- (1) The owner posts on the owner's property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:
- (a) A statement that the property is a tow-away zone;
  - (b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.
  - (c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
  - (d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
  - (e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of ORC 4505.101. ~~Any owner of property that has been~~

~~established as a private tow-away zone under ORC 4513.60 or Section 303.081 et seq. of this Traffic Code as that section existed prior to the effective date of this section who does not have a contract with a towing service for the removal of vehicles from the property may retain existing private tow-away zone signs that comply with that section for up to six months after the effective date of this section. At any time,~~ In order to comply with the requirements of subsection (B)(1) of this section, such a property owner may modify the existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
  - (a) It is located within ~~20~~ 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within ~~20~~ 25 linear miles.
  - (b) It is well-lighted.
  - (c) It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available ~~in the municipal corporation or township in which~~ where the private tow-away zone is located.
- (B) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (A) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established under subsection (G) of this section, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in ORC 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (C) of this section, may recover the vehicle in accordance with subsection (G) of this section.
- (2) If a ~~municipal corporation~~ city requires tow trucks and tow truck operators to be licensed, no owner of private property located within the ~~municipal corporation~~ city shall cause the removal and storage of any vehicle pursuant to subsection (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.
- (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

- (C) If the owner or operator of a vehicle that is being removed under authority of subsection (B) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established under subsection (G) of this section, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.
- (D) (1) Prior to towing a vehicle under subsection (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (A) of this section. The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.
- (2) A towing service shall deliver a vehicle towed under subsection (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (E) (1) If an owner of private property that is established as a private tow-away zone in accordance with subsection (A) of this section causes the removal of a vehicle from that property by a towing service under subsection (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
- (a) The vehicle's license number, make, model and color;
  - (b) The location from which the vehicle was removed;
  - (c) The date and time the vehicle was removed;
  - (d) The telephone number of the person from whom the vehicle may be recovered;
  - (e) The address of the place from which the vehicle may be recovered.

- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (F) (1) When a vehicle is removed from private property in accordance with this section, ~~the owner of the towing service or storage facility from which the vehicle may be recovered shall immediately~~ within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to subsection (F)(4) of this section, the owner of the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
- (a) ~~Within five business days of removal of the vehicle from the private tow-away zone, if the vehicle has not yet been recovered after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed,~~ to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
- (b) If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner authorized in subsection (F)(1)(a) of this section;
- (c) If the vehicle remains unclaimed 45 days after the first notice is sent, in the manner authorized in subsection (F)(1)(a) of this section.
- (2) Sixty days after any notice sent pursuant to subsection (F)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the owner of a towing service or storage facility, if authorized under subsection (B) of ORC 4505.101, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
- (3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of ORC 4505.101.
- (4) With respect to a vehicle concerning which a towing service or

storage facility is not eligible to obtain title under ORC 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (F)(1)(a) of this section.

- (G) (1) The owner or lienholder of a vehicle that is removed under subsection (B) of this section may reclaim it upon all of the following:
- (a) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;
  - (b) Payment of the following fees:
    - (i) ~~Not more than \$90.00 for the removal of the vehicle. However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer, not more than \$150.00 for the removal. All applicable fees established by the public utilities commission in rules adopted under ORC 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (F)(1)(a) of this section~~
    - (ii) If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of \$25.00.
- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (B) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (D) of this section. Upon request, the towing service or storage facility shall provide copies of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under ORC 4513.611.
- (34) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of subsection (B) of this section

may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (G)(3) of this section, "personal items" do not include any items that are attached to the vehicle.

- (H) ~~No towing service or storage facility person~~ shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.
- (I) This section does not affect or limit the operation of ORC 4513.60 or ORC 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (A) of this section.
- (J) ~~The owner of any towing service or storage facility or property owner that~~ Whoever violates subsection (H) of this section is guilty of a minor misdemeanor.
- (K) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

(1) Any person who holds title to the property;

(2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

(3) A person who is authorized to manage the property;

(4) A duly authorized agent of any person listed in divisions (K)(1) to (3) of this section.

(ORC 4513.601)

**303.100. Enhanced penalty for committing moving violation while distracted if distraction is contributing factor to commission of violation.**

(A) As used in this section and each section referenced in division (B) of this section, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

(a) Using a handheld electronic wireless communications device, as defined in Ohio R.C. 4511.204, except when utilizing any of the following:

(i) The device's speakerphone function;

(ii) A wireless technology standard for exchanging data over short distances;

(iii) A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;

(iv) Any device that is physically or electronically integrated into the motor vehicle.

(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Ohio R.C. 4511.84.

(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.

(B) As used in division (A)(3) of this section:

(1) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of Ohio R.C. 4905.03 .

(2) "Utility service vehicle" means a vehicle owned or operated by a utility.

(C) If an offender violates Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 or a substantially equivalent municipal ordinance while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding Ohio R.C. 2929.28, is subject to an additional fine of not more than one hundred dollars as follows:

(1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation, or summons for a violation of any of the aforementioned sections of the Revised Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing

factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation, or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars.

In lieu of payment of the additional fine of one hundred dollars, the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the director of public safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars, so long as the offender submits to the court both the offender's payment in full and such written evidence.

- (2) If the offender appears in person to contest the ticket, citation, or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars.

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If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars, the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars, the offender instead may elect to attend the distracted driving safety course described in division (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars, so long as the offender submits to the court the offender's payment and such written evidence.

(ORC 4511.991)

### **313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.**

- (A) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible

to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.12, ORC 4511.991)

### **313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.**

- (A) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle:
- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
  - (2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
  - (3) Exercise ordinary care while proceeding through the intersection.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the

additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.132, ORC 4511.991)

### **331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

- (A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
  - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
  - (4) When driving upon a roadway designated and posted with signs for one-way traffic;
  - (5) When otherwise directed by a police officer or traffic control device.
- (B) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- (a) When overtaking and passing another vehicle proceeding in the same direction;
  - (b) When preparing for a left turn;
  - (c) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (B)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.
- (C) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (A)(2) hereof.
- This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

- (D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.25, ORC 4511.991)

### **331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.**

- (A) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.26, ORC 4511.991)

### **331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.**

- (A) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:
- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (A)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet or greater is considered a safe passing distance.
- (2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor

of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

- (3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in ORC 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.27, ORC 4511.991)

### **331.04 OVERTAKING AND PASSING UPON RIGHT.**

- (A) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - (1) When the vehicle overtaken is making or about to make a left turn;
  - (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (B) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.28, ORC 4511.991)

### **331.05 OVERTAKING, PASSING TO LEFT OF CENTER.**

- (A) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.29, 4511.991)

### **331.06 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.**

- (A) No vehicle shall be driven upon the left side of the roadway under the following conditions:
  - (1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;
  - (2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;
  - (3) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.
- (B) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(A)(2).
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.30, ORC 4511.991)

### **331.07 HAZARDOUS OR NO PASSING ZONES.**

- (A) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distance set out in Section 331.06.

- (B) Subsection (A) of this section does not apply when all of the following apply:
- (1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.
  - (2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.
  - (3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of Section 331.05, considering the speed of the slower vehicle.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.31, ORC 4511.991)

### 331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.

- (A) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:
- (1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
  - (2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
  - (3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.
  - (4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.33, ORC 4511.991)

### 331.09 FOLLOWING TOO CLOSELY.

- (A) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.
- The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall

maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.34, ORC 4511.991)

### **331.10 TURNING AT INTERSECTIONS.**

- (A) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:
  - (1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
  - (2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
  - (3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in

that lane.

- (4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.36, ORC 4511.991)

### **331.12 "U" TURNS RESTRICTED.**

- (A) Except as provided in Section 313.03 and subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if the vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.
- (B) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This subsection applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This subsection does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.37)
- (C) Except as provided in subsection (B) hereof, no vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.
- (D) Except as otherwise provided in this subsection, whoever violates this

section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.37, ORC 4511.991)

### **331.13 STARTING AND BACKING VEHICLES.**

- (A) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.38, ORC 4511.991)

### **331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.**

- (A) No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle or electric bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle or electric bicycle operator is not required to make a signal if the bicycle or electric bicycle is

in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.39, ORC 4511.991)

### **331.15 HAND AND ARM SIGNALS.**

- (A) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
- (1) *Left turn:* Hand and arm extended horizontally;
  - (2) *Right turn:* Hand and arm extended upward;
  - (3) *Stop or decrease speed:* Hand and arm extended downward.
- (B) As an alternative to subsection (A)(2) hereof, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or \_\_\_\_\_ electric bicycle.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the

offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.40, ORC 4511.991)

### **331.16 RIGHT-OF-WAY AT INTERSECTIONS.**

- (A) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (B) The right-of-way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and ORC Chapter 4511. (ORC 4511.41)
- (C) Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.41, ORC 4511.991)

### **331.17 RIGHT-OF-WAY WHEN TURNING LEFT.**

- (A) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this

section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.42, ORC 4511.991)

### **331.18 OPERATION OF VEHICLE AT YIELD SIGNS.**

- (A) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.43(B), ORC 4511.991)

### **331.19 OPERATION OF VEHICLE AT STOP SIGNS.**

- (A) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway

so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.43(A), ORC 4511.991)

### **331.20 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.**

- (A) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.03, ORC 4511.991)

### **331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.**

- (A) Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right-of-way to all traffic approaching on the roadway to be entered or crossed.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year

of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.44, ORC 4511.991)

### **331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.**

- (A) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.431, ORC 4511.991)

### **331.24 RIGHT-OF-WAY OF FUNERAL PROCESSION.**

- (A) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.
- (B) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

- (C) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.
- (D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.451, ORC 4511.991)

### **331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.**

- (A) No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.71, ORC 4511.991)

### **331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.**

- (A) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to

one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.72, ORC 4511.991)

### **331.29 DRIVING THROUGH SAFETY ZONE.**

- (A) No vehicle shall at any time be driven through or within a safety zone.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.60, ORC 4511.991)

### **331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.**

- (A) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.32, ORC 4511.991)

### **331.31 DRIVING UPON DIVIDED ROADWAYS.**

- (A) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.35, ORC 4511.991)

### **331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.**

- (A) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.712, ORC 4511.991)

### **331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.**

- (A) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles within their respective jurisdictions, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks. (ORC 4511.711(A))

- (B) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.711, ORC 4511.991)

#### **331.40 STOPPING AT GRADE CROSSING.**

- (A) (1) Except as provided in subsection (a)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.
  - (a) Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.

