

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 646

Representatives Brown, Scherer

**Cosponsors: Representatives Sweeney, Kent, Riedel, Thompson, Smith, R.,
Patterson, Leland, Smith, K.**

A BILL

To amend sections 4510.036 and 4511.75 of the
Revised Code to enhance the penalty for failing
to stop for a school bus that is picking up or
dropping off school children when the offender
has a prior violation within a five-year period.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4510.036 and 4511.75 of the
Revised Code be amended to read as follows:

Sec. 4510.036. (A) The bureau of motor vehicles shall
record within ten days of conviction or bail-~~forfeiture~~
forfeiture and shall keep at its main office, all abstracts
received under this section or section 4510.03, 4510.031,
4510.032, or 4510.034 of the Revised Code and shall maintain
records of convictions and bond forfeitures for any violation of
a state law or a municipal ordinance regulating the operation of
vehicles, streetcars, and trackless trolleys on highways and
streets, except a violation related to parking a motor vehicle.

(B) Every court of record or mayor's court before which a

person is charged with a violation for which points are 18
chargeable by this section shall assess and transcribe to the 19
abstract of conviction that is furnished by the bureau to the 20
court the number of points chargeable by this section in the 21
correct space assigned on the reporting form. A United States 22
district court that has jurisdiction within this state and 23
before which a person is charged with a violation for which 24
points are chargeable by this section may assess and transcribe 25
to the abstract of conviction report that is furnished by the 26
bureau the number of points chargeable by this section in the 27
correct space assigned on the reporting form. If the federal 28
court so assesses and transcribes the points chargeable for the 29
offense and furnishes the report to the bureau, the bureau shall 30
record the points in the same manner as those assessed and 31
transcribed by a court of record or mayor's court. 32

(C) A court shall assess the following points for an 33
offense based on the following formula: 34

(1) Aggravated vehicular homicide, vehicular homicide, 35
vehicular manslaughter, aggravated vehicular assault, or 36
vehicular assault when the offense involves the operation of a 37
vehicle, streetcar, or trackless trolley on a highway or 38
street 6 points 39

(2) A violation of section 2921.331 of the Revised Code or 40
any ordinance prohibiting the willful fleeing or eluding of a 41
law enforcement officer 6 points 42

(3) A violation of section 4549.02 or 4549.021 of the 43
Revised Code or any ordinance requiring the driver of a vehicle 44
to stop and disclose identity at the scene of an 45
accident 6 points 46

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| (4) A violation of section 4511.251 of the Revised Code or | 47 |
| any ordinance prohibiting street racing 6 points | 48 |
| (5) A violation of section 4510.037 of the Revised Code or | 49 |
| any ordinance prohibiting the operation of a motor vehicle while | 50 |
| the driver's or commercial driver's license is under a twelve- | 51 |
| point suspension 6 points | 52 |
| (6) A violation of section 4510.14 of the Revised Code, or | 53 |
| any ordinance prohibiting the operation of a motor vehicle upon | 54 |
| the public roads or highways within this state while the | 55 |
| driver's or commercial driver's license of the person is under | 56 |
| suspension and the suspension was imposed under section 4511.19, | 57 |
| 4511.191, or 4511.196 of the Revised Code or section 4510.07 of | 58 |
| the Revised Code due to a conviction for a violation of a | 59 |
| municipal OVI ordinance or any ordinance prohibiting the | 60 |
| operation of a motor vehicle while the driver's or commercial | 61 |
| driver's license is under suspension for an OVI | 62 |
| offense 6 points | 63 |
| (7) A violation of division (A) of section 4511.19 of the | 64 |
| Revised Code, any ordinance prohibiting the operation of a | 65 |
| vehicle while under the influence of alcohol, a drug of abuse, | 66 |
| or a combination of them, or any ordinance substantially | 67 |
| equivalent to division (A) of section 4511.19 of the Revised | 68 |
| Code prohibiting the operation of a vehicle with a prohibited | 69 |
| concentration of alcohol, a controlled substance, or a | 70 |
| metabolite of a controlled substance in the whole blood, blood | 71 |
| serum or plasma, breath, or urine 6 points | 72 |
| (8) A violation of section 2913.03 of the Revised Code | 73 |
| that does not involve an aircraft or motorboat or any ordinance | 74 |
| prohibiting the operation of a vehicle without the consent of | 75 |
| the owner 6 points | 76 |

