



PART FOUR - TRAFFIC CODE

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TITLE TWO - Administration, Enforcement and Penalties

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CHAPTER 402

Definitions

CHAPTER 402: DEFINITIONS

402.01 Meaning of words and phrases

Cross-reference:

Blind person defined, see § 416.02

Commercial car defined, see § 442.01

Funeral procession defined, see § 432.24

Snowmobile, off-highway motorcycle and all-purpose vehicle defined, see § 446.01

Street racing defined, see § 434.10

§ 402.01 MEANING OF WORDS AND PHRASES.

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this traffic code and the penal laws of the municipality. Except as otherwise provided, the following words and phrases, when used in this traffic code, shall have the meanings respectively ascribed to them in this chapter.

- (a) Agricultural tractor. Every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of



such other vehicles, and used principally for agricultural purposes.

- (b) Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an alley by the legislative authority of the municipality in which the street or highway is located.
- (c) Arterial street. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
- (d) Bicycle. Every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than 14 inches in diameter.
- (e) Bus. Every motor vehicle designed for carrying more than nine passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.
- (f) Business district. The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50% or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.
- (g) Chauffeured limousine. 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 agreement, 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. (R.C. § 4501.01(LL))

- (h) Child day-care center and type A family day-care home. These terms shall have the same meanings as set forth in R.C. § 5104.01.
- (i) Commercial tractor. Every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.
- (j) Controlled-access highway. Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.
- (k) Crosswalk.
 - (1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
 - (2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
 - (3) Notwithstanding the foregoing provisions of this definition, there shall not be a crosswalk where the legislative authority has placed signs indicating no crossing.
- (l) Driver or operator. Any person who drives or is in actual physical control of a vehicle.
- (m) Emergency vehicle. Emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer.



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- (n) Explosives. Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities of a nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb or property by fire, friction, concussion, percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.
- (o) Expressway. A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.
- (p) Flammable liquid. Any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.
- (q) Freeway. A divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.
- (r) Funeral escort vehicle. Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.
- (s) Gross weight. The weight of a vehicle plus the weight of any load thereon.
- (t) Intersection.
- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded



as a separate intersection. If an intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

- (3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.
- (u) Laned highway. A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
- (v) Local authorities. Every county, municipal and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.
- (w) Motor vehicle. Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized 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.
- (x) Motorcycle. Every motor vehicle other than a tractor having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to motor vehicles known as motor-driven cycle, motor scooter or motorcycle without regard to weight or brake horsepower.
- (y) Motorized bicycle. 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.
- (z) Motorized wheelchair. Any self-propelled vehicle designed for, and used by, a person with



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- a disability and that is incapable of a speed in excess of eight miles per hour.
- (aa) Multi-wheel agricultural tractor. A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.
 - (bb) Operate. To cause or have caused movement of a vehicle.
 - (cc) Parking or parked. The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.
 - (dd) Pedestrian. Any natural person afoot.
 - (ee) Person. Every natural person, firm, partnership, association or corporation.
 - (ff) Pole trailer. Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
 - (gg) Police officer. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
 - (hh) Predicate motor vehicle or traffic offense. Any of the following:
 - (1) A violation of R.C. § 4511.03, § 4511.051, § 4511.12, § 4511.132, § 4511.16, § 4511.20, § 4511.201, § 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, § 4511.432, § 4511.44, § 4511.441, § 4511.451, § 4511.452, § 4511.46, § 4511.47, § 4511.48,



§ 4511.481, § 4511.49, § 4511.50, § 4511.511, § 4511.53, § 4511.54, § 4511.55, § 4511.56, § 4511.57, § 4511.58, § 4511.59, § 4511.60, § 4511.61, § 4511.64, § 4511.66, § 4511.661, § 4511.68, § 4511.70, § 4511.701, § 4511.71, § 4511.711, § 4511.712, § 4511.713, § 4511.72, § 4511.73, § 4511.763, § 4511.771, § 4511.78 or § 4511.84;

- (2) A violation of R.C. § 4511.17(A)(2), § 4511.51(A) through (D) or § 4511.74(A);
 - (3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
 - (4) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2) or (3) of this definition.
- (ii) Private road or driveway. Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.
- (jj) Public safety vehicle. Any of the following:
- (1) Ambulances, including private ambulance companies under contract to a municipality, township or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;
 - (2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;
 - (3) Any motor vehicle when properly identified as required by the 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 State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;
 - (4) Vehicles used by fire departments, including motor vehicles when used by volunteer



firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

- (5) 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 such a vehicle when transporting an ill or injured person to a hospital, regardless of whether the vehicle has already passed a hospital;
- (6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.
- (kk) Railroad. A carrier of persons or property operating upon rails placed principally on a private right-of-way.
- (ll) Railroad sign or signal. Any sign, signal or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (mm) Railroad train. A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.
- (nn) Residence district. The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
- (oo) Ridesharing arrangement. Includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools and buspools.
- (pp) Right-of-way. Either of the following, as the context requires:
- (1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;
 - (2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When



used in this context, right-of-way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the state or local authority.

- (qq) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term Roadway means any roadway separately, but not all the roadways collectively.
- (rr) Rural mail delivery vehicle. Every vehicle used to deliver United States mail on a rural mail delivery route.
- (ss) Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.
- (tt) School bus. Every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided, school bus does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within those limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and school bus does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.
- (uu) Semitrailer. Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load,



- or both, rests upon and is carried by another vehicle.
- (vv) Sidewalk. That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.
 - (ww) State highway. A highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and § 4511.99.
 - (xx) State route. Every highway which is designated with an official state route number and so marked.
 - (yy) Stop. When required, means a complete cessation of movement.
 - (zz) Stop intersection. Any intersection at one or more entrances of which stop signs are erected.
 - (aaa) Stopping or standing. When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.
 - (bbb) Street or highway. The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.
 - (ccc) Through highway. Every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.
 - (ddd) Thruway. A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.
 - (eee) Traffic. Pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any highway for purposes of travel.
 - (fff) Traffic-control devices. All flagpersons, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways.



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- (ggg) Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction.
- (hhh) Trailer. Every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle 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 more than ten miles or at a speed of more than 25 miles per hour.
- (iii) Truck. Every motor vehicle, except trailers and semitrailers, designed and used to carry property.
- (jjj) Urban district. The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.
- (kkk) Vehicle. Every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a highway, except that vehicle does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks or any device, other than a bicycle, that is moved by human power.

(R.C. § 4511.01)



CHAPTER 404: ENFORCEMENT; IMPOUNDING

- 404.01 Police may remove ignition key
- 404.02 Resisting an enforcing official
- 404.03 Road workers, motor vehicles and equipment excepted
- 404.04 Emergency, public safety and coroners' vehicles excepted
- 404.05 Application to persons riding, driving animals upon roadway
- 404.06 Application to drivers of government vehicles
- 404.07 Impounding of vehicles; redemption
- 404.08 Traffic direction in emergencies; obedience to school guards
- 404.09 Furnishing false information incident to traffic citation
- 404.99 Penalty

Cross-reference:

Dereliction of duty, see § 654.12

Disposition of property held by Police Department, see § 654.16

Exceptions for emergency or public safety vehicles, see §§ 432.19, 434.08

Failure to aid a law enforcement officer, see § 654.05

Limitation on criminal prosecutions, see § 606.06

Parking violations waiver, see § 452.14

Obstructing justice, see § 654.07

Obstructing official business, see § 654.06

Resisting arrest, see § 654.08

Soliciting or receiving improper compensation, see § 654.11

Suspension of riding privileges; impounding of bicycles, see § 444.10



Statutory reference:

Arrest without warrant for misdemeanor, see R.C. § 2935.03

*Authority of arresting officer when radar, electrical or mechanical timing device used,
see R.C. § 4511.091*

Burden of proof, see R.C. § 2901.05

Discharge for delay in trial, see R.C. § 2945.73

Disposition of unclaimed vehicles, see R.C. §§ 737.32, 4513.61 et seq.

Distinctive uniform required for traffic officers, see R.C. § 4549.15

Extension of time for hearing or trial, see R.C. § 2945.72

Marking motor vehicles used by traffic officers, see R.C. § 4549.13

*Power of trial court of record to suspend license for certain violations, see R.C. §§ 4510.05,
4510.15*

Right of trial by jury, see R.C. § 2945.17

State point system suspension, see R.C. § 4507.021

Time within which hearing or trial must be held, see R.C. § 2945.71

Uniform application of Ohio Traffic Law, see R.C. § 4511.06

Use of private property for vehicular travel, see R.C. § 4511.08



§ 404.01 POLICE MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway. The officer removing the key shall place notification upon the vehicle detailing his or her name and badge number, the place where the key may be reclaimed, and the procedure for reclaiming the key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.

(R.C. § 4549.05)

§ 404.02 RESISTING AN ENFORCING OFFICIAL.

(a) No person shall resist, hinder, obstruct or abuse any sheriff, constable or other official while that official is attempting to arrest offenders under any provision of this traffic code. No person shall interfere with any person charged under any provision of this traffic code with the enforcement of the law relative to public highways.

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

(R.C. § 4513.36)

(c) It is a defense to prosecution under this section that the hindrance, obstruction, resistance or interference alleged consisted of constitutionally protected speech only.

§ 404.03 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this traffic code, except for § 434.01, do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic-control devices, but apply to those persons and vehicles when



traveling to or from that work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and any other markings as are required by law and the lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of R.C. §§ 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, 4513.02 and 5577.01 to 5577.09, and any substantially equivalent municipal ordinance.

(c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of R.C. § 4511.22, § 4511.25, § 4511.26, § 4511.27, § 4511.28, § 4511.30, § 4511.31, § 4511.33, § 4511.35, § 4511.66 or § 4513.02 or §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance.

(2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance.

(d) As used in this section, highway maintenance vehicle means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle or other such vehicle designed for use in specific highway maintenance activities.

(R.C. § 4511.04)

§ 404.04 EMERGENCY, PUBLIC SAFETY AND CORONERS§ VEHICLES EXCEPTED.

(a) The provisions of R.C. §§ 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.15, 4511.202, 4511.21, 4511.211, 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, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69, and any substantially equivalent municipal ordinances, do not apply to the driver of an emergency vehicle or public safety vehicle if 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 if the driver of the vehicles is giving an audible signal by siren, exhaust whistle or bell. This section 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.

(R.C. § 4511.041)

(b) The provisions of R.C. §§ 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, or any substantially equivalent municipal ordinances, do not apply to a coroner, deputy coroner or coroner's investigator operating a motor vehicle in accordance with R.C. § 4513.171 or a substantially equivalent municipal ordinance. This division does not relieve a coroner, deputy coroner or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(R.C. § 4511.042)

§ 404.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway is subject to the provisions of this traffic code, applicable to the driver of a vehicle, except those provisions of this traffic code which by their nature are inapplicable.

(R.C. § 4511.05)



§ 404.06 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this traffic code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

§ 404.07 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;
- (2) When any motor vehicle, including an abandoned junk motor vehicle, as defined in R.C. § 4513.63, is left on private residential property, as defined in R.C. § 4513.60, or on private agricultural property, for at least four consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in that place, except that when such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately;



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- (3) When any vehicle has been stolen or operated without the consent of the owner;
 - (4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;
 - (5) When any vehicle has been used in or connected with the commission of a felony;
 - (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this traffic code whereby its continued operation would constitute a condition hazardous to life, limb or property;
 - (7) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;
 - (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;
 - (9) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked;
 - (10) When any vehicle is found for which two or more citation tags for violations of this traffic code have been issued and the owner or operator thereof has failed to respond to the citation tags as lawfully required.

(b) Any vehicle removed under authority of division (a)(2) of this section shall be ordered into storage and/or disposed of as provided under R.C. §§ 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Police Department shall forthwith notify the registered vehicle owner of the fact of the removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which the vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to the violations. The pound operator shall release the vehicle upon the receipt of the release form and payment of all towage



and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator.

§ 404.08 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARDS.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this traffic code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this traffic code. Firefighters, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or firefighter issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which the guard may be assigned.

§ 404.09 FURNISHING FALSE INFORMATION INCIDENT TO TRAFFIC CITATION.

(a) No person shall knowingly present, display or orally communicate a false name, Social Security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.

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



(R.C. § 4513.361)

§ 404.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.

CHAPTER 406: TRAFFIC CONTROL

- 406.01 Authority and considerations for placement of devices
- 406.02 Conformity with State Manual
- 406.03 Powers of designated person
- 406.04 Posting of signs and signals required
- 406.05 Designated person's powers not limited
- 406.06 Records of designated person
- 406.07 Reservation of power to Council
- 406.08 Violations subject to general code penalty

Cross-reference:

Traffic-control devices defined, see § 402.01

Statutory reference:

Alteration of prima facie speed limits, see R.C. §§ 4511.21, 4511.22, 4511.23

Designation of through streets and erection of stop or yield signs, see R.C. § 4511.65

Placing and maintaining local traffic-control devices, see R.C. §§ 4511.10, 4511.11

Power to designate highway as a freeway, expressway or thruway, see R.C. § 4511.011

Power to erect stop signs at grade crossings, see R.C. § 4511.61

Uniform system of traffic-control devices, see R.C. §§ 4511.09, 4511.11



§ 406.01 AUTHORITY AND CONSIDERATIONS FOR PLACEMENT OF DEVICES.

Council may designate a person to place and maintain traffic-control devices upon any street or highway under municipal jurisdiction as are necessary to effectuate the provisions of this traffic code, or to regulate, warn or guide traffic, and such other traffic-control devices as the person shall deem necessary for the proper control of traffic. The designated person shall determine the location, timing and coordination of the traffic-control devices upon the basis of an applicable engineering or traffic investigation and shall consider the following:

- (a) The maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage;
- (b) The existing and potential traffic movement, volume and conditions;
- (c) The location and frequency of accidents, including studies of remedial measures;
- (d) The recommendations of the Chief of Police and Fire Chief;
- (e) The acceleration of transportation of persons and property by vehicles so as to expedite travel and promote public safety;
- (f) The convenience and welfare of the general public in parking, standing, loading and unloading, and the use of the streets as affecting business concerns and places of assembly; and
- (g) Economy in the expenditure of money.

§ 406.02 CONFORMITY WITH STATE MANUAL.

All traffic-control devices placed pursuant to the provisions of this traffic code shall conform to the *Ohio Manual and Specifications for a Uniform System of Traffic-Control Devices*, as adopted under R.C. § 4511.09.

§ 406.03 POWERS OF DESIGNATED PERSON.