- (b) After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (B) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.
  - (c) By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.
- (3) As used in this section:
- (a) *School vehicle* means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
  - (b) *Bus* means any vehicle originally designed by its manufacturer to transport 16 or more passengers, including the driver, or carries 16 or more passengers, including the driver.
  - (c) *Exempt crossing* means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (A)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.
- (4) Except as otherwise provided in this subsection (A)(4), whoever violates subsection (A) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (A) hereof or ORC 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (A) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (B) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within 50 but not less than 15 feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
- (2) Except as otherwise provided in this subsection, whoever violates this subsection (B)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been

convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.61(D)(E), ORC 4511.63, ORC 4511.991)

### **331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.**

(A) As used in this section:

(1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

(a) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

(b) Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

(a) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

(b) Provides hearing protection.

~~(aB) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player or other similar device that provides the listener with radio programs, music or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.~~

~~(b-C) This section does not apply to:~~

- ~~(1) Any person wearing a hearing aid;~~
- ~~(2) Law enforcement personnel while on duty;~~
- ~~(3) Fire department personnel and emergency medical service personnel while on duty;~~

- (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any street or highway; ~~or~~
- (5) Any person engaged in the operation of refuse collection equipment; or
- ~~(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.~~

(~~e~~ D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.84)

**333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.**

(A) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property.

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.20)

(B) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

Except as otherwise provided in this ~~division~~ subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.201)

~~(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 990100, Passed 3-29-99.)~~

(~~d~~ C) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial

court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of ORC 4510.02. (ORC 4510.02, ORC 4510.15)

(ORC 4510.02, ORC 4510.15, ORC 4511.20, ORC 4511.201)

### **333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.**

- (A) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.
- (B) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to ORC 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:
  - (1) (a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (B)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (B)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.
  - (b) As used in this section, "school" means any school chartered under ORC 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.
  - (c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon

request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (B)(1)(c)(i to iii) hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

- (i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
- (ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
- (iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (B)(1)(a) and (c) ~~hereof~~ this section.

- (d) As used in this subsection, "crosswalk" has the meaning given that term in section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

(e) ~~e)~~ As used in this section, "special elementary school" means a school that meets all of the following criteria:

~~(i)~~ (i) It is not chartered and does not receive tax revenue from any source.

~~(ii)~~ (ii) It does not educate children beyond the eighth grade.

~~(iii)~~ (iii) It is located outside the limits of a municipal corporation.

~~(iv)~~ (iv) A majority of the total number of students enrolled at the school are not related by blood.

~~(v)~~ (v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (B)(4) and ~~(5-6)~~ hereof;
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality except as provided in divisions (B)(12), (13), (14), (15), and (16) of this section;
- ~~(5)~~ Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16) of this section;
- ~~(5 6)~~ Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- ~~(6 7)~~ Fifteen miles per hour on all alleys within the Municipality;
- ~~(8)~~ Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;
- ~~(9)~~ Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;
- ~~(10)~~ Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section;
- ~~(711)~~ Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (B)(104) and (126);
- ~~(12)~~ Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B)(13) and (14) of this section;
- ~~(8)~~ Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;

- ~~(9 13)~~ Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;
  - ~~(1014)~~ Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways.
  - ~~(1145)~~ Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B)(16) of this section;
  - ~~(126)~~ Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways or expessways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt; without traffic control signals in urbanized areas.
- (C) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (B)(1)(a) ~~to (b)(6) hereof (2), (3), (4), (6), (7), (8), and (9) of this section~~, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (D) ~~hereof this section~~. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.
- (D) No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding 55 miles per hour, except upon a two-lane state route as provided in division (B)(10) of this section and upon a highway, expressway or freeway as provided in subsection (B)(8), (9), (10) and (12) hereof (12), (13), (14), and (16) of this section;
  - (2) At a speed exceeding 60 miles per hour upon a ~~highway as provided in subsection (b)(8) hereof~~ two-lane state route as provided in division (B)(10) of this section and upon a highway as provided in division (B)(12) of this section;
  - (3) At a speed exceeding 65 miles per hour upon an expressway as provided in subsection (B) ~~(9-13) hereof, except upon a freeway as provided in subsection (b)(10) hereof~~ or upon a freeway as provided in division (B)(16) of this section, except upon a freeway as provided in division (B)(14) of this section;
  - (4) At a speed exceeding 70 miles per hour upon a freeway as provided in subsection (B) ~~(104) hereof~~ this section;
  - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to ORC 4511.21(I)(2) or (L)(2).
- (E) In every charge of violation of this section the affidavit and warrant shall

specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (C) hereof ~~this section~~ also the speed which subsections (B)(1)(a) to (b)(6) hereof ~~(2), (3), (4), (6), (7), (8), or (9)~~ of, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

- (F) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (B)(1)(a) to (b)(6) hereof ~~(2), (3), (4), (6), (7), (8), or (9)~~ of this section, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (B)(1)(a) to (B)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (B)(1)(a) to (b)(6) hereof ~~(2), (3), (4), (6), (7), (8), or (9)~~ of this section or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (D) hereof this section.
- (G) Points shall be assessed for violation of a limitation under subsection (D) hereof in accordance with ORC 4510.036.
- ~~(H) Whenever, in accordance with ORC 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.~~
- (H) (1) Whenever the director determines upon the basis of criteria \_\_\_\_\_ established by an engineering study, as defined by the director, that \_\_\_\_\_ any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater or less than is reasonable or safe under the conditions \_\_\_\_\_ found to exist at any portion of a street or highway under the \_\_\_\_\_ jurisdiction of the director, the director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be \_\_\_\_\_ effective when appropriate signs giving notice of it are erected at \_\_\_\_\_ the location.
- (2) Whenever the director determines upon the basis of criteria \_\_\_\_\_ established by an engineering study, as defined by the director, that \_\_\_\_\_ the speed limit of fifty-five miles per hour on a two-lane state route outside a municipal corporation is less than is reasonable or safe under the conditions found to exist at that portion of the state route, the director may determine and declare a speed limit of \_\_\_\_\_ sixty miles per hour for that portion of the state route, which shall be effective when appropriate signs giving notice of it are erected at \_\_\_\_\_

the location.

- (3) (a) For purposes of the safe and orderly movement of traffic upon any portion of a street or highway under the jurisdiction of the director, the director may establish a variable speed limit that is different than the speed limit established by or under this section on all or portions of interstate six hundred seventy, interstate two hundred seventy-five, and interstate ninety commencing at the intersection of that interstate with interstate seventy-one and continuing to the border of the state of Ohio with the state of Pennsylvania. The director shall establish criteria for determining the appropriate use of variable speed limits and shall establish variable speed limits in accordance with the criteria. The director may establish variable speed limits based upon the time of day, weather conditions, traffic incidents, or other factors that affect the safe speed on a street or highway. The director shall not establish a variable speed limit that is based on a particular type or class of vehicle. A variable speed limit established by the director under this section is effective when appropriate signs giving notice of the speed limit are displayed at the location.
- (b) Except for variable speed limits established under division (H)(3)(a) of this section, the director shall establish a variable speed limit under the authority granted to the director by this section on not more than two additional highways and only pursuant to criteria established in rules adopted in accordance with ORC Chapter 119. The rules shall be based on the criteria described in division (H)(3)(a) of this section. The rules also shall establish the parameters of any engineering study necessary for determining when variable speed limits are appropriate.
- (4) Nothing in this section shall be construed to limit the authority of the director to establish speed limits within a construction zone as authorized under ORC 4511.98.
- (I) (1) Except as provided in divisions (I)(2), (J), (K), and (N) of this section, whenever local authorities determine upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed limit

becomes unreasonable. Upon such withdrawal, the declared prima-  
facie speed limit shall become ineffective and the signs relating thereto  
shall be immediately removed by the local authorities.

(2) A local authority may determine on the basis of criteria established by an  
engineering study, as defined by the director, that the speed limit of  
sixty-five or seventy miles per hour on a portion of a freeway under its  
jurisdiction is greater than is reasonable or safe under the conditions  
found to exist at that portion of the freeway. If the local authority makes  
such a determination, the local authority by resolution may request the  
director to determine and declare a reasonable and safe speed limit of not  
less than fifty-five miles per hour for that portion of the freeway. If the  
director takes such action, the declared speed limit becomes effective only  
when appropriate signs giving notice of it are erected at such location by  
the local authority.

(J) Local authorities in their respective jurisdictions may authorize by  
ordinance higher prima-facie speeds than those stated in this section upon  
through highways, or upon highways or portions thereof where there are no  
intersections, or between widely spaced intersections, provided signs  
are erected giving notice of the authorized speed, but local authorities  
shall not modify or alter the basic rule set forth in division (A) of this  
section or in any event authorize by ordinance a speed in excess of the  
maximum speed permitted by division (D) of this section for the specified  
type of highway.

Alteration of prima-facie limits on state routes by local authorities shall not be  
effective until the alteration has been approved by the director. The  
director may withdraw approval of any altered prima-facie speed limits  
whenever in the director's opinion any altered prima-facie speed becomes  
unreasonable, and upon such withdrawal, the altered prima-facie speed  
shall become ineffective and the signs relating thereto shall be immediately  
removed by the local authorities.

(K) (1) As used in divisions (K)(1), (2), (3), and (4) of this section,  
"unimproved highway" means a highway consisting of any of the  
following:

(a) Unimproved earth;

(b) Unimproved graded and drained earth;

(c) Gravel.