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| (9) Any offense under the motor vehicle laws of this state | 77 |
| that is a felony, or any other felony in the commission of which | 78 |
| a motor vehicle was used 6 points | 79 |
| (10) A violation of division (B) of section 4511.19 of the | 80 |
| Revised Code or any ordinance substantially equivalent to that | 81 |
| division prohibiting the operation of a vehicle with a | 82 |
| prohibited concentration of alcohol in the whole blood, blood | 83 |
| serum or plasma, breath, or urine 4 points | 84 |
| (11) A violation of section 4511.20 of the Revised Code or | 85 |
| any ordinance prohibiting the operation of a motor vehicle in | 86 |
| willful or wanton disregard of the safety of persons or property | 87 |
| 4 points | 88 |
| (12) <u>When the court imposes a sentence under division (F)</u> | 89 |
| <u>(2) of section 4511.75 of the Revised Code 4 points</u> | 90 |
| <u>(13)</u> A violation of any law or ordinance pertaining to | 91 |
| speed: | 92 |
| (a) Notwithstanding divisions (C) (12) <u>(13)</u> (b) and (c) of | 93 |
| this section, when the speed exceeds the lawful speed limit by | 94 |
| thirty miles per hour or more 4 points | 95 |
| (b) When the speed exceeds the lawful speed limit of | 96 |
| fifty-five miles per hour or more by more than ten miles per | 97 |
| hour 2 points | 98 |
| (c) When the speed exceeds the lawful speed limit of less | 99 |
| than fifty-five miles per hour by more than five miles per | 100 |
| hour 2 points | 101 |
| (d) When the speed does not exceed the amounts set forth | 102 |
| in divisions (C) (12) <u>(13)</u> (a), (b), or (c) of this | 103 |
| section 0 points | 104 |

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| (13) <u>(14)</u> Operating a motor vehicle in violation of a | 105 |
| restriction imposed by the registrar 2 points | 106 |
| (14) <u>(15)</u> A violation of section 4510.11, 4510.111, | 107 |
| 4510.16, or 4510.21 of the Revised Code or any ordinance | 108 |
| prohibiting the operation of a motor vehicle while the driver's | 109 |
| or commercial driver's license is under suspension 2 | 110 |
| points | 111 |
| (15) <u>(16)</u> With the exception of violations under section | 112 |
| 4510.12 of the Revised Code where no points shall be assessed, | 113 |
| all other moving violations reported under this | 114 |
| section 2 points | 115 |
| (D) Upon receiving notification from the proper court, | 116 |
| including a United States district court that has jurisdiction | 117 |
| within this state, the bureau shall delete any points entered | 118 |
| for a bond forfeiture if the driver is acquitted of the offense | 119 |
| for which bond was posted. | 120 |
| (E) If a person is convicted of or forfeits bail for two | 121 |
| or more offenses arising out of the same facts and points are | 122 |
| chargeable for each of the offenses, points shall be charged for | 123 |
| only the conviction or bond forfeiture for which the greater | 124 |
| number of points is chargeable, and, if the number of points | 125 |
| chargeable for each offense is equal, only one offense shall be | 126 |
| recorded, and points shall be charged only for that offense. | 127 |
| Sec. 4511.75. (A) The driver of a vehicle, streetcar, or | 128 |
| trackless trolley upon meeting or overtaking from either | 129 |
| direction any school bus stopped for the purpose of receiving or | 130 |
| discharging any school child, person attending programs offered | 131 |
| by community boards of mental health and county boards of | 132 |
| developmental disabilities, or child attending a program offered | 133 |

by a head start agency, shall stop at least ten feet from the 134
front or rear of the school bus and shall not proceed until such 135
school bus resumes motion, or until signaled by the school bus 136
driver to proceed. 137

It is no defense to a charge under this division that the 138
school bus involved failed to display or be equipped with an 139
automatically extended stop warning sign as required by division 140
(B) of this section. 141