The person designated by Council pursuant to § 406.01 is hereby authorized to:

- (a) Designate any street or highway as a through street or highway and require that all vehicles stop or yield the right-of-way as may be required before entering the same;
- (b) Designate any intersection as a stop intersection and require all vehicles to stop at one or more entrances to the intersection;
- (c) Designate any intersection as a yield intersection and require all vehicles to yield the right-of-way as required;
- (d) Designate any street as a one-way street and require that all vehicles thereon be moved in one specific direction;
- (e) Designate and mark lanes to be used by traffic moving in a particular direction regardless of the centerline of the roadway;
- (f) Erect signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction;
- (g) Designate those portions of any street, where overtaking and passing other traffic or driving to the left of the center or centerline of the roadway would be especially hazardous, by appropriate signs or markings on the street to indicate the beginning and end of such zones. These zones may be marked by an auxiliary yellow line placed parallel and to the right of the normal centerline or offset marked lane line;
- (h) Place markers, buttons or signs within or adjacent to intersections and require that a specific course of direction be traveled by vehicles proceeding in lanes by either permitting, prohibiting or requiring turns at the intersections;
- (i) Install traffic-control devices, signals and signs at any location to regulate traffic;
- (j) Establish safety zones, crosswalks, zones of quiet and play streets;
- (k) Close any street or portion thereof to vehicular traffic which is in the process of construction, reconstruction or repair;
- (l) Determine the location of any necessary bus stops and taxicab stands;



- (m) Determine the location and limiting hours of truck loading zones;
- (n) Designate dangerous railroad crossings and erect stop signs thereat;
- (o) Erect No U Turn signs at any location to prohibit a vehicle from being turned so as to proceed in the opposite direction;
- (p) Regulate or prohibit the stopping, standing and parking of vehicles on streets, alleys or public property by erecting signs plainly indicating the prohibitions, restrictions or limitations;
- (q) Designate individual parking spaces by markings, which may either be parallel or at a prescribed angle to the curb or edge of the roadway.



§ 406.04 POSTING OF SIGNS AND SIGNALS REQUIRED.

No provision of this chapter shall be effective until signs, signals, markings or other devices giving notice of the local traffic regulations are posted upon or at the entrance to the street or part thereof affected, as may be most appropriate, so that in a proper position they are sufficiently legible to be seen by an ordinarily observant person.

§ 406.05 DESIGNATED PERSON'S POWERS NOT LIMITED.

The powers of the person designated by Council pursuant to § 406.01 shall not be limited by the specific enumeration of subjects contained in this chapter.

§ 406.06 RECORDS OF DESIGNATED PERSON.

The person designated by Council pursuant to § 406.01 shall keep a record of all rules, regulations and proceedings promulgated in connection with this chapter.

§ 406.07 RESERVATION OF POWER TO COUNCIL.

Notwithstanding the provisions of this chapter, Council may override any decision of the person designated by Council pursuant to § 406.01 and may assume any of the powers delegated to the person, by a resolution adopted by a vote of a majority of the members duly elected thereto. Upon the adoption of any such resolution, the same may be changed only by an amending or repealing resolution adopted by Council.

§ 406.08 VIOLATIONS SUBJECT TO GENERAL CODE PENALTY.



Any person violating the rules and regulations promulgated in connection with this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided for in §§ 408.01 and 408.02.



CHAPTER 408: PENALTIES

- 408.01 Penalties for misdemeanor
- 408.02 General code penalty
- 408.03 Suspension of driver's license

Cross-reference:

- Definition of dangerous offender, see § 698.01*
- Definition of repeat offender, see § 698.01*
- Imposing sentence for misdemeanor, see § 698.03*
- Multiple sentences, see § 698.05*
- Organizational penalties, see § 698.04*

Statutory reference:

- Criteria for probation; conditions for probation, see R.C. § 2951.02*
- Definition of imprisoned, see R.C. § 1.05*
- Satisfaction of fine; credit for time served, see R.C. § 2947.14*

§ 408.01 PENALTIES FOR MISDEMEANOR.

Whoever is convicted of or pleads guilty to a misdemeanor or minor misdemeanor shall be sentenced in accordance with § 698.02.

§ 408.02 GENERAL CODE PENALTY.

Whoever violates any provision of this traffic code for which no penalty otherwise is provided in the section violated is guilty of one of the following:

- (a) Except as otherwise provided in division (b) or (c) 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 one predicate motor vehicle or traffic offense, 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 two or more predicate motor vehicle or traffic offenses, a misdemeanor of the third degree. (R.C. § 4511.99)

§ 408.03 SUSPENSION OF DRIVER'S LICENSE.

Except as otherwise provided in R.C. § 4510.07 or in any other provision of the Revised Code, whenever an offender is convicted of or pleads guilty to a violation of any provision of this traffic code that is substantially equivalent to a provision of the Revised Code, and a court is permitted or required to suspend a person's driver's or commercial driver's license or permit for a violation of that provision, a court, in addition to any other penalties authorized by law, may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for the period of time the court determines appropriate, but the period of suspension imposed for the violation of the provision of this traffic code shall not exceed the period of suspension that is permitted or required to be imposed for the violation of the provision of the Revised Code to which the provision of this traffic code is substantially equivalent.

(R.C. § 4510.05)



CHAPTER 412: OBSTRUCTION AND SPECIAL USES OF PUBLIC WAYS

- 412.01 Placing injurious material or obstruction in street
- 412.02 Zones of quiet
- 412.03 Play streets
- 412.04 Toy vehicles on roadway
- 412.05 Freeway use prohibited by pedestrians, bicycles and animals
- 412.99 Penalty

Cross-reference:

Loads dropping or leaking; tracking mud; removal required, see § 440.06

Parking in alleys or narrow streets; exceptions, see § 452.12

Selling, washing or repairing vehicle upon roadway, see § 452.09

Sidewalk obstructions; damage or injury, see § 660.10

Statutory reference:

Power to regulate processions or assemblages, see R.C. § 4511.07

§ 412.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

- (a) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.
- (2) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.
- (3) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from



the vehicle.

(4) No person shall place any obstruction in or upon a highway without proper authority.

(b) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon the highway, except substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(c) (1) Except as otherwise provided in this division, whoever violates division (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 division (a) of 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 division (a) is guilty of a misdemeanor of the third degree.

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

(R.C. § 4511.74)

§ 412.02 ZONES OF QUIET.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a vehicle within any such zone shall sound the horn or other warning device of the vehicle except in an emergency.

§ 412.03 PLAY STREETS.



Whenever authorized signs are erected indicating that any street or part thereof is a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within the closed area and then the drivers shall exercise the greatest care in driving upon any such street or portion thereof.

§ 412.04 TOY VEHICLES ON ROADWAY.

No person riding upon any coaster, roller skates, sled, toy vehicle or other similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing the person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply to any street set aside as a play street.

§ 412.05 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, a bicycle with motor attached, a motor-driven cycle with a motor which produces not to exceed five brake horsepower, an agricultural tractor or farm machinery, except in the performance of public works



or official duties.



(b) 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.

(R.C. § 4511.051)

§ 412.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 414: TRAFFIC-CONTROL DEVICES

- 414.01 Obedience to traffic-control devices
- 414.02 Through streets; stop and yield right-of-way signs
- 414.03 Traffic-control signal terms and lights
- 414.04 Signal to control lane direction of travel
- 414.05 Pedestrian control signals
- 414.06 Flashing traffic signals
- 414.07 Unauthorized signs and signals, hiding from view, advertising
- 414.08 Alteration, injury, removal of traffic-control devices
- 414.09 Unauthorized possession or sale of devices
- 414.10 Signal preemption devices; prohibitions
- 414.11 Traffic law photo-monitoring devices
- 414.99 Penalty

Cross-reference:

Authority and considerations for placing of devices, see § 406.01

Criminal mischief (tampering), see § 642.09

Intersections at which traffic-control signals fail or malfunction, see § 432.16

Posting of signs and signals required, see § 406.04

Traffic-control devices defined, see § 402.01

Uniform system of traffic-control devices, see § 406.02

Statutory reference:

Designation of through streets or stop intersections, see R.C. §§ 4511.07, 4511.65

Placing and maintaining local traffic-control devices, see R.C. §§ 4511.10, 4511.11

Uniform system of traffic-control devices, see R.C. §§ 4511.09, 4511.11



§ 414.01 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

- (a) (1) 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.
- (2) No provision 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.

(R.C. § 4511.12(A))

- (b) (1) Except as provided in division (c) of this section, any operator of a commercial motor vehicle, upon approaching a scale location established for the purpose of determining the weight of the vehicle and its load, shall comply with any traffic-control device or the order of a peace officer directing the vehicle to proceed to be weighed or otherwise inspected.
- (2) Any operator of a commercial motor vehicle, upon bypassing a scale location in accordance with division (c) of this section, shall comply with an order of a peace officer to stop the vehicle to verify the use and operation of an electronic clearance device.

(c) Any operator of a commercial motor vehicle that is equipped with an electronic clearance device authorized by the Superintendent of the State Highway Patrol under R.C. § 4549.081 may bypass a scale location, regardless of the instruction of a traffic-control device to enter the scale facility, if either of the following apply:

- (1) The in-cab transponder displays a green light or other affirmative visual signal and also sounds an affirmative audible signal;



(2) Any other criterion established by the Superintendent of the State Highway Patrol is met.

(d) Any peace officer may order the operator of a commercial motor vehicle that bypasses a scale location to stop the vehicle to verify the use and operation of an electronic clearance device.

(e) As used in this section, commercial motor vehicle means any combination of vehicles with a gross vehicle weight rating or an actual gross vehicle weight of more than 10,000 pounds if the vehicle is used in interstate or intrastate commerce to transport property and also means any vehicle that is transporting hazardous materials for which placarding is required pursuant to 49 C.F.R. Parts 100 to 180.

(R.C. § 4511.121(A) - (C), (E))

(f) No person shall use an electronic clearance device if the device or its use is not in compliance with rules of the Superintendent of the State Highway Patrol.

(R.C. § 4549.081(B))

(g) (1) Except as otherwise provided in this division, whoever violates division (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 division (a) of 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 division (a) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.12(B))

(2) Whoever violates division (b) 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 a violation of division (b) of this section or any substantially equivalent state law or municipal ordinance, whoever violates division (b) of 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 or pleaded guilty to two or more violations of division (b) of this section or any substantially equivalent state law or municipal ordinance, whoever violates division (b) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.121(D))

- (3) Whoever violates division (f) of this section is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(R.C. § 4549.081(C))

§ 414.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(a) All state routes are hereby designated as through highways, provided that stop signs, yield signs or traffic-control signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more state routes that are through highways intersect, and no traffic-control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Department or by local authorities having jurisdiction, except as otherwise provided in this section. Whenever the Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent the installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his or her jurisdiction. Before the



Director either installs or removes a stop sign under this division, he or she shall give notice, in writing, of that proposed action to the affected local authority at least 30 days before installing or removing the stop sign.

(b) Other streets or highways, or portions thereof, are hereby designated as through highways if they are within the municipality, if they have a continuous length of more than one mile between the limits of the street or highway or portion thereof, and if they have stop or yield signs or traffic-control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of the street or highway, or portion thereof, shall be the municipal corporation line, the physical terminus of the street or highway, or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided, that in residence districts, the municipality may by ordinance designate the street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic-control devices. Where two or more through highways designated under this division intersect and no traffic-control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Department or by local authorities having jurisdiction, except as otherwise provided in this section.

(c) The Department or local authorities having jurisdiction need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(d) Local authorities, with reference to highways under their jurisdiction, may designate additional through highways, and shall erect stop signs, yield signs or traffic-control signals at all streets and highways intersecting the through highways, or may designate any intersection as a stop or yield intersection, and shall erect like signs at one or more entrances to the intersection.



(R.C. § 4511.65)

§ 414.03 TRAFFIC-CONTROL SIGNAL TERMS AND LIGHTS.

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying words or symbols, and these lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) *Green indication.*

- A. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at the place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
- B. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- C. Unless otherwise directed by a pedestrian-control signal, as provided in R.C. § 4511.14 or a substantially equivalent municipal ordinance, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Steady yellow indication.*

- A. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red



indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

- B. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in R.C. § 4511.14 or a substantially equivalent municipal ordinance, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(3) *Steady red indication.*

- A. Vehicular traffic facing a steady red signal alone 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 before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in divisions (a)(3)B. and (a)(3)C. of this section.
- B. Unless a sign is in place prohibiting a right turn as provided in division (a)(3)E. of this section, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by division (a)(3)A. of this section. This vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- C. Unless a sign is in place prohibiting a left turn as provided in division (a)(3)E. of this section, vehicular traffic facing a steady red signal on a one-way street that intersects another one-way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one-way street after stopping as required by division (a)(3)A. of this section, and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.



- D. Unless otherwise directed by a pedestrian-control signal as provided in R.C. § 4511.14 or a substantially equivalent municipal ordinance, pedestrians facing a steady red signal alone shall not enter the roadway.
- E. Local authorities may by ordinance, or the Director of Transportation on state highways may, prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.

(R.C. § 4511.13)

§ 414.04 SIGNAL TO CONTROL LANE DIRECTION OF TRAVEL.

When lane-use control signals are placed over individual lanes of a street or highway, these signals shall indicate and apply to drivers of vehicles as follows:

- (a) *A steady (downward) green arrow.* Vehicular traffic may travel in any lane over which a green arrow signal is shown.
- (b) *A steady yellow X.* Vehicular traffic is warned to vacate in a safe manner any lane over which the signal is shown to avoid occupying that lane when a steady red X signal is shown.
- (c) *A flashing yellow X.* Vehicular traffic may use with proper caution any lane over which this signal is shown for only the purpose of making a left turn.
- (d) *A steady red X.* Vehicular traffic shall not enter or travel in any lane over which this signal



is shown.

(R.C. § 4511.131)

§ 414.05 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words walk or don't walk, or the symbol of a walking person or an upraised palm are in place, these signals shall indicate the following instructions:

- (a) *Walk or the symbol of a walking person.* Pedestrians facing this signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the operators of all vehicles.
- (b) *Don't walk or the symbol of an upraised palm.* No pedestrian shall start to cross the roadway in the direction of the signal.
- (c) *Wait.* Nothing in this section shall be construed to invalidate the continued use of pedestrian-control signals utilizing the word wait if those signals were installed prior to March 28, 1985.

(R.C. § 4511.14)

§ 414.06 FLASHING TRAFFIC SIGNALS.

- (a) Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic sign, it shall require obedience as follows:
 - (1) *Flashing red stop signal.* Operators of vehicles 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, and the right to proceed shall be subject to the rules applicable after making a stop at a stop



sign.

- (2) *Flashing yellow caution signal.* Operators of vehicles may proceed through the intersection or past the signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by R.C. §§ 4511.61 and 4511.62, or substantially equivalent municipal ordinances.

(R.C. § 4511.15)

§ 414.07 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.

(a) (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles a traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic-control device or any railroad sign or signal; and no person shall place or maintain, nor shall any public authority permit, upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for traffic-control devices, or the erection upon private property of traffic-control devices by the owner of real property in accordance with R.C. §§ 4511.211 and 4511.432.

- (2) Every prohibited sign, signal, marking or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.

(b) 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.

(R.C. § 4511.16)

§ 414.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC-CONTROL DEVICES.