(2) Except as otherwise provided in divisions (K)(4) and (5) of this  
section, whenever a local authority determines upon the basis of  
criteria established by an engineering study, as defined by the  
director, that the speed permitted by division (B)(5) of this section on  
any part of an unimproved highway under its jurisdiction and in the  
unincorporated territory of the local authority is greater than is  
reasonable or safe under the conditions found to exist at the location,  
the local authority may by resolution declare a reasonable and safe  
prima-facie speed limit of fifty-five but not less than twenty-five miles

per hour. An altered speed limit adopted by a local authority under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

- (3) (a) Whenever, in the opinion of a local authority, any altered prima-facie speed limit established by the local authority under this division becomes unreasonable, the local authority may adopt a resolution withdrawing the altered prima- facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.
- (b) Whenever a highway ceases to be an unimproved highway and the local authority has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the local authority shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.
- (4) (a) If the boundary of two local authorities rests on the centerline of an unimproved highway in unincorporated territory and both local authorities have jurisdiction over the highway, neither of the local authorities may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty- five miles per hour for that location. If both local authorities so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless both of the local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.
- (b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two local

authorities have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both local authorities shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in subsection (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever ~~a board of township trustees~~ the director finds upon the basis of criteria established by an engineering study, as defined by the director, that the prima-facie speed permitted by subsection (B)(5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or portions thereof at the entrances to which vehicular traffic from the majority of intersecting highways is required to yield the right-of-way to vehicles on such highways in obedience to stop or yield signs or traffic control signals, is greater than is reasonable and safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour at the location. An altered speed limit adopted by ~~a board of township trustees~~ the director under this division shall become effective when appropriate signs giving notice thereof are erected at the location by the ~~township city~~. Whenever, in the opinion of ~~a board of township trustees~~ the director, any altered prima-facie speed limit established by it under this division becomes unreasonable, it may adopt a resolution withdrawing the altered prima-facie speed, and upon such withdrawal, the altered prima-facie speed shall

become ineffective, and the signs relating thereto shall be immediately removed by the township city.

As used in this section:

~~(1) *Interstate system* has the same meaning as in 23 U.S.C.A. 101.~~

~~(2) *Commercial bus* means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.~~

~~(3) *Noncommercial bus* includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.~~

~~(4) *Outerbelt* means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.~~

~~(5) *Rural* means outside urbanized areas, as designated in accordance with 23 USC 101, and outside of a business or urban district.~~

(L) (1) The director of transportation, based upon an engineering study, as defined by the director, of a highway, expressway, or freeway described in division (B)(12), (13), (14), (15), or (16) of this section, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, may determine and declare that the speed limit established on such highway, expressway, or freeway under division (B)(12), (13), (14), (15), or (16) of this section either is reasonable and safe or is more or less than that which is reasonable and safe.

(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to division (L)(1) of this section is determined to be more or less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(M) (1) (a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with

this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(N) The legislative authority of a municipal corporation or township in which a boarding school is located, by resolution or ordinance, may establish a boarding school zone. The legislative authority may alter the speed limit on any street or highway within the boarding school zone and shall specify the hours during which the altered speed limit is in effect. For purposes of determining the boundaries of the boarding school zone, the altered speed limit within the boarding school zone, and the hours the altered speed limit is in effect, the legislative authority shall consult with the administration of the boarding school and with the county engineer or other appropriate engineer, as applicable. A boarding school zone speed limit becomes effective only when appropriate signs giving notice thereof are erected at the appropriate locations.

(O) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.

- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.
- (P) (1) A violation of any provision of this section is one of the following:
- (a) Except as otherwise provided in divisions (P)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;
- (b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
- (c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with ORC 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) If the offender commits the offense while distracted and the

distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

~~(J) (1) A violation of any provision of this section is one of the following:~~

~~A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of~~

~~this section, a minor misdemeanor;~~

~~B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;~~

~~C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.~~

~~(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than 35 miles an hour in a business district of a municipal corporation, faster than 50 miles an hour in other portions of a municipal corporation, or faster than 35 miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.~~

~~(3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.~~

(ORC 4511.21, ORC 4511.991)

### **333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.**

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with ORC 4923.04 and ORC 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual

signals by means of flashing, oscillating or rotating lights, as prescribed in section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with ORC 4923.04 and 4923.06 or a highway maintenance vehicle.
  - (2) If the driver is not traveling on a street or highway of a type described in subsection (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.
- (B) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.
- (C) No person shall fail to drive a motor vehicle in compliance with subsection (A)(1) or (2) of this section when so required by subsection (A) of this section.
- (D) (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (2) Notwithstanding section 303.99(B), upon a finding that a person operated a motor vehicle in violation of subsection (C) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
- (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).
- (E) The offense established under this section is a strict liability offense and ORC 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

**333.032 ARREST OR CITATION OF DRIVER BASED ON RADAR, TIMING DEVICE OR RADIO MESSAGE FROM ANOTHER OFFICER.**

- (A) The driver of any motor vehicle that has been checked by radar, or by any electrical or mechanical timing device to determine the speed of the motor vehicle over a measured distance of a highway or a measured distance of a private road or driveway, and found to be in violation of any of the provisions of Section 333.03 of the Gahanna Codified Ordinances, ORC 4511.21 or ORC 4511.211 may be arrested until a warrant can be obtained, provided the arresting officer has observed the recording of the speed of the motor vehicle by the radio microwaves, electrical or mechanical timing device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves, electrical or mechanical timing device; provided, in case of an arrest based on such a message, the radio message has been dispatched immediately after the speed of the motor vehicle was recorded and the arresting officer is furnished a description of the motor vehicle for proper identification and the recorded speed.
- (B) If the driver of a motor vehicle being driven on a public street or highway of this municipality is observed violating any provisions of this chapter, other than section 333.03 of the Gahanna Codified Ordinances, ORC 4511.21 or ORC 4511.211 by a law enforcement officer situated at any location, including in any type of airborne aircraft or airship, that law enforcement officer may send a radio message to another law enforcement officer, and the other law enforcement officer may arrest the driver of the motor vehicle until a warrant can be obtained or may issue the driver a citation for the violation; provided, if an arrest or citation is based on such a message, the radio message is dispatched immediately after the violation is observed and the law enforcement officer who observes the violation furnishes to the law enforcement officer who makes the arrest or issues the citation a description of the alleged violation and the motor vehicle for proper identification.
- (C) (1) No person shall be arrested, charged, or convicted of a violation of any provision of subsections (A) to (D) of section 333.03 of the Gahanna Codified Ordinances, subsections (B) to (O) of ORC 4511.21 or ORC 4511.211 based on a peace officer's unaided visual estimation of the speed of a motor vehicle, trackless trolley, or streetcar. This ~~division~~ subsection does not do any of the following:
- (a) Preclude the use by a peace officer of a stopwatch, radar, laser, or other electrical, mechanical, or digital device to determine the speed of a motor vehicle;
  - (b) Apply regarding any violation other than a violation of subsections (A) to (D) of section 333.03, subsections (B) to (O) of ORC 4511.21 or ORC 4511.211;
  - (c) Preclude a peace officer from testifying that the speed of operation of a motor vehicle, trackless trolley, or streetcar was at a speed greater or less than a speed described in section 333.03(A) of the Gahanna Codified Ordinances, subsection (A) of ORC 4511.21, the admission into evidence

of such testimony, or preclude a conviction of a violation of that division based in whole or in part on such testimony.

- (2) As used in this division, "peace officer" has the same meaning as in ORC 2935.01.

(Ord. 0198-2011. Passed 10-17-2011)

(ORC 4511.091)

### **333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.**

- (A) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.
- (B) Whenever, in accordance with ORC 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.
- (C) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.
- (D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.22, ORC 4511.991)

### **333.05 SPEED LIMITATIONS OVER BRIDGES.**

- (A) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and

if it finds that such structure cannot with safety withstand traffic traveling at the speed otherwise permissible under ORC 4511.01 to ORC 4511.85 and ORC 4511.98, the department shall determine and declare the maximum speed of traffic which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of at least one hundred feet before each end of such structure.

- (B) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

\_\_\_\_\_ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 303.100 (ORC 4511.991).

(ORC 4511.23, ORC 4511.991)

### **335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.**

- (A) No holder of a temporary instruction permit issued under ORC 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:
  - (1) If the permit is issued to a person who is at least 15 years 6 months of age, but less than 16 years of age:
    - (a) The permit and identification card are in the holder's immediate possession;
    - (b) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in ORC 4511.19(A);
    - (c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
  - (2) If the permit is issued to a person who is at least 16 years of age:

- (a) The permit and identification card are in the holder's immediate possession;
  - (b) The holder is accompanied by a licensed operator who is at least 21 years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in ORC 4511.19(A);
  - (c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (B) The registrar or a deputy registrar, upon receiving from any person an application for a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle, motor-driven cycle or motor scooter, or motorized bicycle, may issue such a permit and identification card entitling the applicant, while having the permit and identification card in the applicant's immediate possession, to drive a motorcycle or motor-driven cycle or motor scooter, under the restrictions prescribed in ORC 4511.53, or to drive a motorized bicycle under restrictions determined by the registrar. A temporary instruction permit and temporary instruction permit identification card to operate a motorized bicycle may be issued to a person fourteen or fifteen years old.
- (C) Any permit and identification card issued under this section shall be issued in the same manner as a driver's license, upon a form to be furnished by the registrar. A temporary instruction permit to drive a motor vehicle other than a commercial motor vehicle shall be valid for a period of one year.
- (D) Any person having in the person's possession a valid and current driver's license or motorcycle operator's license or endorsement issued to the person by another jurisdiction recognized by this state is exempt from obtaining a temporary instruction permit for a driver's license and from submitting to the examination for a temporary instruction permit and the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state if the person does all of the following:
- (1) Submits to and passes vision screening as provided in section 4507.12 of the Revised Code;
  - (2) Surrenders to the registrar or deputy registrar the person's driver's license issued by the other jurisdiction; and
  - (3) Complies with all other applicable requirements for issuance by this state of a driver's license, driver's license with a motorcycle operator's endorsement, or restricted license to operate a motorcycle.

If the person does not comply with all the requirements of this

division, the person shall submit to the regular examination for obtaining a driver's license or motorcycle operator's endorsement in this state in order to obtain such a license or endorsement.