(B) Every school bus shall be equipped with amber and red 142
visual signals meeting the requirements of section 4511.771 of 143
the Revised Code, and an automatically extended stop warning 144
sign of a type approved by the state board of education, which 145
shall be actuated by the driver of the bus whenever but only 146
whenever the bus is stopped or stopping on the roadway for the 147
purpose of receiving or discharging school children, persons 148
attending programs offered by community boards of mental health 149
and county boards of developmental disabilities, or children 150
attending programs offered by head start agencies. A school bus 151
driver shall not actuate the visual signals or the stop warning 152
sign in designated school bus loading areas where the bus is 153
entirely off the roadway or at school buildings when children or 154
persons attending programs offered by community boards of mental 155
health and county boards of developmental disabilities are 156
loading or unloading at curbside or at buildings when children 157
attending programs offered by head start agencies are loading or 158
unloading at curbside. The visual signals and stop warning sign 159
shall be synchronized or otherwise operated as required by rule 160
of the board. 161

(C) Where a highway has been divided into four or more 162
traffic lanes, a driver of a vehicle, streetcar, or trackless 163

trolley need not stop for a school bus approaching from the 164
opposite direction which has stopped for the purpose of 165
receiving or discharging any school child, persons attending 166
programs offered by community boards of mental health and county 167
boards of developmental disabilities, or children attending 168
programs offered by head start agencies. The driver of any 169
vehicle, streetcar, or trackless trolley overtaking the school 170
bus shall comply with division (A) of this section. 171

(D) School buses operating on divided highways or on 172
highways with four or more traffic lanes shall receive and 173
discharge all school children, persons attending programs 174
offered by community boards of mental health and county boards 175
of developmental disabilities, and children attending programs 176
offered by head start agencies on their residence side of the 177
highway. 178

(E) No school bus driver shall start the driver's bus 179
until after any child, person attending programs offered by 180
community boards of mental health and county boards of 181
developmental disabilities, or child attending a program offered 182
by a head start agency who may have alighted therefrom has 183
reached a place of safety on the child's or person's residence 184
side of the road. 185

(F) (1) ~~Whoever~~ Except as provided in division (F) (2) of 186
this section, the court, including a mayor's court, may impose 187
the following on a person who violates division (A) of this 188
section may be fined an amount not to exceed: 189

(a) A fine of up to five hundred dollars; 190

(b) A class seven suspension of the offender's driver's 191
license, commercial driver's license, temporary instruction 192

permit, probationary license, or nonresident operating privilege 193
from the range specified in division (A) (7) of section 4510.02 194
of the Revised Code.~~A~~ 195

(2) For each violation of division (A) within five years 196
of a prior violation, the court, including a mayor's court, 197
shall impose either or both of the following on a person who 198
violates division (A) of this section: 199

(a) A fine of one thousand dollars; 200

(b) A class five suspension of the offender's driver's 201
license, commercial driver's license, temporary instruction 202
permit, probationary license, or nonresident operating privilege 203
from the range specified in division (A) (7) of section 4510.02 204
of the Revised Code. 205

(3) A person who is issued a citation for a violation of 206
division (A) of this section is not permitted to enter a written 207
plea of guilty and waive the person's right to contest the 208
citation in a trial but instead must appear in person in the 209
proper court to answer the charge. 210

~~(2) In addition to and independent of any other penalty~~ 211
~~provided by law, the court or mayor may impose upon an offender~~ 212
~~who violates this section a class seven suspension of the~~ 213
~~offender's driver's license, commercial driver's license,~~ 214
~~temporary instruction permit, probationary license, or~~ 215
~~nonresident operating privilege from the range specified in~~ 216
~~division (A) (7) of section 4510.02 of the Revised Code.~~ (4) When 217
a license is suspended under this section, the court ~~or mayor~~ 218
shall cause the offender to deliver the license to the court, 219
and the court or clerk of the court immediately shall forward 220
the license to the registrar of motor vehicles, together with 221

notice of the court's action. 222

(G) As used in this section: 223

(1) "Head start agency" has the same meaning as in section 224
3301.32 of the Revised Code. 225

(2) "School bus," as used in relation to children who 226
attend a program offered by a head start agency, means a bus 227
that is owned and operated by a head start agency, is equipped 228
with an automatically extended stop warning sign of a type 229
approved by the state board of education, is painted the color 230
and displays the markings described in section 4511.77 of the 231
Revised Code, and is equipped with amber and red visual signals 232
meeting the requirements of section 4511.771 of the Revised 233
Code, irrespective of whether or not the bus has fifteen or more 234
children aboard at any time. "School bus" does not include a van 235
owned and operated by a head start agency, irrespective of its 236
color, lights, or markings. 237

Section 2. That existing sections 4510.036 and 4511.75 of 238
the Revised Code are hereby repealed. 239