- (a) No person, without lawful authority, shall do any of the following:
- (1) Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic-control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;
 - (2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition, and is marked by flags, markers, signs or other devices intended to protect it;
 - (3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.
- (b) (1) Except as otherwise provided in this division, whoever violates division (a)(1) or (a)(3) of this section is guilty of a misdemeanor of the third degree. If a violation of division (a)(1) or (a)(3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of division (a)(1) or (a)(3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony to be prosecuted under appropriate state law.
- (2) Except as otherwise provided in this division, whoever violates division (a)(2) 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 division (a)(2) of 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 division (a)(2) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.17)

§ 414.09 UNAUTHORIZED POSSESSION OR SALE OF DEVICES.

(a) As used in this section, traffic-control device means any sign, traffic-control signal or other device conforming to and placed or erected in accordance with the manual adopted under R.C. § 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess, or sell, a traffic-control device, except when one of the following applies:

- (1) In the course of the individual's employment by the state or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic-control device;
- (2) In the course of the individual's employment by any manufacturer of traffic-control devices other than a state or local authority;
- (3) For the purpose of demonstrating the design and function of a traffic-control device to state or local officials;
- (4) When the traffic-control device has been purchased from the state or a local authority at a sale of property that is no longer needed or is unfit for use; or



(5) When the traffic-control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of R.C. § 2913.02, or a substantially equivalent municipal ordinance, or for receiving stolen property in violation of R.C. § 2913.51, or a substantially equivalent municipal ordinance.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 4511.18)

§ 414.10 SIGNAL PREEMPTION DEVICES; PROHIBITIONS.

- (a) (1) No person shall possess a portable signal preemption device.
(2) No person shall use a portable signal preemption device to affect the operation of a traffic-control device.

(b) Division (a)(1) of this section does not apply to any of the following persons and division (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:

- (1) A peace officer, as defined in R.C. § 109.17(A)(1), (A)(12), (A)(14) or (A)(19);
- (2) A State Highway Patrol officer;
- (3) A person while occupying a public safety vehicle as defined in R.C. § 4511.01(E)(1), (E)(3) or (E)(4).

(c) Whoever violates division (a)(1) of this section is guilty of a misdemeanor of the fourth



degree. Whoever violates division (a)(2) of this section is guilty of a misdemeanor of the first degree.

(d) As used in this section, portable signal preemption device means a device that, if activated by a person, is capable of changing a traffic-control signal to green out of sequence.

(R.C. § 4511.031)

§ 414.11 TRAFFIC LAW PHOTO-MONITORING DEVICES.

(a) As used in this section, traffic law photo-monitoring device means an electronic system consisting of a photographic, video or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape or digital images of the vehicle or its license plate.

(b) (1) The municipality shall not use traffic law photo-monitoring devices to enforce any traffic law until after it has erected signs on every highway that is not a freeway that is part of the state highway system and that enters the municipality. The signs shall inform inbound traffic that the municipality utilizes traffic law photo-monitoring devices to enforce traffic laws. The signs shall be erected within the first 300 feet of the boundary of the municipality or, if the signs cannot be located within the first 300 feet of the boundary of the municipality, as close to that distance as possible, provided that if a particular highway enters and exits the territory of the municipality multiple times, the municipality shall erect the signs as required by this division at the locations in each direction of travel where inbound traffic on the highway first enters the territory of the municipality and is not required to erect additional signs along such highway each time the highway reenters the territory of the municipality. The municipality is responsible for all costs associated with the erection, maintenance and



replacement, if necessary, of the signs. All signs erected under this division shall conform in size, color, location and content to standards contained in the manual adopted by the Department of Transportation pursuant to R.C. § 4511.09 and shall remain in place for as long as the municipality utilizes traffic law photo-monitoring devices to enforce any traffic law. Any ticket, citation or summons issued by or on behalf of the municipality for any traffic law violation based upon evidence gathered by a traffic law photo-monitoring device after March 12, 2009, but before the signs have been erected, is invalid; provided that no ticket, citation or summons is invalid if the municipality is in substantial compliance with the requirement of this division to erect the signs.

- (2) The municipality is deemed to be in substantial compliance with the requirement of division (b)(1) of this section to erect the advisory signs if the municipality does both of the following:
 - A. First erects all signs as required by division (b)(1) of this section and subsequently maintains and replaces the signs as needed so that at all times at least 90% of the required signs are in place and functional;
 - B. Annually documents and upon request certifies its compliance with division (b)(2)A. of this section.

(c) If the municipality uses traffic law photo-monitoring devices to enforce any traffic law at an intersection where traffic is controlled by traffic-control signals that exhibit different colored lights or colored lighted arrows, the municipality shall time the operation of the yellow lights and yellow arrows of those traffic-control signals so that the steady yellow indication exceeds by one second the minimum duration for yellow indicators at similar intersections as established by the provisions of the manual adopted by the Department of Transportation under R.C. § 4511.09.

(R.C. § 4511.094)



§ 414.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 416: PEDESTRIANS

- 416.01 Duties of pedestrians and drivers at crosswalks
- 416.02 Right-of-way of blind person
- 416.03 Right-of-way yielded by pedestrian; crossing roadways
- 416.04 Moving in crosswalks
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- 416.07 Passing through bridge signals or railroad barriers
- 416.08 Right-of-way of public safety vehicles
- 416.09 Right-of-way on sidewalks
- 416.10 Intoxication
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- 416.12 Operation of electric personal assistive mobility devices
- 416.99 Penalty

Cross-reference:

Obedience to traffic-control devices, see § 414.01

Opening doors on side available to traffic, see § 452.08

Pedestrian control signals, see § 414.05

Pedestrians prohibited on freeways, see § 412.05

§ 416.01 DUTIES OF PEDESTRIANS AND DRIVERS AT CROSSWALKS.

(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 R.C. § 4511.132, or a substantially equivalent municipal ordinance, 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) Division (a) of this section does not apply under the conditions stated in R.C. § 4511.48(B), or a substantially equivalent municipal ordinance.

(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 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.

(R.C. § 4511.46)

§ 416.02 RIGHT-OF-WAY OF BLIND PERSON.

- (a) (1) 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.



(2) 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 predominantly 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 or metallic cane, with or without a red tip.

(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.

(R.C. § 4511.47)

§ 416.03 RIGHT-OF-WAY YIELDED BY PEDESTRIAN; CROSSING ROADWAYS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.



(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.



(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f) 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.

(R.C. § 4511.48)

§ 416.04 MOVING IN CROSSWALKS.

(a) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(b) 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.

(R.C. § 4511.49)

§ 416.05 WALKING ON SIDEWALKS AND STREETS.

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.



(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in R.C. §§ 4511.13 and 4511.46, or any substantially equivalent municipal ordinances, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(e) 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.

(R.C. § 4511.50)

§ 416.06 SOLICITING RIDES OR BUSINESS; RIDING ON OUTSIDE OF VEHICLE OR IN CARGO STORAGE AREA.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) (1) Except as provided in division (b)(2) of this section, no person shall stand on a



highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

- (2) The Council, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in R.C. § 4511.051(A), that is under the jurisdiction of the municipality. The permit shall be valid for only one period of time, which shall be specified in the permit, in any calendar year. The Council also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that the Council considers advisable.
- (3) As used in division (b)(2) of this section, charitable organization means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to IRC 501(c)(3).

(c) No person shall hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not



attained the age of 16 years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than 25 miles per hour, unless either of the following applies:

- (1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in R.C. § 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt; or
- (2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

- (g) (1) Except as otherwise provided in this division, whoever violates any provision of divisions (a) to (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 any provision of divisions (a) to (d) of 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 any provision of divisions (a) to (d) of this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates division (e) or (f) of this section is guilty of a minor misdemeanor. (R.C. § 4511.51)



§ 416.07 PASSING THROUGH BRIDGE SIGNALS OR RAILROAD BARRIERS.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(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.

(R.C. § 4511.511)

§ 416.08 RIGHT-OF-WAY OF PUBLIC SAFETY VEHICLES.

(a) Upon the immediate approach of a public safety vehicle, as stated in R.C. § 4511.45 or a substantially equivalent municipal ordinance, every pedestrian shall yield the right-of-way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(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.

(R.C. § 4511.452)

§ 416.09 RIGHT-OF-WAY ON SIDEWALKS.

(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 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.

(R.C. § 4511.441)

§ 416.10 INTOXICATION.

(a) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(b) 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.

(R.C. § 4511.481)

§ 416.11 MOTORIZED WHEELCHAIR OPERATORS.

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this chapter, except those provisions which by their nature can have no application.

(R.C. § 4511.491)

§ 416.12 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

- (a) (1) Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this traffic code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk or path or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (3) The municipality may regulate or prohibit the operation of electric personal assistive mobility devices on public streets, highways, sidewalks and paths, or portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction.

- (b) No operator of an electric personal assistive mobility device shall do any of the following:



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- (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;
 - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
 - (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
 - A. A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;
 - B. A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle;
 - (4) Operate the device on any portion of a street or highway that has an established speed limit of 55 miles per hour or more;
 - (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
 - (6) If under 18 years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
 - (7) If under 16 years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is 18 years of age or older and is responsible for the immediate care of the person under 16 years of age.

(c) No person who is under 14 years of age shall operate an electric personal assistive mobility device.

(d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following:



WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT B HELMET, WRIST GUARDS, ELBOW PADS AND KNEE PADS.

(e) Nothing in this section affects or shall be construed to affect any rule of the Director of Natural Resources or a Board of Park District Commissioners governing the operation of vehicles on lands under the control of the Director or Board, as applicable.

(f) *Penalty.*

(1) Whoever violates division (b) or (c) of this section is guilty of a minor misdemeanor and shall be punished as follows:

A. The offender shall be fined \$10;

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (b) or (c) of this section, or any substantially equivalent state law or municipal ordinance, the court, in addition to imposing the fine required under division (f)(1)A. of this section, shall do one of the following:

1. Order the impoundment for not less than one day but no more than 30 days of the electric personal assistive mobility device that was involved in the current violation of that division. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than \$5 per day; provided the total storage, processing and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed \$50.

2. If the court does not issue an impoundment order pursuant to division (f)(1)B.1. of this section, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more



than 30 days.

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

(R.C. § 4511.512)

(g) As used in this code, electric personal assistive mobility device means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 170 pounds has a maximum speed of less than 20 miles per hour.

(R.C. § 4501.01(TT))

§ 416.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



TITLE SIX B OPERATION AND VEHICLES

- CHAP. 432. OPERATION GENERALLY
- CHAP. 434. O.V.I.; RECKLESS OPERATION; SPEED
- CHAP. 436. LICENSING; ACCIDENTS
- CHAP. 438. SAFETY AND EQUIPMENT
- CHAP. 440. COMMERCIAL AND HEAVY VEHICLES
- CHAP. 442. DRIVERS OF COMMERCIAL VEHICLES
- CHAP. 444. BICYCLES AND MOTORCYCLES GENERALLY
- CHAP. 446. SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES
- CHAP. 448. WATERCRAFT



CHAPTER 432: OPERATION GENERALLY

- 432.01 Driving upon right side of roadway; exceptions
- 432.02 Passing to right when proceeding in opposite directions
- 432.03 Overtaking, passing to left; driver's duties
- 432.04 Overtaking, passing to right of vehicle
- 432.05 Overtaking, passing to left of centerline
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- 432.40 Entering and exiting controlled-access highway
- 432.41 Weaving; full time and attention
- 432.42 Operation on paths set aside for bicycles
- 432.43 Littering from motor vehicles
- 432.44 Use of earphones while driving
- 432.99 Penalty

Cross-reference:

Obedience to traffic-control devices, see § 414.01

Operation of bicycles and motorcycles generally, see §§ 444.01 et seq.

Operation of snowmobiles, off-highway motorcycles and all-purpose vehicles, see §§ 446.03, 446.04

Yielding right-of-way to pedestrians on sidewalks, see § 416.09



§ 432.01 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 those 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 the 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 division (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 centerline 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 division (a)(2) of this section. This division shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway.

(d) 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.

(R.C. § 4511.25)

§ 432.02 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 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.

(R.C. § 4511.26)

§ 432.03 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 division (a)(3) of this section, 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.
- (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 highway as defined in R.C. § 4511.35, a limited access highway as defined in R.C. § 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 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.

(R.C. § 4511.27)



§ 432.04 OVERTAKING, PASSING TO RIGHT OF VEHICLE.

(a) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn; or
- (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 the movement in safety. The movement shall not be made by driving off the roadway.

(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.

(R.C. § 4511.28)

§ 432.05 OVERTAKING, PASSING TO LEFT OF CENTERLINE.

(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 the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the 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 the traffic approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(b) 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.

(R.C. § 4511.29)

§ 432.06 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; or
 - (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 R.C. § 4511.25(A)(2) or a substantially equivalent municipal ordinance.



(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.

(R.C. § 4511.30)

§ 432.07 HAZARDOUS OR NO PASSING ZONES.

(a) The Department of Transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or centerline of the roadway would be especially hazardous, and may, by appropriate signs or markings on the highway, indicate the beginning and end of the zones. When signs or markings are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distances set out in R.C. § 4511.30.

(b) Division (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 centerline of the roadway to meet the overtaking and passing provisions of R.C. § 4511.29, considering the speed of the slower vehicle.

(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.

(R.C. § 4511.31)



§ 432.08 DRIVING WITHIN LANES OR CONTINUOUS LINES OF TRAFFIC.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, or wherever within the municipality 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 the lane or line until the driver has first ascertained that the movement can be made with safety.
- (2) Upon a roadway which is divided into three lanes and provides for the 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 the center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where the 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 that 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 the 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 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.

(R.C. § 4511.33)

§ 432.09 FOLLOWING TOO CLOSELY.

- (a) (1) 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 the vehicle and the traffic upon and the condition of the highway.
- (2) 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 the vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy the space without danger. This division (a) does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.
- (3) 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 the vehicles so an overtaking vehicle may enter and occupy the space without danger. This division shall not apply to funeral processions.

(b) 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.



(R.C. § 4511.34)

§ 432.10 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 centerline thereof and by passing to the right of the centerline 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 centerline 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 the 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 traffic moving in that lane.

(b) The Department of Transportation and local authorities may cause markers, buttons or signs to 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 markers, buttons or signs are so placed, no operator of a vehicle shall turn the vehicle at an



intersection other than as directed and required by the markers, buttons or signs.

(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.

(R.C. § 4511.36)

§ 432.11 "U" TURNS RESTRICTED.

(a) Except as provided in division (b) of this section, 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 division 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 division 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.

(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.

(R.C. § 4511.37)

(d) Except as provided in division (b) of this section, 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 that movement, or at any other location unless the movement can be made with reasonable safety to other users of the public way and without interfering with the safe operation of any traffic that may be affected by the movement.

§ 432.12 STARTING AND BACKING VEHICLES.

- (a) (1) No person shall start a vehicle which is stopped, standing or parked until the movement can be made with reasonable safety.
- (2) 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.
- (3) No person shall back a motor vehicle on a freeway, except:
- A. In a rest area;
 - B. In the performance of public works or official duties;
 - C. As a result of an emergency caused by an accident or breakdown of a motor vehicle.

(b) 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.

(R.C. § 4511.38)

§ 432.13 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

- (a) (1) No person shall turn a vehicle or move right or left upon a highway unless and until the 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.
- (2) 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, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the 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.
- (3) 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.
- (4) 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 the 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 the 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.