- (E) The registrar may adopt rules governing the use of temporary instruction permits and temporary instruction permit identification cards.
- (F) (1) No holder of a permit issued under division (A) of this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (A) of this section.
- (b2) Except as provided in subsection (A) hereof, no holder of a temporary instruction permit that is issued under ORC 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of 18 years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.
- The holder of a permit issued under ORC 4507.05(A) on or after July 1, 1998, who has not attained the age of 18 years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in section 333.01(A).
- (G) (1) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (A) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that division has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.
- (2) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (F)(2) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(e H) As used in this section:

- (1) *Eligible adult* means any of the following:
  - (a) An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
  - (b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
    - (i) A parent, guardian or custodian of the permit holder;
    - (ii) A person 21 years of age or older who acts in loco parentis of the permit holder.
- (2) *Occupant restraining device* has the same meaning as in ORC 4513.263.

(d I) Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4507.05)

### 335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

~~(a)(A)~~ The registrar of motor vehicles or any deputy registrar shall not issue a driver's license to any person under eighteen years of age, except that the registrar or a deputy registrar may issue a probationary license to a person who is at least sixteen years of age and has held a temporary instruction permit for a period of at least six months.

~~(B) (1) (a)~~ ~~No holder of a probationary driver's license, who has not attained the age of 17 years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.~~

~~(b)~~ ~~No holder of a probationary driver's license who has attained the age of 17 years but has not attained the age of 18 years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.~~

~~(2) (a)~~ ~~Subject to subsection (C)(1)(a), subsection (A)(1)(a) does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and six a.m. and has in the holder's immediate possession written documentation from the holder's employer.~~

~~(b)~~ ~~Subsection (a)(1)B. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of one a.m. and five a.m. and has in the holder's immediate possession written documentation from the holder's employer.~~

~~(3)~~ ~~An employer is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is~~

~~related to, the fact that the employer provided an employee who is the holder of a probationary driver's license with the written documentation described in subsection (a)(2).~~

~~The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2), and employers and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.~~

- ~~(4) No holder of a probationary driver's license who is less than 17 years of age shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.~~
- ~~(B) It is an affirmative defense to a violation of subsection (A)(1)(a) or (b) hereof if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of subsection (A)(1)(a) or (b) hereof, or the holder was an emancipated minor.~~
- ~~(C) (1) (a) Except as otherwise provided in subsection (c)(2) hereof, if a person is issued a probationary driver's license prior to attaining the age of 17 years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking during whichever of the following time periods applies:~~
- ~~(i) If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of 16 years six months, during the six-month period commencing on that date;~~
  - ~~(ii) If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of 16 years six months but not 17 years, until the person attains the age of 17 years.~~
- ~~(b) If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of 17 years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the person has attained the age of 17 years, or if the person commits~~

~~the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of 17 years, the holder is not subject to the restriction described in subsection (C)(1)(a)(i) and (ii) hereof unless the court or juvenile court imposes such a restriction upon the holder.~~

~~(B) (1) (a) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.~~

~~(b) No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.~~

~~(2) (a) Subject to division (D)(1) of this section, division (B)(1)(a) of this section does not apply to the holder of a probationary driver's license who is doing either of the following:~~

~~(i) Traveling to or from work between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.~~

~~(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;~~

~~(iii) Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.~~

~~(b) Division (B)(1)(b) of this section does not apply to the holder of a probationary driver's license who is doing either of the following:~~

~~(i) Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.~~

~~(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder~~

has in the holder's immediate possession written documentation from an appropriate official of the school;

(iii) Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(3) An employer, school official, or official affiliated with a religious event is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in division (B)(2) of this section.

The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in division (B)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.

(4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(C) It is an affirmative defense to a violation of division (B)(1)(a) or (b) of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of division (B)(1)(a) or (b) of this section or the holder was an emancipated minor.

(D) (1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.

- (2) Any person who is subject to the operating restrictions established under subsection (~~ε D~~) (1) of this section as a result of a first moving violation may petition the court for ~~occupational or educational~~ driving privileges without being accompanied by the holder's parent or guardian during the period of time ~~specified~~ determined by the court under that subsection. ~~The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in subsection (C)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder.~~ In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. ~~Occupational or educational driving privileges under this subsection shall not be granted to the same person more than once.~~ If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this subsection ~~are terminated upon the subsequent conviction, plea, or adjudication.~~
- (3) No person shall violate any operating restriction imposed under subsection (~~εD~~)(1)A-or (2) hereof.
- (~~d~~ E) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (F) A restricted license may be issued to a person who is fourteen or fifteen years of age upon proof of hardship satisfactory to the registrar of motor vehicles.
- (e G) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (~~d~~ E) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.
- (~~f~~ H) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (~~a~~ B)(1)(a) or (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

~~(g-l)~~ As used in this section:

- (1) *Occupant restraining device* has the same meaning as in ORC 4513.263.
- (2) *Family member* of a probationary license holder includes any of the following:
  - (a) A spouse;
  - (b) A child or stepchild;
  - (c) A parent, stepparent, grandparent, or parent-in-law;
  - (d) An aunt or uncle;
  - (e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
  - (f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
  - (g) An eligible adult, as defined in ORC 4507.05.
- (3) *Moving violation* means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of ORC 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

~~(h-l)~~ Whoever violates (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.

(ORC 4507.071)

### **335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.**

- (A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:
  - (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
  - (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under ORC Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
  - (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in ORC Chapter 4509.
  - (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate ORC 4511.19 or any substantially equivalent municipal ordinance.
  - (5) The offender knows or has reasonable cause to believe that the

vehicle is the subject of an immobilization waiver order issued under ORC 4503.235 and the other person is prohibited from operating the vehicle under that order.

- (B) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (A)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (A)(1), (2), (3), (4) or (5) of this section if any of the following applies:
- (1) Regarding an operator allegedly in the category described in subsection (A)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
  - (2) Regarding an operator allegedly in the category described in subsection (A)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
  - (3) Regarding an operator allegedly in the category described in subsection (A)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.
- (C) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (C) to (H) of this section.
- (1) Except as provided in subsection (C)(2) of this section, whoever violates subsection (A)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding division (A)(2)(a) of ORC 2929.28, the offender may be fined up to \$1,000.00; and, notwithstanding division (A)(3) of ORC 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of ORC 2705.02 that may be filed in the underlying case.
  - (2) (a) If, within three years of a violation of subsection (A)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of ORC 4511.203 or a substantially equivalent municipal ordinance, the offender is

guilty of a misdemeanor of the first degree.

(b) Whoever violates subsection (A)(4) or (5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of ORC 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

(a) Except as otherwise provided in subsection (C)(3)(b) or (c) of this section, the court may order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under ORC 4503.233.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under ORC 4503.233.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of ORC 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under ORC 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of ORC 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealers association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of ORC 4503.234.

(D) If a court orders the immobilization of a vehicle under subsection (C)(3)(c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle under subsection (C) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period

of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

- (F) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in ORC 4549.65.
- (G) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.
- (H) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.

(ORC 4511.203)

335.09 DISPLAY OF LICENSE PLATES AND VALIDATION STICKERS OR TEMPORARY LICENSE PLACARD OR WINDSHIELD STICKER.

- ~~(A) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.~~

~~No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under ORC 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear~~

~~window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.~~

~~(B) Whoever violates this section is guilty of a minor misdemeanor.~~

~~(A) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the director of public safety, including any county identification sticker and any validation sticker issued under ORC 4503.19 and ORC 4503.191, except that a commercial tractor shall display the license plate and validation sticker on the front of the commercial tractor.~~

~~(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.~~

~~(3) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under ORC 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.~~

~~(B) Whoever violates this section is guilty of a minor misdemeanor.~~

~~(C) The offense established under subsection (A) of this section is a strict liability offense and ORC 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.~~

(ORC 4503.21)

### **335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.**

(A) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of

any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) ~~Whoever violates subsection (A) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate state law.~~

(1) Whoever violates subsection (A) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (B)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is whichever of the following is applicable:

(a) Except as otherwise provided in subsection (B)(2)(b) of this section, a felony of the fifth degree:

(b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree.

(3) If the accident or collision results in the death of a person, failure to stop after an accident is whichever of the following is applicable:

(a) Except as provided in subsection (B)(3)(b) of this section, a felony of the third degree:

(b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree.

(4) The court, in addition to any other penalties provided by law, may impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of ORC 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.18 or ORC 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section.

(Ord. No. 0145-2015, § 1(Exh. A), 12-21-2015)

(ORC 4549.02)

### **335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.**

- (A) (1) In case of a motor vehicle accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.
- (2) If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within 24 hours after the accident or collision, shall forward to the police authority in the municipality in which the accident or collision occurred the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.
- (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (B) (1) Whoever violates subsection (A) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (B)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.
- (2) If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate state law whichever of the following is applicable:

- (a) Except as otherwise provided in subsection (B)(2)(b) of this section, a felony of the fifth degree;
  - (b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree.
- (3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is whichever of the following is applicable:
- (a) Except as provided in division (B)(3)(b) of this section, a felony of the third degree;
  - (b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree.
- (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.18 or 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section.

(ORC 4549.021)

### **337.19 HORN, SIREN AND THEFT ALARM SIGNAL.**

- (A) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.
- (B) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual

or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

~~(C) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.~~

(~~D~~ C) Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.21)

### **337.26 CHILD RESTRAINT SYSTEM USAGE.**

- (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:
  - (1) A child who is less than four years of age;
  - (2) A child who weighs less than 40 pounds.
- (B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
  - (1) A child who is less than four years of age;
  - (2) A child who weighs less than 40 pounds.
- (C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under ORC 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.
- (D) When any child who is at least eight years of age but not older than 15 years of age and who is not otherwise required by subsection (A), (B) or (C) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle

safety standards or in an occupant restraining device as defined in ORC 4513.263.

- (E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (C) or (D) of this section has been or is being committed.
- (F) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.
- (G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.
- (H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under ORC Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.
- (I) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.
- (J) Whoever violates subsection (A), (B), (C) or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is

deemed to be a single violation of this section:

- (1) Except as otherwise provided in subsection (J)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than \$25.00 nor more than \$75.00.
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (A), (B), (C) or (D) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.