- (5) 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 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.

(R.C. § 4511.39)

§ 432.14 HAND AND ARM SIGNALS.

(a) Except as provided in division (b) of this section, all signals required by the provisions of this traffic code, when given by hand and arm, shall be given from the left side of the vehicle in the following manner, and the 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 division (a)(2) of this section, a person operating a bicycle may give



a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(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.

(R.C. § 4511.40)

§ 432.15 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 division (a) of this section is modified at through highways and otherwise as stated in this traffic code or R.C. Chapter 4511.

(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.

(R.C. § 4511.41)



**§ 432.16 INTERSECTIONS AT WHICH TRAFFIC-CONTROL SIGNALS FAIL OR
MALFUNCTION.**

(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 lights or arrows that fails to clearly indicate the assignment of right-of-way:



- (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 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.

(R.C. § 4511.132)

§ 432.17 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 which is within the intersection or so close thereto as to constitute an immediate hazard.

(b) 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.



(R.C. § 4511.42)

§ 432.18 OPERATION OF VEHICLE AT STOP AND YIELD 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) 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, 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.

(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.

(R.C. § 4511.43)

§ 432.19 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 the 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 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.

(R.C. § 4511.03)

§ 432.20 RIGHT-OF-WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.

(a) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with 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 the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive, if practical, to a position parallel to, and as close as possible to, the right edge or curb of the highway clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.



(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with R.C. § 4511.171, or a substantially equivalent municipal ordinance. As used in this section, coroner's vehicle means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle or bell capable of giving an audible signal.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. 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 third 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 second degree.
(R.C. § 4511.45)

§ 432.21 DRIVING WHILE APPROACHING STATIONARY PUBLIC SAFETY VEHICLE WITH FLASHING LIGHTS.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a 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 and with due regard to the road, weather and traffic conditions, shall change lanes into a lane this is not adjacent to that of the stationary public safety vehicle.

- (2) If the driver is not traveling on a highway of a type described in division (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 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 divisions (a)(1) or (a)(2) of this section when so required by division (a) of this section.

(d) As used in this section, public safety vehicle has the same meaning as in R.C. § 4511.01.

(e) (1) 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.

(2) Notwithstanding § 698.02 or R.C. § 2929.28, upon a finding that a person operated a motor vehicle in violation of division (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.
(R.C. § 4511.213)

§ 432.22 RIGHT-OF-WAY AT PRIVATE DRIVEWAY, ALLEY OR BUILDING.

- (a) (1) The operator of a vehicle about to enter or cross a highway 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.
- (2) Except as otherwise provided in this division, whoever violates division (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 division (a) of 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 division (a) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.44)

- (b) (1) 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.

(R.C. § 4511.431(A))



(2) Except as otherwise provided in this division, whoever violates division (b) 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 division (b) of 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 division (b) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.431(B))

(c) The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway 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) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the centerline thereof.
- (3) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(d) It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right-of-way to pedestrians lawfully using the sidewalk or sidewalk area extending across the private road or driveway, alley or building.

§ 432.23 STOP SIGNS ON PRIVATE ROADS AND DRIVEWAYS.

(a) The owner of a private road or driveway located in a private residential area containing 20



or more dwelling units may erect stop signs at places where the road or driveway intersects with another private road or driveway in the residential area, in compliance with all of the following requirements:

- (1) The stop sign is sufficiently legible to be seen by an ordinarily observant person and meets the specifications of and is placed in accordance with the *Manual* adopted by the Department of Transportation pursuant to R.C. § 4511.09.
- (2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, stop signs have been posted and must be obeyed, and the signs are enforceable by law enforcement officers under state law. The sign required by this division, where appropriate, may be incorporated with the sign required by R.C. § 4511.211(A)(2), or any substantially equivalent municipal ordinance.

(b) R.C. §§ 4511.43(A) and 4511.46, or any substantially equivalent municipal ordinance, shall be deemed to apply to the driver of a vehicle on a private road or driveway where a stop sign is placed in accordance with division (a) of this section and to a pedestrian crossing such a road or driveway at an intersection where a stop sign is in place.

(c) When a stop sign is placed in accordance with division (a) of this section, any law enforcement officer may apprehend a person found violating the stop sign and may stop and charge the person with violating the stop sign.

(d) As used in this section, and for the purpose of applying R.C. §§ 4511.43(A) and 4511.46, or any substantially equivalent municipal ordinance, to conduct under this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Intersection.

- A. The area embraced within the prolongation or connection of the lateral curb



lines, or, if none, then the lateral boundary lines of the roadways of two private roads or driveways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different private roads or driveways joining at any other angle may come in conflict.

- B. Where a private road or driveway includes two roadways 30 feet or more apart, then every crossing of two roadways of the private roads or driveways shall be regarded as a separate intersection.
- (2) Owner and private residential area containing 20 or more dwelling units. Have the same meanings as in R.C. § 4511.211.



(3) Roadway. That portion of a private road or driveway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a private road or driveway includes two or more separate roadways, the term roadway means any such roadway separately but not all such roadways collectively.

(e) 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.

(R.C. § 4511.432)

§ 432.24 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 R.C. § 4511.45 or a substantially equivalent municipal ordinance, 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 the Revised 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 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.

(R.C. § 4511.451)

§ 432.25 DRIVING UPON SIDEWALKS, TREE LAWNS OR CURBS.

(a) (1) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles, except that no local authority may require that bicycles be operated on sidewalks.

(b) 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.



(R.C. § 4511.711)

(c) No person shall drive a vehicle on a tree lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

§ 432.26 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle, or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in a position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(d) 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.



(R.C. § 4511.70)

§ 432.27 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 the highway.

(b) 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.

(R.C. § 4511.71)

§ 432.28 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 the vehicle within the block where the 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 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.

(R.C. § 4511.72)

§ 432.29 DRIVING OVER FIRE HOSE.

(a) No vehicle shall, without the consent of the Fire Department official in command, be driven over any unprotected hose of a fire department that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) 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.

(R.C. § 4511.73)

§ 432.30 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 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.

(R.C. § 4511.60)

§ 432.31 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

- (a) (1) Upon a roadway designated and posted with signs for one-way traffic, a vehicle shall be driven only in the direction designated.
- (2) 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 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.

(R.C. § 4511.32)

§ 432.32 DRIVING UPON DIVIDED ROADWAYS.

(a) Whenever any highway has been divided into two roadways by an intervening space, or by a physical barrier, or a 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 dividing space, barrier or section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of the dividing space, barrier or 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 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.

(R.C. § 4511.35)

§ 432.33 STOPPING FOR SCHOOL BUS; ACTUATING VISUAL SIGNALS; DISCHARGING CHILDREN.

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until the school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of R.C. § 4511.771 or a substantially equivalent municipal ordinance, and an



automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever, but only whenever, the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

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

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of mental retardation and



developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

- (f) (1) Whoever violates division (a) of this section may be fined an amount not to exceed \$500. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or Mayor may impose upon an offender who violates this section 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 R.C. § 4510.02(A)(7). When a license is suspended under this section, the court or Mayor shall cause the offender to deliver the license to the court, and the court or Clerk of the Court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

- (g) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) Head start agency. Has the same meaning as in R.C. § 3301.32.
 - (2) School bus. As used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in R.C. § 4511.77, and is equipped with amber and red visual signals meeting the requirements of R.C. § 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.
(R.C. § 4511.75)

§ 432.34 DRIVING ACROSS GRADE CROSSINGS.

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:
- A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.
 - B. A crossing gate is lowered.



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- C. A flagperson gives or continues to give a signal of the approach or passage of a train.
 - D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic-control signal indication to proceed.
 - E. An approaching train is emitting an audible signal or is plainly visible, and is in hazardous proximity to the crossing.
 - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
- (2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. through (a)(1)F. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 4511.62)

§ 432.35 STOPPING AT GRADE CROSSINGS.

- (a) (1) Except as provided in division (a)(2) of this section, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 C.F.R. Parts 100 to 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) Division (a) of this section does not apply at grade crossings when any local authority has filed an application with the Public Utilities Commission requesting the approval of an exempt crossing, and the Public Utilities Commission has authorized and approved an exempt crossing as provided in R.C. § 4511.63(B).
- (3) As used in division (a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. Bus. 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.
 - B. Exempt crossing. A highway rail grade crossing authorized and approved by the Public Utilities Commission under R.C. § 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.
 - C. School vehicle. 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.
- (4) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of division (a) of this section or R.C. § 4511.63, § 4511.76, § 4511.761, § 4511.762, § 4511.764, § 4511.77 or § 4511.79, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.



(R.C. § 4511.63)

- (b) (1) The Department of Transportation and local authorities, with the approval of the Department, may designate dangerous highway crossings over railroad tracks, and erect stop signs thereat. When stop signs are erected, 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 the grade crossing.
- (2) Except as otherwise provided in this division, whoever violates division (b)(1) 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 division (b)(1) of 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 division (b)(1) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.61)

§ 432.36 SLOW-MOVING VEHICLES OR EQUIPMENT AT GRADE CROSSINGS.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with divisions (a)(1) and (a)(2) of this section.

- (1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped, the person shall listen 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.

- (2) No such crossing shall be made when warning is given by automatic signal, crossing gates or a flagperson, or otherwise of the immediate approach of a railroad train or car.

(b) If the normal sustained speed of the vehicle, equipment or structure is not more than three miles per hour, the person owning, operating or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

(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.

(R.C. § 4511.64)

§ 432.37 OBSTRUCTING INTERSECTIONS, CROSSWALKS OR GRADE CROSSINGS.

(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 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.

(R.C. § 4511.712)

§ 432.38 PEELING; CRACKING EXHAUST NOISES.

No person shall operate any motor vehicle, except when necessary for safe operation, or in compliance with law, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position, or in the shifting of gears while in motion, that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or that the rubber tires of the vehicle squeal or leave tire marks on the roadway, commonly known as peeling.

§ 432.39 SHORTCUTTING ACROSS PRIVATE PROPERTY.

No operator of a motor vehicle shall enter upon private property for the sole purpose of driving across that property, between abutting streets or other public ways thereof. The failure to stop on the property in connection with or in furtherance of the enterprise or activities being conducted on the property shall constitute prima facie evidence of the violation.

§ 432.40 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.



No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

§ 432.41 WEAVING; FULL TIME AND ATTENTION.

(a) No person shall operate a motor vehicle or motorcycle upon any street or highway in a weaving or zigzag course unless the irregular course is necessary for safe operation or in compliance with law.

(b) No person shall operate a motor vehicle or motorcycle without giving his or her full time and attention to the operation of the vehicle.

§ 432.42 OPERATION ON PATHS SET ASIDE FOR BICYCLES.

(a) (1) 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 that use is posted on the path.

(2) Nothing in this section shall be construed to affect any rule of the 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 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.

(R.C. § 4511.713(A), (B))



§ 432.43 LITTERING FROM MOTOR VEHICLES.

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, litter means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(d) Whoever violates division (a) or (b) of this section is guilty of a minor misdemeanor.
(R.C. § 4511.82)

§ 432.44 USE OF EARPHONES WHILE DRIVING.

(a) 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) This section does not apply to:



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- (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 operating equipment for use in the maintenance or repair of any highway;
 - (5) Any person engaged in the operation of refuse collection equipment.

(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.

(R.C. § 4511.84)

§ 432.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 434: O.V.I.; RECKLESS OPERATION; SPEED

- 434.01 Driving or physical control of vehicle while under the influence of alcohol or drugs
- 434.02 Immobilizing or disabling device violation
- 434.03 Reckless operation on streets, public or private property
- 434.04 Maximum speed limits; assured clear distance ahead
- 434.05 Speed limits on private roads and driveways
- 434.06 Slow speed; posted minimum speeds
- 434.07 Speed limitations over bridges
- 434.08 Speed exceptions for emergency or safety vehicles
- 434.09 Reasonable control
- 434.10 Street racing prohibited
- 434.11 Vehicular homicide; vehicular manslaughter

- 434.99 Penalty

Cross-reference:

Criminal offenses by drivers of commercial vehicles, see §§ 442.05, 442.08

Driving upon sidewalks, tree lawns or curbs, see § 432.25

Intoxicated pedestrians, see § 416.10

Peeling, see § 432.38

Liquor consumption in motor vehicle, see § 612.04

Weaving; full time and attention, see § 432.41

Statutory reference:

Alcohol defined, see R.C. § 4301.01

Alteration of prima facie speed limits, see R.C. §§ 4511.21, 4511.22, 4511.23

Drug of abuse defined, see R.C. § 3719.011



§ 434.01 DRIVING OR PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(a) *Driving under the influence.*

- (1) No person shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person has a concentration of 0.08% or more but less than 0.17% by weight per unit volume of alcohol in the person's whole blood.
 - C. The person has a concentration of 0.096% or more but less than 0.204% by weight per unit volume of alcohol in the person's blood serum or plasma.
 - D. The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.
 - E. The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.
 - F. The person has a concentration of 0.17% or more by weight per unit volume of alcohol in the person's whole blood.
 - G. The person has a concentration of 0.204% or more by weight per unit volume of alcohol in the person's blood serum or plasma.
 - H. The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.
 - I. The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.
 - J. Except as provided in division (k) of this section, the person has a concentration of any of the following controlled substances or metabolites of a



controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
2. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
3. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
4. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the



person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
8. Either of the following applies:
 - a. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - b. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50



nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
 10. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
- (2) No person who, within 20 years of the conduct described in division (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent state law or municipal ordinance, a violation of division (a)(1) or (b) of this section or a substantially equivalent state law or municipal ordinance, or any other equivalent offense shall do both of the following:
- A. Operate any vehicle within this municipality while under the influence of alcohol, a drug of abuse, or a combination of them;
 - B. Subsequent to being arrested for operating the vehicle as described in division (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under R.C. § 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with R.C. § 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.



(b) *Underage alcohol consumption.* No person under 21 years of age shall operate any vehicle within this municipality if, at the time of the operation, any of the following apply:

- (1) The person has a concentration of at least 0.02% but less than 0.08% by weight per unit volume of alcohol in the person's whole blood;
- (2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma;
- (3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath;
- (4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(c) *Prosecution; limitation on convictions.* In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1)A. or (a)(2) and a violation of division (b)(1), (b)(2) or (b)(3) of this section, but the person may not be convicted of more than one violation of these divisions.

(d) *Evidence; tests.*

- (1) A. In any criminal prosecution or juvenile court proceeding for a violation of division (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
- B. In any criminal prosecution for a violation of division (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances,



metabolites of a controlled substance or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in R.C. § 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood test at the request of a law enforcement officer under R.C. § 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse or a qualified technician, chemist or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this division (d)(1)B. shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to R.C. § 3701.143.

- (2) In a criminal prosecution for a violation of division (a) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of



alcohol specified in divisions (a)(1)B., (a)(1)C., (a)(1)D. and (a)(1)E. of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (b) of this section.

- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to division (d)(1)B. of this section, the person tested may have a physician, a registered nurse or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under division (g) of this section, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.
- (4) A. As used in division (d)(4)B. and (d)(4)C. of this section, National Highway Traffic Safety Administration means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a



controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.
 2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
 3. If testimony is presented or evidence is introduced under division (d)(4)B.1. or (d)(4)B.2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
- C. Division (d)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (d)(4)B. of this section.

(e) *Laboratory report.*



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- (1) Subject to division (e)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a)(1)B., (a)(1)C., (a)(1)D., (a)(1)E., (a)(1)F., (a)(1)G., (a)(1)H., (a)(1)I. or (a)(1)J. or (b)(1), (b)(2), (b)(3) or (b)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:
- A. The signature, under oath, of any person who performed the analysis;
 - B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
 - C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
 - D. An outline of the analyst's or test performer's education, training and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (e)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing



or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

- (3) A report of the type described in division (e)(1) of this section shall not be prima facie evidence of the contents, identity or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(f) *Limitation of liability.* Except as otherwise provided in this division, any physician, registered nurse or qualified technician, chemist or phlebotomist who withdraws blood from a person pursuant to this section or R.C. § 4511.19, § 4511.191 or § 4511.192, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section or R.C. § 4511.19, § 4511.191 or § 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct. (R.C. § 4511.19(A) - (F))

(g) *Implied consent.*

- (1) *Definitions.* For the purpose of this division (g), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. Alcohol monitoring device. Any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a



person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

B. Physical control. Has the same meaning as in R.C. § 4511.194.

- (2) *Implied consent to chemical tests.* Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (a), (b) or (o) of this section, R.C. § 4511.19(A) or (B), § 4511.194 or a substantially equivalent municipal ordinance or any other municipal O.V.I. ordinance.
- (3) *Tests at request of law enforcement agent.* The chemical test or tests under division (g)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle in violation of a division, section or ordinance identified in division (g)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.
- (4) *Effect of death or unconsciousness.* Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (g)(2) of this section and the test or tests may be administered, subject to R.C. §§ 313.12 to 313.16.
- (5) *Chemical tests.*
- A. If a law enforcement officer arrests a person for a violation of R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance and if the person if convicted would



be required to be sentenced under R.C. § 4511.19(G)(1)(c), (G)(1)(d) or (G)(1)(e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (g)(3) and (g)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.

- B. If a person refuses to submit to a chemical test upon a request made pursuant to division (g)(5)A. of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(R.C. § 4511.191(A))

- (6) *Advice required.* The arresting law enforcement officer shall give advice in



accordance with this division to any person under arrest for a violation of division (a), (b) or (o) of this section, R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other municipal O.V.I. ordinance. The officer shall give that advice in a written form that contains the information described in division (g)(7) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

- (7) *Certification of arrest.* If a person is under arrest as described in division (g)(6) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance or combination content of the person's whole blood, blood serum or plasma, breath or urine, the arresting officer shall read the following form to the person:



“You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested B operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of O.V.I., O.V.U.A.C., or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state O.V.I., and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state O.V.I.”

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to



have the privileges reinstated.

“If you take a chemical test, you may have an independent chemical test taken at your own expense.”

(8) *Actions required by arresting officer.* If the arresting law enforcement officer does not ask a person under arrest as described in division (g)(5) of this section or division (g)(6) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver’s or commercial driver’s license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person’s license or permit or it is not in the person’s vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person’s initial appearance and any action taken under R.C. § 4511.196.

(9) *Duties of officer.*

A. If a law enforcement officer asks a person under arrest as described in division (g)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person’s whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (g)(6) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, if the officer advises the person in accordance



with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless the arrest was for a violation of division (o) of this section, R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense, the arresting officer shall do all of the following:

1. On behalf of the Registrar of Motor Vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending 30 days after that initial appearance;
2. Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the Registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the Registrar;
3. Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the



Registrar of the change;

4. Send to the Registrar, within 48 hours after the arrest of the person, a sworn report that includes all of the following statements:
 - a. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle in violation of R.C. § 4511.19(A) or (B) or a municipal O.V.I. ordinance or for being in physical control of a stationary vehicle in violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance;
 - b. That the person was arrested and charged with a violation of R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance;
 - c. Unless division (g)(9)A.4.e. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (g)(7) of this section;
 - d. Unless division (g)(9)A.4.e. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense;
 - e. If the person was under arrest as described in division (g)(5) of this section and the chemical test or tests were performed in accordance



with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

- B. Division (g)(9)A. of this section does not apply to a person who is arrested for a violation of division (o) of this section, R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath or urine.

(10) *Sworn report of arresting officer.*

- A. The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the Registrar of Motor Vehicles shall send the report to the person by regular first-class mail as soon as possible after receipt of the report, but not later than 14 days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest, provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than 48 hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.



B. The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under R.C. § 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

(R.C. § 4511.192)

(11) *Suspension effective immediately.* A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in R.C. § 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (g)(1) through (g)(5) of this section does not affect the suspension.

(12) *Initial appearance.* If a person arrested for operating a vehicle in violation of division (a) or (b) of this section, R.C. § 4511.19(A) or (B), or any other municipal O.V.I. ordinance, or for being in physical control of a vehicle in violation of division (o) of this section or R.C. § 4511.194 or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under R.C. § 4511.191(B) or (C) or R.C. Chapter 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to R.C. § 4511.197 regarding the issues specified in that section.

(R.C. § 4511.191(D))

(h) *Penalty for driving under the influence.*



- (1) Whoever violates any provisions of divisions (a)(1)A. through (a)(1)I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under R.C. Chapter 2929, except as otherwise authorized or required by divisions (h)(1)A. through (h)(1)E. of this section:
- A. Except as otherwise provided in division (h)(1)B., (h)(1)C., (h)(1)D. or (h)(1)E. of this section, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(a)(i) to (G)(1)(a)(iv).
 - B. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within six years of the offense previously has been convicted of or pleaded guilty to one violation of division (a) or (b) of this section, or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(b)(i) to (G)(1)(b)(v).
 - C. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(c)(i) to (G)(1)(c)(vi).
 - D. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or more violations of division (a) or (b) of this section or other equivalent offenses or an offender who, within 20 years of the offense,



previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony to be prosecuted under appropriate state law.

- E. An offender who previously has been convicted of or pleaded guilty to a violation of R.C. § 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony to be prosecuted under appropriate state law.
- (2) An offender who is convicted of or pleads guilty to a violation of division (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section or R.C. § 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in R.C. § 4511.191(F)(2).
- (3) A. If an offender is sentenced to a jail term under R.C. § 4511.19(G)(1)(b)(i) or (G)(1)(b)(ii) or (G)(1)(c)(i) or (G)(1)(c)(ii) and if, within 60 days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing, the court may impose an alternative sentence as specified in R.C. § 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.
- B. As an alternative to the mandatory jail terms as required by R.C. § 4511.19(G)(1), the court may sentence the offender as provided in R.C. § 4511.19(G)(3).
- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (h) of this section or R.C. § 4511.19(G) and if R.C. § 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that



section. If division (A)(7) of that section requires the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under R.C. § 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in R.C. § 4503.231(B).

- (5) Fines imposed under this section for a violation of division (a) of this section shall be distributed as provided in R.C. § 4511.19(G)(5).
- (6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (h)(1)C., (h)(1)D. or (h)(1)E. of this section is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) 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 Auto Dealer's Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.
- (7) As used in division (g) of this section, electronic monitoring has the same meaning as in R.C. § 2929.01.

(i) *Penalty for operating a vehicle after underage alcohol consumption.* Whoever violates division (b) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

- (1) Except as otherwise provided in division (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six 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 R.C. § 4510.02(A)(6);
- (2) If, within one year of the offense, the offender previously has been convicted of or



pleaded guilty to one or more violations of division (a) or (b) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four 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 R.C. § 4510.02(A)(4).

- (3) If the offender also is convicted of or also pleads guilty to a specification of the type described in R.C. § 2941.1414 and if the court imposes a jail term for the violation of division (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to R.C. § 2929.24(E).

(j) *Treatment programs.*

- (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under R.C. Chapter 3793 by the Director of Alcohol and Drug Addiction Services.
- (2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's Indigent Drivers' Alcohol Treatment Fund.

(k) *Appeal; effect on suspension.* If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or R.C. § 4511.19 files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.



(l) *Exception; direction of health professional.* Division (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(m) *Applicability to R.C. § 2923.16(D).* The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (a)(1)J. of this section also apply in a prosecution of a violation of R.C. § 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(n) *Applicability of terms.* All terms defined in R.C. § 4510.01 apply to this section. If the meaning of a term defined in R.C. § 4510.01 conflicts with the meaning of the same term as defined in R.C. § 4501.01 or § 4511.01, the term as defined in R.C. § 4510.01 applies to this section.

(R.C. § 4511.19(G) - (M))

(o) *Physical control of vehicle while under the influence.*

- (1) *Definition.* As used in this division (o), physical control means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.
- (2) *Generally.* No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:



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- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- B. The person's whole blood, blood serum or plasma, breath or urine contains at least the concentration of alcohol specified in divisions (a)(1)B., (a)(1)C., (a)(1)D. or (a)(1)E. of this section.
- C. Except as provided in division (o)(5) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (a)(1)J. of this section.
- (3) *Field sobriety test.*
- A. In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally acceptable field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:
1. The officer may testify concerning the results of the field sobriety test so administered.
 2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
 3. If testimony is presented or evidence is introduced under division (o)(3)A.1. or (o)(3)A.2. of this section and if the testimony or evidence is



admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

B. Division (o)(3)A. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (o)(3)A. of this section.

(4) *Penalty.* Whoever violates this division (o) is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender 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 R.C. § 4510.02(A)(7).

(5) *Exception.* Division (o)(2)C. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in division (a)(1)J. of this section if both of the following apply:

- A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- B. The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(R.C. § 4511.194)

(p) *Definitions.* For the purpose of this section, the following definitions shall apply unless the



context clearly indicates or requires a different meaning.

- (1) Community residential sanction, continuous alcohol monitoring, jail, mandatory prison term, mandatory term of local incarceration, prison term and sanction. Have the same meanings as in R.C. § 2929.01.
- (2) Drug of abuse. Has the same meaning as in R.C. § 4506.01.
- (3) Equivalent offense. Any of the following:
 - A. A violation of R.C. § 4511.19(A) or (B);
 - B. A violation of a municipal O.V.I. ordinance;
 - C. A violation of R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
 - D. A violation of R.C. § 2903.06(A)(1) or § 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;
 - E. A violation of R.C. § 2903.06(A)(2), (A)(3) or (A)(4), R.C. § 2903.08(A)(2), or former R.C. § 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;
 - F. A violation of R.C. § 1547.11(A) or (B);
 - G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;



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- H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or (B) or R.C. § 1547.11(A) or (B);
 - I. A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or (B) or R.C. § 1547.11(A) or (B).
- (4) Equivalent offense that is vehicle-related. An equivalent offense that is any of the following:
- A. A violation described in division A., B., C., D. or E. of the definition for “equivalent offense” provided in this division (p);
 - B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or (B);
 - C. A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or (B).
- (5) Mandatory jail term. The mandatory term in jail of three, six, ten, 20, 30 or 60 days that must be imposed under R.C. § 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:
- A. Except as specifically authorized under R.C. § 4511.19, the term must be served in a jail.
 - B. Except as specifically authorized under R.C. § 4511.19, the term cannot be suspended, reduced or otherwise modified pursuant to R.C. §§ 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.
- (6) Municipal O.V.I. ordinance and municipal O.V.I. offense. Any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a



metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine.

(R.C. § 4511.181)

Statutory reference:

Continuous alcohol monitoring, see R.C. § 4511.198

Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture

for municipal ordinance conviction, see R.C. § 4511.193

Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and Indigent Drivers' Alcohol Treatment Funds, see R.C. § 4511.191

Judicial pretrial suspension, initial appearance, see R.C. § 4511.196

Mayor's Court to suspend driver's license, see R.C. § 1905.201

Seizure of vehicles upon arrest, see R.C. § 4511.195

Trial judge to suspend driver's license, see R.C. § 4510.05

§ 434.02 IMMOBILIZING OR DISABLING DEVICE VIOLATION.

- (a) (1) No offender with limited driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an immobilizing or disabling device, shall request or permit any other person to breathe into the device if it is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or to otherwise start the motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.
- (2) A. Except as provided in division (a)(2)B. of this section, no person shall breathe into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's



breath or otherwise start a motor vehicle equipped with an immobilizing or disabling device, for the purpose of providing an operable motor vehicle to an offender with limited driving privileges who is permitted to operate only a motor vehicle equipped with an immobilizing or disabling device.

B. Division (a)(2)A. of this section does not apply to a person in the following circumstances:

1. The person is an offender with limited driving privileges.
2. The person breathes into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise starts a motor vehicle equipped with an immobilizing or disabling device.
3. The person breathes into the device or starts the vehicle for the purpose of providing the person with an operable motor vehicle.

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device.

(b) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree.

(R.C. § 4510.44)

§ 434.03 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

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

(b) (1) 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.



(2) Division (b)(1) of this section does not apply to the competitive operation of vehicles on public or private property when the owner of the property knowingly permits such operation thereon.

(c) Except as otherwise provided in this division, whoever violates any provision 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 any provision of 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 any provision of this section is guilty of a misdemeanor of the third degree.

(R.C. §§ 4511.20, 4511.201)

§ 434.04 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 for 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 him or her 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 pursuant to this section by the Director of Transportation or local authorities, 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 division (b)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (b)(9) and (b)(10) of this section. 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 R.C. § 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state 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. School also includes a special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of the written request, the County Engineer shall create a school zone at that location by erecting appropriate signs.
- 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, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the Director of Transportation or a request from a



County Engineer in the case of a school zone for a special elementary school, the Director may extend the traditional school zone boundaries. The distances in divisions (b)(1)C.1. through (b)(1)C.3. below shall not exceed 300 feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the Director approves as most appropriate:

1. 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;
 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
 3. 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 the highway.
- D. 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 divisions (b)(1)A. and (b)(1)C. of this section.
- E. As used in this division, crosswalk has the meaning given that term in R.C. § 4511.01(LL)(2).
- F. The Director may, upon request by resolution of the legislative authority 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 a crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet in each appropriate direction of the state route.

G. As used in this section, special elementary school means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.
2. It does not educate children beyond the eighth grade.
3. It is located outside the limits of a municipal corporation.
4. A majority of the total number of students enrolled at the school are not related by blood.
5. 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 divisions (b)(4) and (b)(6) of this section;
- (4) Fifty miles per hour on controlled-access highways and expressways within the municipality;
- (5) Fifty-five miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (b)(8) of this section and freeways



as provided in division (b)(13) of this section;

- (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;
- (7) Fifteen miles per hour on all alleys within the municipality;
- (8) Thirty-five miles per hour on highways outside the municipality that are within an island jurisdiction;
- (9) Fifty-five miles per hour at all times on freeways with paved shoulders inside the municipality, other than freeways as provided in division (b)(13);
- (10) Fifty-five miles per hour at all times on freeways outside the municipality, other than freeways as provided in division (b)(13);
- (11) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus;
- (12) Fifty-five miles per hour for operators of any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under R.C. § 4511.21(L);
- (13) Sixty-five miles per hour for operators of any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus at all times on all portions of the following:
 - A. Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the



interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;

- B. Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under R.C. § 4511.21(L);
- C. Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995", 109 Stat. 568, 23 U.S.C. 103, and that had such a speed limit established under R.C. § 4511.21(M).