(ORC 4511.81)

### **337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**

(A) As used in this section:

- (1) *Automobile* means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) *Occupant restraining device* means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) *Passenger* means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) *Commercial tractor, passenger car, and commercial car* have the same meanings as provided in ORC 4501.01.
- (5) *Vehicle* and *motor vehicle*, as used in the definitions of the terms set forth in subsection (a) hereof, have the same meanings as provided in Chapter 301. (6) *Tort action* means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in ORC 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(B) No person shall do ~~either~~ any of the following:

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement

- set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
- (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
  - (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.
- (C) (1) Subsection (B)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.
- (2) Subsection (B)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.
- (3) Subsections (B)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under ORC Chapter 4731 or a chiropractor licensed to practice in this State under ORC Chapter 4734 that states the following:
- (a) That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;
  - (b) Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;
  - (c) If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.
- (4) Subsection (B)(1) and (3) of this section do not apply to a person who has registered with the registrar of motor vehicles in accordance with subsection (C)(5) of this section.
- (5) A person who has received an affidavit under subsection (C)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the registrar attesting to that fact. Upon such registration, the registrar shall make that information available in the law enforcement automated data system. A person included in the database under subsection (C)(5) of this section is not required to have the affidavit obtained in accordance with subsection (C)(3) of this section in their possession while operating or occupying an automobile.
- (6) A physician or chiropractor who issues an affidavit for the purposes of subsection (C)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in

issuing the affidavit, acted in a manner that constituted willful, wanton, or reckless misconduct.

(7) The registrar shall adopt rules in accordance with ORC Chapter 119 establishing a process for a person to be included in the database under subsection (C)(5) of this section. The information provided and included in the database under subsection (C)(5) of this section is not a public record subject to inspection or copying under ORC 149.43.

- (D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (B) hereof this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.
- (E) All fines collected for violations of subsection (B) hereof shall be forwarded to the Treasurer of State for deposit as provided in ORC 4513.263(E).
- (F) (1) Subject to subsection (F)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (B)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (B)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in ORC 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.
- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available

occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

- (a) It seeks to recover damages for injury or death to the occupant.
  - (b) The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
  - (c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (G) (1) Whoever violates subsection (B)(1) of this section shall be fined \$30.00.
- (2) Whoever violates subsection (B)(3) of this section shall be fined \$20.00.
- (3) Except as otherwise provided in this subsection, whoever violates subsection (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (B)(4) of this section, whoever violates subsection (B)(4) of this section is guilty of a misdemeanor of the third degree.

(ORC 4513.263)

### **337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.**

#### *(A) Requirements.*

~~(1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:~~

- ~~(a) Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale.~~
- ~~(b) Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than 70 percent plus or minus three percent and is not red or yellow in color.~~
- ~~(c) Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such~~

material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than 50 percent plus or minus three percent and is not red or yellow in color.

~~(d) Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the suncreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than 50 percent plus or minus three percent.~~

~~(e) Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.~~

~~(2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section. (ORC 4513.241 (D))~~

~~(3) No used motor vehicle dealer or new motor vehicle dealer, as defined in ORC 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section. (ORC 4513.241 (E)(1))~~

~~(4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window. (ORC 4513.241 (F))~~

~~(5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation. (ORC 4513.241 (C))~~

~~(6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)~~

~~(B) Exemptions. The provisions of this section do not apply to:~~

~~(1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under ORC Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under ORC Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;~~

~~(2) The windows to the rear of the driver in chauffeured limousines as defined herein;~~

~~(3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and~~

~~(4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. (OAC 4501-41-05)~~

~~(C) *Definitions.* As used in this section, certain terms are defined as follows:~~

~~(1) *Motor vehicle* has the same meaning as specified in Section 301.20.~~

~~(2) *Sunscreening material* means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.~~

~~(3) *Transmittance* means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.~~

~~(4) *Windshield* means the front exterior viewing device of a motor vehicle.~~

~~(5) *Window* means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.~~

~~(6) *Manufacturer* unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.~~

~~(7) *Chauffeured limousine* means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)~~

~~(A) The Director of Public Safety, in accordance with Chapter 119 of the Revised Code, shall adopt rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.~~

~~(B) The rules adopted under this section may provide for persons who meet either of the following qualifications:~~

~~(1) On November 11, 1994, or the effective date of any rule adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section:~~

- (2) Establish residency in this state and are required to register a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section.
- (C) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements of this section and of any applicable rule adopted under this section.
- (D) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or of any rule adopted under this section.
- (E) (1) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.
- (2) No manufacturer, remanufacturer, or distributor, as defined in section 4517.01 of the Revised Code, shall provide to a motor vehicle dealer licensed under Chapter 4517. of the Revised Code or to any other person, a motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.
- (F) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.
- (G) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by federal motor vehicle safety standard number two hundred five.
- (H) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a child with disabilities pursuant to Chapter 3323 of the Revised Code, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "child with disabilities" has the same meaning as in section 3323.01 of the Revised Code.
- (I) This section does not apply to any school bus that is to be sold and operated outside this state.
- (J) (1) This section and the rules adopted under it do not apply to a motor vehicle used by a law enforcement agency under either of the following circumstances:
- (a) The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or

other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

(b) The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.

(2) As used in this division, "law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(K) (1) Whoever violates division (C), (E)(2), or (F) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (E)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3) (a) Whoever violates division (D) of this section is guilty of a \_\_\_\_\_ misdemeanor of the fourth degree, except that an organization \_\_\_\_\_ may not be convicted unless the act of installation was authorized \_\_\_\_\_ by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and \_\_\_\_\_ installation was performed by an employee of the organization \_\_\_\_\_ acting within the scope of the person's employment.

(b) In addition to any other penalty imposed under this section, whoever violates division (D) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

(c) In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section and the offender is a motor vehicle repair operator registered under Chapter 4775. of the Revised Code or a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, whoever violates division (D) of this section is subject to a registration or license suspension, as applicable, for a period of not more than one hundred eighty days.

(ORC 4513.241)

### **339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.**

(A) No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Municipality, whose dimensions exceed those specified in this section.

- (B) No such vehicle shall have a width in excess of:
- (1) One hundred four inches for passenger bus type vehicles operated exclusively within municipal corporations;
  - (2) One hundred two inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of 22 feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
  - (3) One hundred thirty-two inches for traction engines;
  - (4) One hundred two inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
  - (5) One hundred two inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions of State highways as the Director designates.
- (C) No such vehicle shall have a length in excess of:
- (1) Sixty-six feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to ORC 306.30 to 306.54;
  - (2) Forty-five feet for all other passenger bus type vehicles;
  - (3) Fifty-three feet for any semitrailer when operated in a commercial tractor- semitrailer combination, with or without load, except that the Director may, ~~by journal entry,~~ prohibit the operation of any such commercial tractor- semitrailer combination on such State highways or portions of State highways as the Director designates;
  - (4) Twenty-eight and one-half feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer- semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor- semitrailer-semitrailer combination on such State highways or portions of State highways as the Director designates;
  - (5) (a) Ninety-seven feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
  - (b) Seventy-five feet for drive-away saddlemount vehicle

transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;

- (6) Sixty-five feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) ~~hereof~~ this section;
  - (7) Forty-five feet for recreational vehicles.
  - (8) Fifty feet for all other vehicles except trailers and semitrailers, with or without load.
- (D) No such vehicle shall have a height in excess of 13 feet six inches, with or without load.
- (E) An automobile transporter or boat transporter shall be allowed a length of 65 feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of 75 feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion of any State highway that the Director designates.
- (F) The widths prescribed in subsection (B) of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.
- The width prescribed in subsection (B)(5) of this section shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.
- The lengths prescribed in subsections (C)(2) to (8) ~~hereof~~ this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.
- (G) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to

the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment.

The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, that the Director may adopt. ORC 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

- (H) As used in this section, "recreational vehicle" has the same meaning as in ORC 4501.01. (ORC 5577.05)
- (I) Whoever violates this section shall be ~~finned not less than \$100.00 nor more than \$500.00~~ guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree. (ORC 5577.99)

(Ord. 0004-2000. Passed 3-6-2000)

(ORC 5577.05, ORC 5577.99)

### **339.05 WHEEL PROTECTORS.**

- (A) No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the streets, bridges and culverts within this Municipality unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle. (ORC 5577.11)
- (B) Whoever violates this section ~~is guilty of a minor misdemeanor~~ shall be fined not more than \$25.00.

(ORC 5577.99(E))

### **339.09 SECURING LOADS; SHIFTING LOADS; LOOSE LOADS.**

- (A) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. (ORC 4513.31(A)).
- (B) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway. (ORC 4513.31(B)).
- (C) Whoever violates subsections (A) or (B) of this section is guilty of a minor misdemeanor. (ORC 4513.31(C); ORC 4513.99)
- (a) D) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.
- (b) E) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by Section 337.08.
- (c) F) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### **341.01 DEFINITIONS.**

As used in this chapter:

- ~~(a)~~(A) *Alcohol concentration* means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
- (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
  - (2) Two hundred ten liters of breath;

- (3) One hundred milliliters of urine.
- ~~(b)~~(B) *Commercial driver's license* means a license issued in accordance with ORC Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.
- (C) *Commercial driver's license information system* means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.
- ~~(c)~~(D) *Commercial motor vehicle, except when used in ORC 4506.25*, means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
- (1) Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
  - (2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more, ~~or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;~~
  - (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;
  - (4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;
  - (5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;
  - (6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.
- ~~(d)~~ (E) *Controlled substance* means all of the following:
- (1) *Any substance classified as a controlled substance under the "Controlled Substances Act, 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;*
  - (2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;
  - (3) Any drug of abuse.
- (F) *Conviction* means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated.

suspended, or probated.

~~(e)~~ (G) *Disqualification* means any of the following:

- (1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;
- (2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;
- (3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

~~(H)~~ (H) *Domiciled* means having a true, fixed, principal, and permanent residence to which an individual intends to return.

~~(I)~~ (I) *Downgrade* means any of the following, as applicable:

- (1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in division (A)(1) of O.R.C. 4506.10;
- (2) A change to a lesser class of vehicle;
- (3) Removal of commercial driver's license privileges from the individual's driver's license.

~~(f)~~ (J) *Drive* means to drive, operate or be in physical control of a motor vehicle.