(c) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) and (b)(8) of this section or any declared 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 division (d) of 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 freeway as provided in division (b)(13) of this section;
- (2) At a speed exceeding 65 miles per hour upon a freeway as provided in division (b)(13) of this section except as otherwise provided in division (d)(3) of this section;
- (3) If operating a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in division (b)(11) of this section, at a speed exceeding 55 miles per hour upon a freeway as provided in that division;



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- (4) At a speed exceeding the posted speed limit upon a freeway for which the Director has determined and declared a speed limit of not more than 65 miles per hour pursuant to R.C. § 4511.21(L)(2) or (M);
 - (5) At a speed exceeding 65 miles per hour upon a freeway for which such a speed limit has been established through the operation of R.C. § 4511.21(L)(3);
 - (6) At a speed exceeding the posted speed limit upon a freeway for which the Director had determined and declared a speed limit pursuant to R.C. § 4511.21(I)(2).

(e) Pursuant to R.C. § 4511.21(E), in every charge of violating 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 division (c) of this section also the speed which division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared pursuant to, this section or R.C. § 4511.21 declares is prima facie lawful at the time and place of the 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 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) Pursuant to R.C. § 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (d)(1), (d)(2), (d)(3), (d)(4), (d)(5) or (d)(6) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of this section, or of a limit declared pursuant to this section or R.C. § 4511.21 by the Director or local authorities, and of the limitation in division (d)(1), (d)(2), (d)(3), (d)(4), (d)(5) or (d)(6) of this section. If the court finds a violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared pursuant to, this section or R.C. § 4511.21 has occurred, it shall enter a judgment of conviction under that division and dismiss the charge under division (d)(1), (d)(2), (d)(3), (d)(4), (d)(5) or (d)(6) of this section. If it finds no violation of division (b)(1)A., (b)(2), (b)(3), (b)(4),



(b)(6), (b)(7) or (b)(8) of, or a limit declared pursuant to, this section or R.C. § 4511.21, it shall then consider whether the evidence supports a conviction under division (d)(1), (d)(2), (d)(3), (d)(4), (d)(5) or (d)(6) of this section.

(g) Pursuant to R.C. § 4511.21(G), points shall be assessed for a violation of a limitation under division (d) of this section in accordance with R.C. § 4510.036.

(R.C. § 4511.21(A) - (G))

(h) Whenever, in accordance with R.C. § 4511.21(H) through (N), the maximum prima facie 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 those signs. It is prima facie unlawful for any person to exceed the speed limits posted upon the signs.

(i) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Commercial bus. A motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (2) Interstate system. Has the same meaning as in 23 U.S.C. 101.
- (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.

(R.C. § 4511.21(O))

(j) *Penalty.*

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

- A. Except as otherwise provided in divisions (j)(1)B., (j)(1)C., and (j)(2) and (j)(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, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that 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, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that 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, R.C. § 4511.21, or any other municipal ordinance that is substantially equivalent to any provision of that section, and operated a motor vehicle faster than 35 miles per hour in a business district of the municipality, faster than 50 miles per hour in other portions of the municipality, or faster than 35 miles per 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 (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 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 division and if the court determines that the offender is an indigent person and unable to pay the fine.

(R.C. § 4511.21(P))

§ 434.05 SPEED LIMITS ON PRIVATE ROADS AND DRIVEWAYS.

(a) The owner of a private road or driveway located in a private residential area containing 20 or more dwelling units may establish a speed limit on the road or driveway by complying with all of the following requirements:

- (1) The speed limit is not less than 25 miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the *Manual* adopted by the Department of Transportation pursuant to R.C. § 4511.09;
- (2) The owner has posted a sign at the entrance of the private road or driveway that is



in plain view and clearly informs persons entering the road or driveway that they are entering private property, a speed limit has been established for the road or driveway, and the speed limit is enforceable by law enforcement officers under state law.

(b) No person shall operate a vehicle upon a private road or driveway as provided in division (a) of this section at a speed exceeding any speed limit established and posted pursuant to division (a).

(c) When a speed limit is established and posted in accordance with division (a) of this section, a law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in R.C. § 4511.091 or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(d) Pursuant to R.C. § 4511.211(D), points shall be assessed for violation of a speed limit established and posted in accordance with division (a) of this section in accordance with R.C. § 4510.036.

(e) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Owner. Includes but is not limited to a person who holds title to the real property in fee simple, a condominium owners' association, a property owners' association, a board of directors or trustees of a private community, and a nonprofit corporation governing a private community.
- (2) Private residential area containing 20 or more dwelling units. Does not include a Chautauqua assembly as defined in R.C. § 4511.90.

(f) *Penalty.* A violation of division (b) of this section is one of the following:



- (1) Except as otherwise provided in divisions (f)(2) and (f)(3) of this section, a minor misdemeanor;
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the fourth degree;
- (3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the third degree.

(R.C. § 4511.211)

§ 434.06 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 the Director of Transportation or local authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway or freeway consistently impede the normal and reasonable movement of traffic, the Director or local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in compliance with the law. No minimum speed limit established hereunder shall be less than 30 miles per hour, greater than 50 miles per hour, nor effective until the provisions of R.C. § 4511.21 or a substantially equivalent municipal ordinance, relating to appropriate signs, have been fulfilled and local authorities have obtained the approval of the Director.



(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 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.

(R.C. § 4511.22)

§ 434.07 SPEED LIMITATIONS OVER BRIDGES.

- (a) (1) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to the bridge or structure, when the structure is posted with signs as provided in this section.
- (2) 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 the structure cannot with safety withstand traffic traveling at the speed otherwise permissible under this traffic code, the Department shall determine and declare the maximum speed of traffic which the structure can withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a distance of a least 100 feet before each end of the structure.



(3) Upon the trial of any person charged with a violation of this section, proof of such determination of the maximum speed by the Department and the existence of the signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(b) 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.

(R.C. § 4511.23)

§ 434.08 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima facie speed limitations set forth in R.C. § 4511.21 or a substantially equivalent municipal ordinance do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are 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 drivers thereof sound audible signals by bell, siren or exhaust whistle. This section 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 using the street or highway.

(R.C. § 4511.24)

§ 434.09 REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor or agricultural tractor that is towing, pulling or otherwise drawing a unit of farm machinery on any street, highway or property



open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.

(R.C. § 4511.202)

§ 434.10 STREET RACING PROHIBITED.

(a) As used in this section, street racing means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by R.C. § 4511.21(B)(1)(a) through (B)(8) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speeds shall be prima facie evidence of street racing.

(b) No person shall participate in street racing upon any public road, street or highway in this municipality.

(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privileges



for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit or privilege imposed under this division.

(R.C. § 4511.251)

§ 434.11 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

- (1) A. As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;
- B. As the proximate result of committing a violation of R.C. § 1547.11(A) or of a substantially equivalent municipal ordinance;
- C. As the proximate result of committing a violation of R.C. § 4561.15(A)(3) or of a substantially equivalent municipal ordinance.
- (2) In one of the following ways:
 - A. Recklessly;
 - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (d) of this section.
- (3) In one of the following ways:
 - A. Negligently;
 - B. As the proximate result of committing, while operating or participating in the



operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (d) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in R.C. Title 45 that is a minor misdemeanor.

(b) (1) Whoever violates division (a)(1) or (a)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.



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- (2) A. Whoever violates division (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (a)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or revocation imposed under R.C. Chapter 4507, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by division (c) of this section.
- B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four 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 R.C. § 4510.02(A)(4); or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense, a class three 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 R.C. § 4510.02(A)(3); or, if the offender previously had been convicted of or pleaded guilty to a traffic-related murder, felonious assault or attempted murder offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege as specified in R.C. § 4510.02(A)(2).
- (3) A. Whoever violates division (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter



is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Chapter 4510 or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense.

- B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six 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 R.C. § 4510.02(A)(6); or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter or assault offense, or a traffic-related murder, felonious assault or attempted murder offense, a class four 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 R.C. § 4510.02(A)(4).

(c) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a felony violation of this section, as provided in R.C. § 2903.06(E). The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(d) Divisions (a)(2)B. and (a)(3)B. of this section do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not



limit or affect the application of division (a)(1), (a)(2)A., (a)(3)A. or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

- (e) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- A. Construction zone. Has the same meaning as in R.C. § 5501.27.
 - B. Mandatory prison term and mandatory jail term. Have the same meanings as in R.C. § 2929.01.
 - C. Motor vehicle. Has the same meaning as in R.C. § 4501.01.
 - D. Reckless operation offense. A violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.
 - E. Speeding offense. A violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.
 - F. Traffic-related homicide, manslaughter or assault offense. A violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or § 2903.08, or a violation of R.C. § 2903.06, § 2903.07 or § 2903.08 as they existed prior to March 23, 2000.
 - G. Traffic-related murder, felonious assault or attempted murder offense. A violation of R.C. § 2903.01 or § 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.
- (2) For the purposes of this section, when a penalty or suspension is enhanced because



of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of this or another state or the United States.

(R.C. § 2903.06)

Statutory reference:

Aggravated vehicular assault, felony, see R.C. § 2903.08

Trial court to suspend driver's license, see R.C. §§ 4510.05, 4510.10

§ 434.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 436: LICENSING; ACCIDENTS

- 436.01 Driver's or commercial driver's license required
- 436.02 Possession of more than one license prohibited
- 436.03 Driving with temporary instruction permit
- 436.04 Driving with probationary license
- 436.05 Certain acts prohibited
- 436.06 Owner or operator allowing another to drive
- 436.07 Display of license
- 436.08 Driving under suspension or in violation of license restriction
- 436.09 Operating motor vehicle without valid license
- 436.10 Driving under O.V.I. suspension
- 436.11 Driving under financial responsibility law suspension or cancellation
- 436.12 Failure to reinstate license
- 436.13 Operation or sale without certificate of title
- 436.14 Display of license plates; registration; obstructions
- 436.15 Use of illegal license plates
- 436.16 Stopping after accident upon streets; collision with unattended vehicle
- 436.17 Stopping after accident upon property other than streets
- 436.18 Vehicle accident resulting in damage to realty

- 436.99 Penalty

Cross-reference:

Glass removal from street after accident, see § 412.01

Licensing requirements of snowmobile, off-highway and all-purpose vehicle operator, see § 446.05

Snowmobile, off-highway and all-purpose vehicle accident reports, see § 446.06



Suspension of driver's license, see §§ 408.03, 698.06

Statutory reference:

Driver's license law, see R.C. Ch. 4507

Employment of a minor to operate a taxicab prohibited, see R.C. § 4507.321

Motor vehicle licensing law, see R.C. Ch. 4503

Power of trial court of record to suspend license for certain violations, see R.C. §§ 4510.05, 4510.15

State accident reports, see R.C. §§ 4509.01, 4509.06, 4509.74, 5502.11

State point system suspension, see R.C. § 4507.021

§ 436.01 DRIVER'S OR COMMERCIAL DRIVER'S LICENSE REQUIRED.

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking, knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under R.C. Chapter 4507 or a valid commercial driver's license issued under R.C. Chapter 4506. Whoever violates this division is guilty of a misdemeanor of the first degree.

(R.C. § 4507.02(A)(1))

(b) (1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving or propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of 25 miles per hour or less.

(3) No person shall drive, operate, draw, move or propel any agricultural tractor or



implement of husbandry upon a street or highway at a speed greater than 25 miles per hour unless the person has a current, valid driver's or commercial driver's license.

- (4) Every person on active duty in the military or naval forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with that duty, is exempt from the license requirements of R.C. Chapters 4506 and 4507. Every person on active duty in the military or naval forces of the United States or in service with the Peace Corps, Volunteers in Service to America or the foreign service of the United States is exempt from the license requirements of such sections for the period of the person's active duty or service and for six months thereafter, provided the person was a licensee under such sections at the time the person commenced the active duty or service. This section does not prevent the person from making an application, as provided in R.C. § 4507.10(C), for the renewal of a driver's license or motorcycle operator's endorsement or as provided in R.C. § 4506.14 for the renewal of a commercial driver's license during the period of the person's active duty or service.

- (5) Whoever violates division (b)(3) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 4507.03)

(c) Nonresidents, permitted to drive upon the highways of their own state, may operate any motor vehicle upon any highway in this state without examination or license under R.C. §§ 4507.01 to 4507.39, inclusive, upon condition that the nonresident may be required at any time or place to prove lawful possession or their right to operate the motor vehicle, and to establish proper identity.

(R.C. § 4507.04)

§ 436.02 POSSESSION OF MORE THAN ONE LICENSE PROHIBITED.



(a) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until the person surrenders to the Registrar all valid licenses issued to the person by another jurisdiction recognized by this state. The Registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The Registrar shall destroy any such license that is not returned to the issuing authority. No person shall be permitted to have more than one valid license at any time.

(R.C. § 4507.02(A)(2))

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

(R.C. § 4507.99)

§ 436.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT.

(a) No holder of a temporary instruction permit issued under R.C. § 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 conditions established under R.C. § 4507.05(A).

(b) Except as provided in division (c) of this section, no holder of a temporary instruction permit that is issued under R.C. § 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 6:00 a.m.

(c) The holder of a temporary instruction permit issued under R.C. § 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 6:00 a.m. if, at the time of the 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, 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 R.C. § 4511.19(A).

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

(R.C. § 4507.05(F), (I))

§ 436.04 DRIVING WITH PROBATIONARY LICENSE.

- (a) (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 vehicular travel or parking between the hours of midnight and 6:00 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 1:00 a.m. and 5:00 a.m. unless the holder is accompanied by the holder's parent or guardian.
- (2) A. Subject to division (c)(1)A. of this section, division (a)(1)A. of this section 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 6:00 a.m. and has in the holder's immediate possession written documentation from the holder's employer.
- B. Division (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of 1:00 a.m.



and 5:00 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 division (a)(2) of this section. The Registrar of Motor Vehicles has available at no cost a form to serve as the written documentation described in division (a)(2) of this section, 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 division (a)(1)A. or (a)(1)B. of this section 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 division (a)(1)A. or (a)(1)B. of this section, or the holder was an emancipated minor.

- (c) (1) A. 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 parking during whichever of the following time periods applies:

1. 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 16.5 years, during the six-month period commencing on that date;
 2. 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 16.5 years 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 divisions (c)(1)A.1. and (c)(1)A.2. of this section unless the court or juvenile court imposes such a restriction upon the holder.

(2) No person shall violate division (c)(1)A. of this section.

(d) 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.

(e) A restricted license may be issued to a person who is 14 or 15 years of age under proof of hardship satisfactory to the Registrar of Motor Vehicles.

(f) Notwithstanding any other provisions 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 (d) of this section, or for the sole purpose of issuing a ticket, citation or summons if that requirement 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.

(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 a violation of division (a)(1)A. or (a)(1)B. 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 or commencing a prosecution of a person for such a violation.

(h) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) 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 R.C. § 4507.05.

(2) Moving violation. Any violation of any statute or ordinance that regulates the operation of vehicles on the highways or streets. Moving violation does not include a violation of R.C. § 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.

(3) Occupant restraining device. Has the same meaning as in R.C. § 4513.263.

(i) Whoever violates divisions (a)(1), (a)(4), (c)(2) or (d) of this section is guilty of a minor misdemeanor.

(R.C. § 4507.071(B) - (J))

§ 436.05 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
 - (1) Display or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display, or represent as one's own, any identification card, driver's or commercial



driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit or any renewal or duplicate thereof, knowingly conceal a material fact or present any physician's statement required under R.C. § 4507.08 or § 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates any division of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.30)

§ 436.06 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.

(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 R.C. Chapter 4510 or any other provision of the Revised 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 R.C. Chapter



4509.

- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate R.C. § 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 R.C. 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 division (a)(1), (a)(2), (a)(3), (a)(4) or (a)(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 division (a)(1), (a)(2), (a)(3), (a)(4) or (a)(5) of this section if any of the following applies:

- (1) Regarding an operator allegedly in the category described in division (a)(1), (a)(3) or (a)(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 division (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 division (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, a misdemeanor of the first degree. In addition to the penalties imposed under § 698.02, the court shall 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 R.C. § 4510.02(A)(7), and, if the vehicle involved in the offense is registered in the name of the offender, the court shall order one of the following:

- (1) Except as otherwise provided in division (c)(2) or (c)(3) of this section, the court shall order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under R.C. § 4503.233.
- (2) If the offender previously has been convicted of or pleaded guilty to one violation of R.C. § 4511.203 or a substantially equivalent municipal ordinance, the court shall order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under R.C. § 4503.233.
- (3) A. If the offender previously has been convicted of or pleaded guilty to two or more violations of R.C. § 4511.203 or a substantially equivalent municipal ordinance, the court shall order the criminal forfeiture to the state of the vehicle involved in the offense. The order shall be issued and enforced under R.C. § 4503.234.
B. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) 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 Auto Dealer's Association. The proceeds from any fine imposed under this division shall be distributed in accordance with R.C. § 4503.234(C)(2).



(d) If a court orders the criminal forfeiture of a vehicle under division (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 division (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 R.C. § 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section 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.

(R.C. § 4511.203)



§ 436.07 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made, and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima facie evidence of the person's not having obtained a driver's license.

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

(R.C. § 4507.35)

§ 436.08 DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Revised Code, other than R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under



R.C. § 4506.10(D) or § 4507.14.

- (c) (1) Whoever violates this section is guilty of driving under suspension or in violation of a license restriction, a misdemeanor of the first degree. The court shall impose upon the offender 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 R.C. § 4510.02(A)(7).
- (2) Except as provided in division (c)(3) or (c)(4) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for 30 days in accordance with R.C. § 4503.233 and the impoundment of that vehicle's license plates for 30 days.
- (3) If the offender previously has been convicted of or pleaded guilty to one violation of R.C. § 4510.11, this section, or of a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for 60 days in accordance with R.C. § 4503.233 and the impoundment of that vehicle's license plates for 60 days.
- (4) If the offender previously has been convicted of or pleaded guilty to two or more violations of R.C. § 4510.11, this section, or of a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the state.

(d) Any order for immobilization and impoundment under this section shall be issued and enforced under R.C. § 4503.233. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with



respect to that vehicle.

(e) Any order of criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. Upon receipt of the copy of the order from the court, neither the Registrar of Motor Vehicles nor a 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 declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(R.C. § 4510.11)

(f) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(R.C. § 4510.04)

§ 436.09 OPERATING MOTOR VEHICLE WITHOUT VALID LICENSE.

- (a) (1) No person, except those expressly exempted under R.C. §§ 4507.03, 4507.04 and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality unless the person has a valid driver's license issued under R.C. Chapter 4507 or a commercial driver's license issued under R.C. Chapter 4506.



(2) No person, except a person expressly exempted under R.C. §§ 4507.03, 4507.04 and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in R.C. § 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Whoever violates this section is guilty of operating a motor vehicle without a valid license and shall be punished as follows:

(1) If the trier of facts finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, the offense is a misdemeanor of the first degree.

(2) A. Subject to division (b)(2)B. of this section, if the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, the offense is a minor misdemeanor, and if the offender's driver's or commercial driver's license or permit was expired at the time of the offense for more than six months, the offense is a misdemeanor of the fourth degree.

B. 1. If the offender previously was convicted of or pleaded guilty to one violation of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance, within the past three years, the offense is a misdemeanor of the third degree.

2. If the offender previously was convicted of or pleaded guilty to two



violations of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the second degree.

3. If the offender previously was convicted of or pleaded guilty to three or more violations of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the first degree.

(c) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance.

(d) If the offender was convicted of or pleaded guilty to one or more violations of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court shall impose a class seven suspension of the offender's driver license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(R.C. § 4510.12)

§ 436.10 DRIVING UNDER O.V.I. SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under R.C. § 4511.19, § 4511.191 or § 4511.196 or under R.C. § 4510.07 for a conviction of a violation of a municipal O.V.I. ordinance shall operate any motor vehicle upon the public roads or highways within this municipality during the period of the suspension.



(b) Whoever violates this section is guilty of driving under O.V.I. suspension. The court shall sentence the offender under R.C. Chapter 2929, subject to the differences authorized or required by this section.

- (1) Except as otherwise provided in division (b)(2) or (b)(3) of this section, driving under O.V.I. suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to division (c) of this section, the court instead imposes a sentence of not less than 30 consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this division shall not exceed six months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months;
 - B. A fine of not less than \$250 and not more than \$1,000;
 - C. A license suspension under division (e) of this section;
 - D. If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for 30 days of the offender's vehicle and impoundment for 30 days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.
- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under O.V.I. suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms



provided in R.C. § 2929.21 to 2929.28, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to division (c) of this section, the court instead imposes a sentence of not less than 90 consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year;

- B. Notwithstanding the fines provided for in R.C. Chapter 2929, a fine of not less than \$500 and not more than \$2,500;
 - C. A license suspension under division (e) of this section;
 - D. If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization of the offender's vehicle for 60 days and the impoundment for 60 days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under O.V.I. suspension is a misdemeanor. The court shall sentence the offender to all of the following:
- A. A mandatory jail term of 30 consecutive days. Notwithstanding the jail terms provided in R.C. §§ 2929.21 to 2929.28, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term;
 - B. Notwithstanding the fines set forth in R.C. Chapter 2929, a fine of not less than \$500 and not more than \$2,500;
 - C. A license suspension under division (e) of this section;
 - D. If the vehicle the offender was operating at the time of the offense is registered



in the offender's name, criminal forfeiture to the state of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with R.C. § 4503.234. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, the court may fine the offender the value of the vehicle as determined by publications of the National Auto Dealers' Association. The proceeds from any fine so imposed shall be distributed in accordance with R.C. § 4503.234(C)(2).

- (c) (1) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (b)(1) or (b)(2) of this section unless, within 60 days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing.
- (2) An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty percent of any fine imposed by a court under division (b)(1), (b)(2) or (b)(3) of this section shall be deposited into the Municipal Indigent Drivers' Alcohol Treatment Fund under the control of that court, as created by the municipality pursuant to R.C. § 4511.191(H).

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the Mayor of a Mayor's Court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

- (1) When permitted as specified in R.C. § 4510.021, if the court grants limited driving



privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under R.C. § 4503.231, on the vehicle driven subject to the privileges, except as provided in R.C. § 4503.231(B).

- (2) A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under R.C. § 3123.58 or § 4506.16. No person who is disqualified for life from holding a commercial driver's license under R.C. § 4506.16 shall be issued a driver's license under R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under R.C. Chapter 4507 during the period of the suspension.

(f) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Electronic monitoring. Has the same meaning as in R.C. § 2929.01.
- (2) Equivalent offense. Any of the following:
- A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (a) of this section;
 - B. A violation of a former law of this state that was substantially equivalent to division (a) of this section.
- (3) Jail. Has the same meaning as in R.C. § 2929.01.
- (4) Mandatory jail term. The mandatory term in jail of three, ten or 30 consecutive days that must be imposed under division (b)(1), (b)(2) or (b)(3) of this section upon an offender convicted of a violation of division (a) of this section and in relation to which all of the following apply:
- A. Except as specifically authorized under this section, the term must be served in



a jail.



- B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.

(R.C. § 4510.14)

(g) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(R.C. § 4510.04)

Statutory reference:

Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161

§ 436.11 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW SUSPENSION OR CANCELLATION.

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to R.C. Chapter 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period of the suspension or cancellation, except as specifically authorized by R.C. Chapter 4509. No person shall operate a motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period in which the person is required by R.C. § 4509.45 to file and maintain proof of financial responsibility for a violation of R.C. § 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.



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- (b) (1) Whoever violates this section is guilty of driving under financial responsibility law suspension or cancellation, a misdemeanor of the first degree. The court shall impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for the period of time specified in R.C. § 4510.02(A)(7).
- (2) If the vehicle is registered in the offender's name and division (b)(3) of this section does not apply, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization for no more than 30 days of the vehicle involved in the offense and the impoundment for no more than 30 days of the license plates of that vehicle.
- (3) If the vehicle is registered in the offender's name and if, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent state law or municipal ordinance, the court, in addition to or independent of any other sentence that it imposes on the offender, shall order the immobilization for 60 days of the vehicle involved in the offense and impoundment for 60 days of the license plates of that vehicle. If the vehicle is registered in the offender's name and if, within five years of the offense, the offender has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent state law or municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, shall order the criminal forfeiture to the state of the vehicle involved in the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) 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 Auto Dealers Association. The proceeds from any fine so imposed shall be distributed in accordance with R.C. § 4503.234(C)(2).



(c) Any order for immobilization and impoundment under this section shall be issued and enforced in accordance with R.C. §§ 4503.233 and 4507.02, as applicable. Any order of criminal forfeiture shall be issued and enforced in accordance with R.C. § 4503.234. The court shall not release a vehicle from immobilization orders under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(R.C. § 4510.16)

(d) (1) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(2) It is an affirmative defense to any prosecution brought under this section that the order of suspension resulted from the failure of the alleged offender to respond to a financial responsibility random verification request under R.C. § 4509.101(A)(3)(c) and that, at the time of the initial financial responsibility random verification request, the alleged offender was in compliance with R.C. § 4509.101(A)(1) as shown by proof of financial responsibility that was in effect at the time of that request.

(R.C. § 4510.04)

Statutory reference:

Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161

§ 436.12 FAILURE TO REINSTATE LICENSE.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit



or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles or another provision of the Ohio Revised Code.

(b) Whoever violates this section is guilty of failure to reinstate a license, a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(R.C. § 4510.21)

(c) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(R.C. § 4510.04)

§ 436.13 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

(a) No person shall do any of the following:

- (1) Operate in this municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this state knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;
- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate



of title or an assignment of a certificate of title for it as provided in R.C. Chapter 4505;

- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in R.C. Chapter 4505;
- (4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to R.C. Chapter 4505;
- (6) Except as otherwise provided in R.C. Chapters 4505 and 4517, sell at wholesale a motor vehicle ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with R.C. § 4505.06 and subchapter IV of the Motor Vehicle Information and Cost Savings Act, 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this state a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than \$200, imprisoned not more than 90 days, or both.
(R.C. § 4505.18)



§ 436.14 DISPLAY OF LICENSE PLATES; REGISTRATION; OBSTRUCTIONS.

- (a) (1) No person who is the owner or operator of a motor vehicle shall fail to 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 R.C. §§ 4503.19 and 4503.191, furnished by the Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in-transit 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 only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker 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.
- (2) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under R.C. § 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.
- (R.C. § 4503.21(A))



(b) Except as otherwise provided by R.C. §§ 4503.103, 4503.173, 4503.41, 4503.43 and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.

(R.C. § 4503.11(A))

(c) No person shall operate or drive upon the highways of this municipality a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

(R.C. § 4549.11(A))

(d) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the highways of this municipality while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles.

(R.C. § 4549.12(A))

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(f) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for the vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.



(g) No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for the vehicle are fastened in such a manner, and not covered, obscured or concealed by any part or accessory of the vehicle, to be readable in their entirety from left to right.

- (h) (1) Whoever violates division (a) of this section is guilty of a minor misdemeanor.
(R.C. § 4503.21(B))
- (2) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4503.11(D))
- (3) Whoever violates division (c) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(R.C. § 4549.11(B))
- (4) Whoever violates division (d) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(R.C. § 4549.12(B))

§ 436.15 USE OF ILLEGAL LICENSE PLATES.

(a) No person shall operate or drive a motor vehicle upon the public roads and highways in this municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) It is fictitious;



- (2) It is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) It belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this municipality during the 30-day period described in R.C. § 4503.12(A)(4).

(b) A person who fails to comply with the transfer of registration provisions of R.C. § 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section.



(c) Whoever violates division (a)(1), (a)(2) or (a)(3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, this section is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(R.C. § 4549.08)

§ 436.16 STOPPING AFTER 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 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.
- (2) 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.



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- (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) Whoever violates division (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the violation results in serious physical harm or death to a person, failure to stop after an accident is a felony to be prosecuted under appropriate state law. 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 R.C. § 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit or privilege required by this division.

(R.C. § 4549.02)

§ 436.17 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREETS.

- (a) (1) In case of 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 this



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 Department of the municipality 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) Whoever violates division (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the violation results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony to be prosecuted under appropriate state law. 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 R.C. § 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit or privilege required by this division.

(R.C. § 4549.021)

§ 436.18 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

- (a) (1) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of vehicle the driver is driving and, upon



request and if available, shall exhibit the driver's driver's or commercial driver's license.

- (2) If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property within 24 hours after the accident, shall forward to the Police Department of the municipality the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates division (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

(R.C. § 4549.03)

§ 436.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 438: SAFETY AND EQUIPMENT

- 438.01 Driving unsafe vehicles; application
- 438.02 Lighted lights; measurement of distances and heights
- 438.03 Headlights on motor vehicles and motorcycles
- 438.04 Tail light; illumination of rear license plate
- 438.05 Rear red reflectors
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- 438.11 Spotlight and auxiliary lights
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- 438.16 Number of lights permitted; red and flashing lights
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- 438.23 Rear-view mirror; clear view to front, both sides and rear
- 438.24 Windshield required; sign or poster upon windshield; windshield wiper



- 438.25 Tinted glass; materials on glass
- 438.26 Limited load extension on left side of passenger vehicle
- 438.27 Motor vehicle stop lights
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- 438.30 Use of child restraints
- 438.31 Use of occupant restraining devices
- 438.32 Air bags
- 438.99 Penalty

Cross-reference:

Bicycle equipment, see § 444.05

Improperly handling firearms in a motor vehicle, see § 678.05

Occupying travel trailers while in motion, see § 440.08

Snowmobile, off-highway motorcycle and all-purpose vehicle equipment, see § 446.02

Towing requirements; exception to size and weight restrictions, see § 440.05

Use of stop and turn signals, see § 432.13

Vehicles transporting explosives, see § 440.04

Wheel protectors for commercial vehicles, see § 440.03

Statutory reference:

Collector's vehicles, see R.C. §§ 4513.38, 4513.41

Warning devices for commercial vehicles disabled upon freeways, see R.C. § 4513.28

§ 438.01 DRIVING UNSAFE VEHICLES; APPLICATION.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.