~~(g)~~ (K) *Driver* means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

~~(h)~~ (L) *Driver's license* means a license issued by the Ohio bureau of motor vehicles that authorizes an individual to drive.

~~(i)~~ (M) *Drug of abuse* means any controlled substance, dangerous drug as defined in ORC 4729.01 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

~~(j)~~ (N) *Employer* means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

~~(k)~~ (O) *Endorsement* means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

~~(l)~~ (P) *Farm truck* means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than 150 miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than 150 miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals

and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor carrier, as defined in ORC 4923.01.

- ~~(m)~~(Q) *Fatality* means the death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of a death.
- ~~(n)~~(R) *Felony* means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.
- ~~(o)~~(S) *Foreign jurisdiction* means any jurisdiction other than a state.
- ~~(p)~~(T) *Gross vehicle weight rating* means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
- ~~(q)~~(U) *Hazardous materials* means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.
- (V) *Imminent hazard* means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.
- (W) *Medical variance* means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:
- (1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;
  - (2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.
- (X) *Mobile telephone* means a mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. 20, except that mobile telephone does not include two-way or citizens band radio services.
- ~~(r)~~(Y) *Motor vehicle* means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
- ~~(s)~~(Z) *Out-of-service order* means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

~~(AA)~~ Peace officer has the same meaning as in ORC 2935.01.

~~(BB)~~ Portable tank means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

~~(t)~~~~(CC)~~ Public safety vehicle has the same meaning as in divisions (E)(1) and (3) of ORC 4511.01.

~~(u)~~~~(DD)~~ Recreational vehicle includes every vehicle that is defined as a recreational vehicle in ORC 4501.01 and is used exclusively for purposes other than engaging in business for profit.

~~(EE)~~ Residence means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar.

~~(v)~~ ~~(FF)~~ School bus has the same meaning as in ORC 4511.01.

~~(GG)~~ Serious traffic violation means any of the following:

- ~~(1)~~ A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of ORC 4506.03:
- ~~(2)~~ (a) Except as provided in division (2)(b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:
  - ~~(i)~~ Texting while driving;
  - ~~(ii)~~ Using a handheld mobile telephone.(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.
- ~~(3)~~ A conviction arising from the operation of any motor vehicle that involves any of the following:
  - ~~(a)~~ A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;
  - ~~(b)~~ Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;
  - ~~(c)~~ Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;
  - ~~(d)~~ Violation of section 4506.03 of the Revised Code or a

substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

- (e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;
- (f) Violation of ORC 4511.33 or ORC 4511.34 , or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;
- (g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:
  - (i) It relates to traffic control, other than a parking violation;
  - (ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.

~~(w)~~ (HH) *State* means a state of the United States and includes the District of Columbia.

(II) *Tank vehicle* means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more. "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of one thousand gallons or more, and is temporarily attached to a flatbed trailer.

~~(x)~~ (JJ) *Tester* means a person or entity acting pursuant to a valid agreement entered into pursuant to ORC 4506.09.

(KK) *Texting* means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-

mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:

- (1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone;
- (2) Inputting, selecting, or reading information on a global positioning system or navigation system;
- (3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or
- (4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.

(LL) *Texting while driving* means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

(y)(MM) *United States* means the 50 states and the District of Columbia.

(NN) *Upgrade* means a change in the class of vehicles, endorsements, or self-certified status as described in division (A)(1) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;

(OO) *Use of a handheld mobile telephone* means:

- (1) Using at least one hand to hold a mobile telephone to conduct a voice communication;
- (2) Dialing or answering a mobile telephone by pressing more than a single button; or
- (3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

(z)(PP) *Vehicle* has the same meaning as in Ohio R.C. 4511.01.

(ORC 4506.01)

### 341.03 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.

- (A) Except as provided in subsections (B) and (C) of this section, the following shall apply:
- (1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, any of the following:
    - (a) A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles or by another jurisdiction recognized by this state;
    - (b) A valid examiner's commercial driving permit issued under ORC 4506.13;
    - (c) A valid restricted commercial driver's license and waiver for farm-related service industries issued under ORC 4506.24; or
    - (d) A valid commercial driver's license temporary instruction permit issued by the Registrar ~~and provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of division (B) of ORC 4506.06 with proper endorsements for the motor vehicle being driven.~~
  - (2) No person's commercial driver's license temporary instruction permit shall be upgraded, and no commercial driver's license shall be upgraded, renewed, or issued to a person until the person surrenders to the registrar of motor vehicles all valid licenses and permits issued to the person by this state or by another jurisdiction recognized by this state. If the license or permit was issued by any other state or another jurisdiction recognized by this state, the registrar shall report the surrender of a license or permit to the issuing authority, together with information that a license or permit is now issued in this state. The registrar shall destroy any such license or permit that is not returned to the issuing authority. (2) No person who has been a resident of this State for 30 days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
- (B) Nothing in subsection (A) of this section applies to any qualified person when engaged in the operation of any of the following:
- (1) A farm truck;
  - (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, ~~or joint fire district~~ or the state fire marshal;
  - (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;

- (4) A recreational vehicle;
  - (5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under ORC Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;
  - (6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.
  - (7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to ORC Chapter 4905, 4921, or 4923.
  - (8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.
  - (9) A police SWAT team vehicle.
  - (10) A police vehicle used to transport prisoners.
- (C) Nothing contained in subsection (B)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.
- (D) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.03)

#### **341.04 PROHIBITIONS.**

- (A) No person shall do any of the following:
- (1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;
  - (2) Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;
  - (3) Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for

30 days or longer.

~~(4) Knowingly give false information in any application or certification required by ORC 4506.07.~~

~~(B) The Department of Public Safety shall give every conviction occurring out of this state and notice of which is received after December 31, 1989, full faith and credit and treat it for sanctioning purposes under this chapter as though the conviction had occurred in this state.~~

~~(C) (1) Whoever violates subsection (A)(1), (2), or (3) of this section is guilty of a misdemeanor of the first degree.~~

(2) Whoever violates subsection (A)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of ORC 4507.19 apply.

~~(b) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

(ORC 4506.04)

### **341.05 CRIMINAL OFFENSES.**

(A) No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:

- (1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;
- (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one percent or more by whole blood or breath;
- (3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one percent or more by blood serum or blood plasma;
- (4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one percent or more by urine;
- (5) Drive a motor vehicle while under the influence of a controlled substance;
- (6) Drive a motor vehicle in violation of ORC 4511.19 or a municipal OVI ordinance as defined in ORC 4511.181;
- (7) Use a motor vehicle in the commission of a felony;
- (8) Refuse to submit to a test under ORC 4506.17 or ORC 4511.191;
- (9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;

- (10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;
- (11) Fail to stop after an accident in violation of Sections 335.12 to 335.14;
- (12) Drive a commercial motor vehicle in violation of any provision of ORC 4511.61 to ORC 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;
- (13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in ORC 3719.01 or the possession with intent to manufacture, distribute, or dispose a controlled substance.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

(ORC 4506.15)

### **341.06 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.**

- (A) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:
  - (1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;
  - (2) The dates the applicant was employed by these employers;
  - (3) The reason for leaving each of these employers.
- (B) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:
  - (1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
  - (2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
  - (3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;
  - (4) The driver has more than one driver's license.
- (C) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 341.05.
- (D) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle if the driver does not hold a valid, current commercial driver's license or commercial driver's license temporary instruction permit

bearing the proper class or endorsements for the vehicle. No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of the restrictions on the driver's commercial driver's license or commercial driver's license temporary instruction permit.

~~(d)~~(E) (1) Whoever violates subsection (A), (B), or (D) of this section is guilty of a misdemeanor of the first degree.

(2) Whoever violates subsection (C) of this section may be assessed a fine not to exceed \$10,000.00.

(ORC 4506.20)

### **351.03 PROHIBITED STANDING OR PARKING PLACES.**

(A) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (1) On a sidewalk, curb or street lawn area, except as provided in subsection (B) hereof;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (15) Within one foot of another parked vehicle;

- (16) On the roadway portion of a freeway, expressway or thruway.
- (B) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk, a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, ~~or bicycle~~ or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of Section 331.37.
- (C) Except as otherwise provided in this subsection, whoever violates subsection (A) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.68)

#### **351.04 PARKING NEAR CURB; HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.**

- (A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the ~~curb-side~~ wheels of the vehicle parallel with and not more than 12 inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.
- (B) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.
- (2) (a) No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least 25 feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.
- (b) Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.
- (C) (1) (a) Except as provided in subsection (C)(1)(b) hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.
- (b) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle

is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

- (2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in subsection (C)(2) of this section irrespective of whether or not the space is metered.
- (D) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagperson is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.
- (E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and ORC 3781.111 (C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.
- (F)
  - (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (E) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (E) hereof, unless one of the following applies:
    - (a) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;
    - (b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
  - (2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (F)(1) of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not

be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

- (3) If a person is charged with a violation of subsection (F)(1) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in ORC 4503.44(A)(1).
- (G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.
- (H) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with subsection (E) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.
- (I) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.
- ~~(H-J)~~ As used in this section:
- (1) *Handicapped person* means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.
  - (2) *Person with a disability that limits or impairs the ability to walk* has the same meaning as in ORC 4503.44.
  - (3) *Special license plates* and *removable windshield placard* mean any license plates or removable windshield placard or temporary removable windshield placard issued under ORC 4503.41 or ORC 4503.44, and also mean any substantially similar license plates or

removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.

(4 ~~K~~) (1) Whoever violates subsection (A) or (C) of this section is guilty of a minor misdemeanor.

(2) (a) Whoever violates subsection (F)(1)(a) or (b) of this section is guilty of a misdemeanor and shall be punished as provided in subsection (I)(2)(a) and (b) of this section.

Except as otherwise provided in subsection (I)(2)(a) of this section, an offender who violates subsection (F)(1)(a) or (b) of this section shall be fined not less than \$250.00 nor more than \$500.00. An offender who violates subsection (F)(1)(a) or (b) of this section shall be fined not more than \$100.00 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

(i) At the time of the violation of subsection (F)(1)(a) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in subsection (F)(1)(a) of this section.

(ii) At the time of the violation of subsection (F)(1)(b) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in subsection (F)(1)(b) of this section.

(b) In no case shall an offender who violates subsection (F)(1)(a) or (b) of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of subsection (F)(1)(a) or (b) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

The clerk of the court shall pay every fine collected under subsections (K)(2) and (3) of this section to the political subdivision in which the violation occurred. Except as provided in division (K)(2) of this section, the political subdivision shall use the fine moneys it receives under subsection (K)(2) and (3) of this section to pay the expenses it incurs in complying with the signage and notice requirements

contained in subsection (E) of this section. The political subdivision may use up to fifty per cent of each fine it receives under subsection (K)(2) and (3) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

- (3) Whoever violates subsection (F)(2) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars.

In no case shall an offender who violates subsection (F)(2) of this section be sentenced to any term of imprisonment. An arrest or conviction for a violation of division (F)(2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

- (4) Whoever violates subsection (H) of this section shall be punished as follows:

(a) Except as otherwise provided in subsection (K)(4) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (H) of this section or of a municipal ordinance that is substantially similar to that subsection, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(ORC 4511.69)

### **351.07 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.**

- (A) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle shall not apply to ~~an emergency vehicle or a public safety vehicle~~ any of the following:

(1) A motor vehicle that is parked on residential property;

(2) A motor vehicle that is locked, regardless of where it is parked;

(3) An emergency vehicle:

(4) A public safety vehicle.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.661)

### **371.01 RIGHT-OF-WAY IN CROSSWALK.**

- (A) When traffic control signals are not in place, not in operation or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (B) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (C) Subsection (A) hereof does not apply under the conditions stated in Section 371.03(b).
- (D) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
- (E) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC [4511.991](#).

(ORC 4511.46, ORC 4511.991)

### **371.02 RIGHT-OF-WAY OF BLIND PERSON.**

- (A) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

The driver of every vehicle shall yield the right-of-way to every blind pedestrian guided by a guide dog or carrying a cane which is predominately white or metallic in color, with or without a red tip.

- (B) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.47, ORC 4511.991)

### **371.07 RIGHT-OF-WAY ON SIDEWALK.**

- (A) The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.441; ORC 4511.991)

### **371.08 PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.**

- (A) As used in this section:

(1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

- (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
- (a) The device is intended primarily to transport property on sidewalks and crosswalks.
  - (b) The device weighs less than ninety pounds excluding any property being carried in the device.
  - (c) The device has a maximum speed of ten miles per hour.
  - (d) The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.

- (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. "Personal delivery device operator" does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. "Personal delivery device operator" also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(B) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

- (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
- (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
- (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
- (4) The device is equipped with all of the following:
  - (a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
  - (b) A braking system that enables the personal delivery device to come to a controlled stop;
  - (c) If the personal delivery device is being operated between

sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

- (C) No personal delivery device operator shall allow a personal delivery device to do any of the following:
- (1) Fail to comply with traffic or pedestrian control devices and signals;
  - (2) Unreasonably interfere with pedestrians or traffic;
  - (3) Transport any hazardous material that would require a permit issued by the public utilities commission;
  - (4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.
- (D) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.
- (E) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.
- (2) An eligible entity is responsible for both of the following:
- (a) Any violation of this section that is committed by a personal delivery device operator; and
  - (b) Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (C)(1) to (4) of this section.

(ORC 4511.513)

### **373.01 CODE APPLICATION TO BICYCLES.**

- (A) The provisions of this Traffic Code that are applicable to bicycles and electric bicycles apply whenever a bicycle or electric bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.
- (B) Except as provided in subsection (D) of this section, a bicycle operator or electric bicycle operator who violates any section of this Traffic Code described in subsection (A) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license,

commercial driver's license, temporary instruction permit, or probationary license under ORC 4510.036.

- (C) Except as provided in subsection (D) of this section, in the case of a violation of any section of this Traffic Code described in subsection (A) of this section by a bicycle operator, electric bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders or electric bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator, electric bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.
- (D) Subsections (B) and (C) of this section do not apply to violations of Section 333.01 of this Traffic Code.  
(ORC 4511.52)
- (E) The provisions of this Traffic Code shall apply to bicycles and electric bicycles except those which by their nature are not applicable.

(ORC 4511.52)

**373.015. Electric bicycles regulations; permitted use; violations.**

- (A) (1) Manufacturers and distributors of electric bicycles shall permanently affix a label, in a prominent location, to each electric bicycle. The label shall specify whether the electric bicycle is a class 1, class 2, or class 3 electric bicycle, the top assisted speed that the electric bicycle is capable of reaching, and the motor wattage of the electric bicycle.
- (2) No person shall modify an electric bicycle in a manner that changes the top assisted speed that the electric bicycle is capable of reaching unless the person also modifies the label required under division (A)(1) of this section to reflect the modification.
- (B) (1) The manufacturer of an electric bicycle shall ensure that the electric bicycle complies with the equipment and manufacturing requirements for bicycles established by the consumer product safety commission under 16 C.F.R. 1512 et seq.
- (2) The manufacturer shall manufacture all class 1 electric bicycles and class 3 electric bicycles so that when the rider ceases pedaling the electric motor ceases to provide assistance. The manufacturer shall manufacture all class 2 electric bicycles so that when the rider applies the brakes or releases or activates a switch or similar mechanism the electric motor ceases to provide assistance.
- (3) All class 3 electric bicycles shall be equipped with a speedometer that displays the speed of the electric bicycle in miles per hour.
- (C) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is

permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the county, city or state agency as defined in ORC 1.60 with control over the path by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.

(2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the county, township, municipal corporation, or local authority, or state agency as defined in ORC 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.

(3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the county, township, municipal corporation, other local authority, or state agency as defined in ORC 1.60 with control over the path by resolution, ordinance, or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.

(D) (1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the consumer product safety commission or the American society for testing and materials.

(E) (1) Except as otherwise provided in this division, whoever operates an electric bicycle in a manner that is prohibited under subsection (C) of this section and whoever violates subsection (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under subsection (E)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of ORC 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability,

is not a strict liability offense

(ORC 4511.522)

**373.02 BICYCLES, MOTORCYCLES, SNOWMOBILES; RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.**

- (A) For purposes of this section "snowmobile" has the same meaning as given that term in ORC 4519.01.
- (B) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric bicycle other than upon such a firmly attached and regular seat.
- (C) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.
- (D) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.
- (E) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.
- (F) No person operating a bicycle or electric bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.
- (G) No bicycle, electric bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.
- (H) (1) Except as provided in subdivision (H)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subdivision (H)(2) of this section, no person who is under the age of 18 years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in ORC 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States department of transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.  
(2) Subsection (H)(1) of this section does not apply to a person

operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

- (I) (1) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to ORC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the Director.
- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to ORC 4507.05 in any of the following circumstances:
  - (a) At any time when lighted lights are required by section 337.02(A)(1);
  - (b) While carrying a passenger;
  - (c) On any limited access highway or heavily congested roadway.
- (J) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle.
- (K) Except as otherwise provided in this subsection, whoever violates ~~this~~ subsections (B) through (H)(1), or (I) is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates ~~this~~ subsections (B) through (H)(1), or (I) is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates ~~this~~ subsections (B) through (H)(1), or (I) is guilty of a misdemeanor of the third degree.

(ORC 4511.53)

### **373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.**

- (A) No person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled, skateboard, or toy vehicle shall attach the same or self to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled, skateboard, or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a

misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.54, ORC 4511.991)

### **373.04 RIDING BICYCLES, ELECTRIC BICYCLES AND MOTORCYCLES ABREAST.**

- (A) Persons riding bicycles, electric bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles or motorcycles.
- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.55(B), (D), ORC 4511.991)

### **373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.**

- (A) Every bicycle or electric bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:
  - (1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least 500 feet to the front; and 300 feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
  - (2) A red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
  - (3) A lamp emitting either flashing or steady red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector;  
If the red lamp performs as a reflector in that it is visible as specified in subsection (A)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.
- (B) Additional lamps and reflectors may be used in addition to those required

under subsection (A) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or electric bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

- (C) Every bicycle or electric bicycle shall be equipped with an adequate brake when used on a street or highway.
- (D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.56(A), (B), (D), (E))

### **373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.**

- (A) Every person operating a bicycle or electric bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (B) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.
- (C) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.55(A),(C),(D), ORC 4511.991)

### **373.21 PATHS EXCLUSIVELY FOR BICYCLES.**

- (A) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon

any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

Nothing in this section shall be construed to affect any rule of the Ohio Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.

- (B) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.713, ORC 4511.991)

### **375.02 EQUIPMENT.**

- (A) The state director of public safety, pursuant to ORC Chapter 119 shall adopt rules \_\_\_\_\_ for the equipment of snowmobiles, off-highway motorcycles, and all-purpose vehicles. The rules may be revised from time to time as the director considers necessary, and shall include, but not necessarily be limited to requirements for the following items of equipment:
- (1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;
  - (2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;
  - (3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than 40 feet from an initial steady speed of 20 miles per hour, or locking its traction belt.
  - (4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed 82 decibels on the "A" scale at 50 feet as measured according to SAE J192 (September 1970).
- (B) No person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle in violation of this section, except that equipment specified

in subsections (A)(1) and (2) hereof shall not be required on snowmobiles, off-highway motorcycles, or all purpose vehicles operated during the daylight hours.

- (C) Except as otherwise provided in this subsection, whoever violates subsection (B) of this section shall be fined not more than \$50.00. If the offender within the preceding year previously has committed a violation of subsection (B) of this section, whoever violates subsection (B) of this section shall be fined not less than \$15.00 nor more than \$100.00, imprisoned not more than three days, or both.

(ORC 4519.20)

### **375.035 OPERATION OF A MINI-TRUCK.**

- (A) Except as provided in this section and ORC 4511.215, no person shall operate a mini-truck within this state.
- (B) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one farm field to another.
- (C) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.
- (D) Whoever violates this section shall be penalized as provided in division (D) of ORC 4511.214.

(ORC 4519.401)

### **375.06 REGISTRATION OF VEHICLES.**

- (A) (1) Except as provided in ORC 4519.02(B), (C) and (D), no person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle unless the snowmobile, off-highway motorcycle, or all purpose vehicle is registered and numbered in accordance with ORC 4519.03 and 4519.04.
- (2) Except as provided ORC 4511.215, no registration is required for a mini-truck that is operated within this state. A mini-truck may be operated only in accordance with that section and ORC 4519.401.
- (B) Except as otherwise provided in this subsection, whoever violates subsection (A) of this section shall be fined not more than ~~\$25.00~~ \$50.00 but not more than \$100.00. ~~If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than \$25.00 nor more than \$50.00.~~

(ORC 4519.02)

### **375.08 CERTIFICATE OF TITLE.**

- (A) No person shall do any of the following:
- (1) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by ORC Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information relating to the motorcycle or vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
  - (2) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;
  - (3) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in ORC Chapter 4519;
  - (4) Fail to surrender the certificate of title to a clerk of the court of common pleas as provided in ORC Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title;
  - (5) Violate any provision of ORC 4519.51 to 4519.70 for which no penalty is otherwise provided or any lawful rules adopted pursuant to those sections;
  - (6) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.
- (B) Whoever violates this section shall be fined not more than \$200.00 or imprisoned not more than 90 days, or both.

(ORC 4519.66)

### **377.01 DEFINITION.**

For purposes of this chapter, "motorized bicycle" or moped means any vehicle ~~having that~~ either has two tandem wheels or one wheel in the front and two wheels in the rear, that ~~is capable of being~~ may be pedaled and ~~that is~~ equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface. Motorized bicycle" or "moped" does not include an electric bicycle.

(Ord. 122-82, ~~Passed~~ 12-21-1982)

(ORS 4501.01(L))

### **377.02 LICENSING-REQUIREMENTS.**

- (A) No person shall operate a motorized bicycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:
- (1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Chapter 4506 or a driver's license issued under ORC Chapter 4507 or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in this section:
  - (2) The motorized bicycle is equipped in accordance with the rules adopted under subsection (B) of this section and is in proper working order:
  - (3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.
  - (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.
- (B) The director of public safety, subject to ORC 119.01 to 119.13, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under ORC 4507.11. The test shall also require the operator to give an actual demonstration of the operator's ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.
- (C) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years.
- (D) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.
- (E) The protective helmet and rear-view mirror required by subsection (A)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the director under subsection (B) of this section.
- (F) Whoever violates subsections (A), (D), or (E) of this section is guilty of a minor misdemeanor.

- ~~(a) No person shall operate a motorized bicycle upon a street, highway, or any public or private property, used by the public for purposes of vehicular travel or parking without either holding a valid operator's license issued under ORC Chapter 4507 or a motorized bicycle license issued under ORC 4511.521.~~
- ~~(b) Every motorized bicycle license expires on the birthday of the applicant, in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years. (ORC 4511.521)~~
- ~~(c) The Director of the Ohio Department of Highway Safety shall adopt and promulgate rules concerning the testing and qualifications of persons who do not hold a valid operator's license issued under Ohio R.C. Chapter 4507, which rules shall be binding upon persons operating a motorized bicycle within the City. (Ord. 122-82. Passed 12-21-82.)~~
- ~~(d) Every motorized bicycle shall display on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Highway Safety under Ohio R.C. 4503.191. This subsection is not effective until the end of the first month of the registration period in 1985 to which the motorized bicycle is assigned by the Ohio Registrar of Motor Vehicles as provided in Ohio R.C. 4503.101.~~

Ord. 68-84, Passed 9-4-1984)

(ORC 4511.521)

### **377.04 ATTACHING TO VEHICLE.**

- (A) No person riding upon any motorized bicycle shall attach the same or himself to any vehicle upon a roadway.
- (B) No operator of a motorized bicycle shall knowingly permit any person riding upon a motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skateboard, or toy vehicle to attach the same to himself or to any vehicle while it is moving upon a roadway.
- (C) This section does not apply to the towing of a disabled motorized bicycle.
- (D) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(Ord. 122-82. Passed 12-21-82.)

(ORC 4511.54, ORC 4511.991)

### 377.05 RIDING.

- (A) Persons riding bicycles upon a roadway shall ride not more than two abreast in a single line, except on paths or parts of roadways set aside for the exclusive use of bicycles, and when practicable and within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.
- (B) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.
- (C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.55 (B), (C), ORC 4511.991)

(Ord. 68-84. Passed 9-4-84.)

(ORC 4511.55(B), (C); ORC 4511.991)

### 377.06 EQUIPMENT.

- (A) Every motorized bicycle when in use at the times specified in Section 337.02 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front and three hundred feet to the sides with a red reflector on the rear of a type approved by the Director of Public Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle and a lamp emitting either flashing or steady red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in this section, the red lamp may serve as the reflector and a separate reflector is not required. Additional lamps and reflectors may be used in addition to those required under this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall

not be used on the rear of the bicycle.

- (B) No person shall operate a motorized bicycle unless it is equipped with a ~~bell or~~ other device capable of giving a signal audible for a distance of at least 100 feet, except that a motorized bicycle shall not be equipped with nor shall any person use upon a motorized bicycle any siren or whistle. (Ord. 122-82. Passed 12-21- 82.)
- (C) Every motorized bicycle shall be equipped with an adequate brake and a rear view mirror. (Ord. 68-84. Passed 9-4-84.)
- (D) The Ohio Director of Public Safety, subject to ORC 119.01 to 119.13, shall adopt and promulgate rules concerning the equipment of motorized bicycles, which rules shall be binding upon persons operating a motorized bicycle within the City. (Ord. 122-82. Passed 12-21-82.)
- ~~(E) Except as otherwise provided in this chapter, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

(ORC 4511.56)

### **377.07 MANNER OF OPERATING.**

- ~~(A) Every person operating a motorized bicycle upon a roadway shall ride as near to the right side of the roadway as practical obeying all traffic rules applicable to vehicle and exercising due care when passing a standing vehicle or one proceeding in the same direction. (Ord. 122-82. Passed 12-21-82.)~~
- ~~(B) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.~~
- ~~(C) Except as otherwise provided in this chapter, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.

(ORC 4511.55(A),(C),(D); ORC 4511.991)

### **377.10 STOPPING AFTER AN ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.**

(A) (1) In case of accident to or collision with persons or property upon any of the public streets or highways, due to the driving or operations thereon of any motorized bicycle, the person so driving or operating such motorized bicycle, having knowledge of such accident or collision shall immediately stop his motorized bicycle at the scene of the accident or collision and shall remain at the scene of such accident or collision until he has given his name and address, if he is not the owner, the name and address of the owner of such motorized bicycle, together with the registered number of such motorized bicycle to any person injured in such accident or collision or to the operator, occupant, owner or attendant of any motor vehicle damaged in such accident or collision, or to any police officer at such accident or collision. In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and his name and his address and the registered number of the motorized bicycle he was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or a private ambulance service. If such accident or collision is with an unoccupied or unattended motor vehicle the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. all of the following:

(a) Any person injured in the accident or collision;

(b) The operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision;

(c) The police officer at the scene of the accident or collision.

(2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (A)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address, and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident

or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) (1) Whoever violates subsection (A) of this section is guilty of failure to stop after an accident. Except as otherwise provided in division (B)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is whichever of the following is applicable: as provided in ORC 4549.02(B)(2)(3).

(a) Except as otherwise provided in division (b)(2)(b) of this section, a felony of the fifth degree:

(b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree.

(3) If the accident or collision results in the death of a person, failure to stop after an accident is whichever of the following is applicable:

(a) Except as provided in subsection (b)(3)(b) of this section, a felony of the third degree:

(b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree.

(4)(3) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(5) of ORC 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars for any economic loss arising from

an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

(Ord. 122-82. Passed 12-21-82.)

(ORC 4549.02)

### **377.11 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREETS.**

(A) (1) In case of accident or collision resulting in the injury or damage to person or property upon any public or private property other than public streets or highways due to the driving or operations thereon of any motorized bicycle, the person so driving or operating such motorized bicycle, having knowledge of such accident or collision, shall stop, and, upon request of the person injured or damaged or any other person, shall give such persons name and address, and if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motorized bicycle, and, if available, exhibit his operator's or motorized bicycle operator's license.

(2) If the owner or person in charge of such damaged property is not furnished such information, the driver of the motorized bicycle involved in the accident or collision shall within 24 hours of such accident or collision, forward to the police department the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of accident or collision.

(3) If such accident or collision is with an unoccupied or unattended motor vehicle the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle.

(B) (1) Whoever violates subsection (A) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in ORC 4549.021(B)(2) or (3), failure to stop after a nonpublic road accident is a misdemeanor of the first degree.

(2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is whichever of the following is applicable: provided in ORC 4549.021(B)(2)(3).

(a) Except as otherwise provided in subsection (b)(2)(b) of this section, a felony of the fifth degree;

(b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree.

~~(3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is whichever of the following is applicable:~~

~~(a) Except as provided in subsection (b)(3)(b) of this section, a felony of the third degree:~~

~~(b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree.~~

~~(4)(3) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of ORC 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.~~

~~The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.~~

(Ord. 122-82. Passed 12-21-82)

(ORC 4549.021)

### **377.99 PENALTY.**

Except as otherwise provided in this chapter, whoever violates any section of this chapter shall be guilty of a misdemeanor of the fourth degree.

(Ord. 122-82. Passed 12-21-82.)

Section 7. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Codified Ordinances or any ordinance, rule, or regulation adopted or issued in pursuance thereof shall be punished by a fine or imprisonment, or both. The fine shall not to exceed five hundred dollars (\$500.00) and imprisonment shall not exceed six months.

Section 8. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Gahanna, Ohio hereby declares that it would

have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable

Section 9. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 10. The adoption date of this ordinance is \_\_\_\_\_ and the effective date of this ordinance shall be \_\_\_\_\_.

ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2020.

City of Gahanna, Ohio

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
City Clerk

Approved by the Mayor \_\_\_\_\_ Date \_\_\_\_\_.

APPROVED AS TO CONTENT, FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

Certificate of Adoption

I certify that the foregoing ordinance was duly passed by the governing authority of the City of Gahanna, Ohio on this \_\_\_\_ day of \_\_\_\_\_, 2020.

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City Clerk