(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section or R.C. § 4513.02(A), whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4513.02(A), (H))

§ 438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

- (a) (1) Every vehicle upon a street or highway within this municipality during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the highway at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by the provisions of this chapter, for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Director of Public Safety. No motor vehicle, during such times, shall be operated upon a street or highway within this municipality using only parking lights as illumination.
- (2) Whenever in this chapter a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which the lamps or devices shall be visible, this distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.
- (3) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of the light or device to the level ground upon which the vehicle stands.

(R.C. § 4513.03)



(b) 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.

(R.C. § 4513.99)

§ 438.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.

(a) (1) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(2) Every motorcycle shall be equipped with at least one and not more than two headlights.

(R.C. § 4513.04)

(b) 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.

(R.C. § 4513.99)

§ 438.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.

(a) (1) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rearmost vehicle need be visible from the distance specified.



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- (2) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when the registration plate is required, and render it legible from a distance of 50 feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating the registration plate.

(R.C. § 4513.05)

- (b) 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.

(R.C. § 4513.99)

§ 438.05 REAR RED REFLECTORS.

- (a) (1) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in R.C. § 4513.07 or a substantially equivalent municipal ordinance shall be equipped with reflectors as required by the regulations provided for in that section.
- (2) Every such reflector shall be of a size and characteristics and so maintained as to be visible at night from all distances within 300 feet to 50 feet from the vehicle.

(R.C. § 4513.06)



(b) 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.

(R.C. § 4513.99)

§ 438.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.

- (a) (1) When the Director of Public Safety prescribes and promulgates regulations relating to clearance lights, marker lights, reflectors and stop lights on buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any highway, these vehicles shall be equipped as required by the regulations, and the equipment shall be lighted at all times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within the municipality where there is sufficient light to reveal any person or substantial object on the highway at a distance of 500 feet.
- (2) This equipment shall be in addition to all other lights specifically required by R.C. §§ 4513.03 through 4513.16, or any substantially equivalent municipal ordinances.
- (3) Vehicles operated under the jurisdiction of the Public Utilities Commission are not subject to this section.

(R.C. § 4513.07)

(b) 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.



(R.C. § 4513.99)

§ 438.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(R.C. § 4513.08)

§ 438.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

(a) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of this vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 16 inches square.

(R.C. § 4513.09)

(b) 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.

(R.C. § 4513.99)

§ 438.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, the vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of the vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within the municipality where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon the highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(R.C. § 4513.10)

(b) 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.

(R.C. § 4513.99)

§ 438.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED; LIGHTS AND REFLECTORS ON MULTI-WHEEL AGRICULTURAL TRACTORS OR FARM MACHINERY.



(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in R.C. § 4513.02(G), not specifically required to be equipped with lamps or other lighting devices by R.C. §§ 4513.03 through 4513.10, or any substantially equivalent municipal ordinances, shall, at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle and also shall be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps. Lamps and reflectors required by this section shall meet standards adopted by the Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Director of Transportation, a city or village engineer, or the county engineer of the several counties, when the construction area is marked in accordance with requirements of the Director and the *Manual and Specifications for a Uniform System of Traffic-Control Devices*, as set forth in R.C. § 4511.09, which is designed for operation at a speed of 25 miles per hour or less, shall be operated at a speed not exceeding 25 miles per hour, and shall display a triangular slow-moving vehicle (SMV) emblem. The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers. A unit of farm machinery that is designed by its manufacturer to operate at a



speed greater than 25 miles per hour may be operated on a street or highway at a speed greater than 25 miles per hour provided it is operated in accordance with this section. As used in this division, machinery does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles and to the slow-moving vehicles specified in division (b) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (b) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.

(2) No person shall sell, lease, rent or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS).

(e) Any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than 1,000 feet to the rear at all times



specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance. When a double-faced light is used, it shall display amber light to the front and red light to the rear. In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by R.C. § 4513.17 or a substantially equivalent municipal ordinance, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

- (f) (1) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:
 - A. With a slow-moving vehicle emblem complying with division (b) of this section;
 - B. With alternate reflective material complying with rules adopted under division (f)(2) below;
 - C. With both a slow-moving vehicle emblem and alternate reflective material as specified in division (f)(2) below.
- (2) Rules adopted by the Director of Public Safety, subject to R.C. Chapter 119, establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division, permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.
- (g) (1) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005,



Agricultural Equipment: Speed Identification Symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

- (2) If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(h) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(i) As used in this section, boat trailer means any vehicle 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.

(R.C. § 4513.11)

- (j) Lights and reflector requirements for multi-wheel agricultural tractors or farm machinery.
(1) A. Every multi-wheel agricultural tractor whose model year was 2001 or earlier,



when being operated or traveling on a street or highway at the times specified in R.C. § 4513.03, or a substantially equivalent municipal ordinance, at a minimum shall be equipped with and display reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by flashing lamps displaying amber light, visible to the front and the rear; by amber reflectors, all visible to the front; and by red reflectors, all visible to the rear.

- B. The lamps displaying amber light need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor.
 - C. The lamps and reflectors required by division (j)(1)A. of this section and their placement shall meet standards and specifications contained in rules adopted by the Director of Public Safety in accordance with R.C. Chapter 119. The rules governing the amber lamps, amber reflectors and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2, respectively, of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.
- (2) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in R.C. § 4513.03, or a substantially equivalent municipal ordinance, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.11 APR01, Lighting and Marking of Agricultural Equipment on Highways, or any subsequent revisions of that standard.
- (3) The lights and reflectors required by division (j)(1) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by R.C. § 4513.11



or § 4513.17, or a substantially equivalent municipal ordinance, to be displayed on farm machinery being operated or traveling on a street or highway.

- (4) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of divisions (j)(1) or (j)(2) of this section.

(R.C. § 4513.111)

(k) Whoever violates this section, except for division (h), 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.

(R.C. § 4513.99)

§ 438.11 SPOTLIGHT AND AUXILIARY LIGHTS.

- (a) (1) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.
- (2) Any motor vehicle may be equipped with not more than three auxiliary driving lights mounted on the front of the vehicle. Any such lights which do not conform to the specifications for auxiliary driving lights and the regulations for their use prescribed by the Director of Public Safety shall not be used.

(R.C. § 4513.12)

(b) 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.

(R.C. § 4513.99)

§ 438.12 COWL, FENDER AND BACK-UP LIGHTS.

- (a) (1) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.
- (2) Any motor vehicle may be equipped with lights on each side thereof which shall emit a white or amber light without glare.
- (3) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(R.C. § 4513.13)

(b) 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.

(R.C. § 4513.99)

§ 438.13 TWO LIGHTS DISPLAYED.

(a) At all times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

(R.C. § 4513.14)



(b) 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.

(R.C. § 4513.99)

§ 438.14 USE OF HEADLIGHT BEAMS.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, subject to the following requirements:

- (1) Whenever the driver of a vehicle approaches an oncoming vehicle, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.
- (2) Every new motor vehicle registered in this state which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

(R.C. § 4513.15)

(b) 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.
(R.C. § 4513.99)

§ 438.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

(a) Any motor vehicle may be operated under the conditions specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects 75 feet ahead, in lieu of lights required in R.C. § 4513.14, or a substantially equivalent municipal ordinance, provided that the vehicle shall not be operated at a speed in excess of 20 miles per hour.
(R.C. § 4513.16)

(b) 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.
(R.C. § 4513.99)

§ 438.16 NUMBER OF LIGHTS PERMITTED; RED AND FLASHING LIGHTS.

(a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the



roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles as provided in R.C. § 4513.182 or a substantially equivalent municipal ordinance, Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating those lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by R.C. § 4513.11 or a substantially equivalent municipal ordinance to have a flashing red light.
- (2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating or rotating amber light, and the prohibition contained in division (c)(1) of this section does not apply to such machinery or vehicles. Farm machinery may also display the lights described in R.C. § 4513.11 or a substantially equivalent municipal ordinance.

(d) Except a person operating a public safety vehicle, as defined in R.C. § 4511.01(E), or a school bus, no person shall operate, move or park upon or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety



vehicle when on duty, no person shall operate, move or park upon or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights whether on farm machinery or vehicles escorting farm machinery when used on a street or highway.

(R.C. § 4513.17)

(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.

(R.C. § 4513.99)

§ 438.17 LIGHTS AND SOUND-PRODUCING DEVICES ON CORONERS' VEHICLES.

(a) Notwithstanding any other provision of law, a motor vehicle operated by a coroner, deputy coroner or coroner's investigator may be equipped with a flashing, oscillating or rotating red or blue light and siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. Such a vehicle may display the flashing, oscillating or rotating red or blue light and may give the audible signal of the siren, whistle or bell only when responding



to a fatality or a fatal motor vehicle accident on a street or highway and only at those locations where the stoppage of traffic impedes the ability of the coroner, deputy coroner or coroner's investigator to arrive at the site of the fatality.

(b) This section does not relieve the coroner, deputy coroner or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(R.C. § 4513.171)

(c) 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.

(R.C. § 4513.99)

§ 438.18 VEHICLES TRANSPORTING PRESCHOOL CHILDREN.

(a) No person shall operate any motor vehicle owned, leased or hired by a nursery school, kindergarten or day-care center, while transporting preschool children to or from such an institution, unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation caution C children, which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Director of Public Safety.

(b) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this



section.

(R.C. § 4513.182)

(c) 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.

(R.C. § 4513.99)

§ 438.19 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in R.C. §§ 4513.03 through 4513.18, or any substantially equivalent municipal ordinances, upon any motor vehicle, trailer or semitrailer unless these lights are equipped, mounted and adjusted as to focus and aim in accordance with regulations which are prescribed by the Director of Public Safety.

(R.C. § 4513.19)

(b) 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.

(R.C. § 4513.99)

§ 438.20 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

(a) The following requirements govern as to brake equipment on vehicles:

(1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall



be equipped with brakes adequate to control the movement of and to stop and hold the motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on those motor vehicles, manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

- (2) Every motorcycle, when operated upon a highway shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
- (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Director of Public Safety under R.C. § 4511.521.
- (4) When operated upon the highways, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
 - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942;
 - B. Every manufactured home or travel trailer with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 2001.
- (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of 3,000 pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
- (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate



synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

- (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (9) Every motor vehicle or combination of motor-drawn vehicles shall, at all times and under all conditions of loading, be capable of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained



rate corresponding to these distances:

- A. Vehicles or combinations of vehicles having brakes on all wheels shall come to a stop in 30 feet or less from a speed of 20 miles per hour.
- B. Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in 40 feet or less from a speed of 20 miles per hour.

(10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(R.C. § 4513.20)

(b) 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.

(R.C. § 4513.99)

§ 438.21 HORN, SIREN AND THEFT ALARM SIGNAL.

- (a) (1) Every motor vehicle when operated upon a highway 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.
- (2) 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 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 Director of Public Safety. The



equipment shall not be used except when the 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 vehicle shall sound the equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.
(R.C. § 4513.21)

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

(c) Whoever violates division (a) of 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.

(R.C. § 4513.99)

§ 438.22 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) (1) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or

similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(2) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of the vehicle, or equipped in any way to produce or emit smoke or



dangerous or annoying gases from any portion of the vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(R.C. § 4513.22)

(b) 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.

(R.C. § 4513.99)

§ 438.23 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of the vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles and motorcycles and shall have a clear view to the rear of their vehicles and motorcycles by mirror.

(R.C. § 4513.23)

(b) 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.

(R.C. § 4513.99)



§ 438.24 WINDSHIELD REQUIRED; SIGN OR POSTER UPON WINDSHIELD; WINDSHIELD WIPER.

(a) No person shall drive any motor vehicle on a street or highway in this municipality, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of the vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(R.C. § 4513.24)

(d) 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.

(R.C. § 4513.99)

§ 438.25 TINTED GLASS; MATERIALS ON GLASS.



(a) 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 concerning tinted glass and reflectorized material of R.C. § 4513.241 and of any applicable rule adopted under that section.

(b) No person shall install in or on any motor vehicle any glass or other material that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(c) No used motor vehicle dealer or new motor vehicle dealer, as defined in R.C. § 4517.01, shall sell any motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(d) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.

(e) 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 No. 205.

(f) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this division (b) does not apply to any school bus used to transport a child with disabilities pursuant to R.C. Chapter 3323, 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 R.C. § 3323.01.

(g) This section does not apply to any school bus that is to be sold and operated outside the



municipality.

(R.C. § 4513.241(C) - (I))

(h) (1) Whoever violates division (a) of 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.

(R.C. § 4513.99)

(2) Whoever violates division (b), (c) or (d) of this section is guilty of a minor misdemeanor.

(R.C. § 4513.241(J))

Statutory reference:

Administrative regulations, see O.A.C. Chapter 4501-41

§ 438.26 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a highway with any load carried on the vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side.

(R.C. § 4513.30)

(b) 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.

(R.C. § 4513.99)

§ 438.27 MOTOR VEHICLE STOP LIGHTS.



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- (a) (1) Every motor vehicle, trailer, semitrailer and pole trailer when operated upon a highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. These stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear; provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.
- (2) These stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.
- (3) When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under R.C. § 4513.19.
- (4) Historical motor vehicles as defined in R.C. § 4503.181, not originally manufactured with stop lights, are not subject to this section.

(R.C. § 4513.071)

(b) 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.

(R.C. § 4513.99)

§ 438.28 BUMPERS.



(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Gross vehicle weight rating. The manufacturer's gross vehicle weight rating established for that vehicle.
- (2) Manufacturer. Has the same meaning as in R.C. § 4501.01.
- (3) Multipurpose passenger vehicle. A motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (4) Passenger car. Any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (5) Truck. Every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

(b) Rules adopted by the Director of Public Safety, in accordance with R.C. Chapter 119, shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper height has been lowered or modified, the maximum height to the bottom of the frame rail of any passenger car, multipurpose passenger vehicle or truck.

(c) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this state that does not conform to the requirements of this section or any applicable rule adopted pursuant to R.C. § 4513.021.

(d) No person shall modify any motor vehicle registered in this state in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle



to defeat the safe operation of that system.

(e) Nothing contained in this section or in the rules adopted pursuant to R.C. § 4513.021 shall be construed to prohibit either of the following:

- (1) The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs.
- (2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(f) This section and the rules adopted pursuant to R.C. § 4513.021 do not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.

(g) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section or R.C. § 4513.021, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4513.021)

Statutory reference:

Maximum height on bumpers, see O.A.C. Chapter 4501-43

§ 438.29 AIR CLEANER REQUIRED.

No person shall operate upon any street, alley or other public place any motor vehicle which is not equipped with a functioning air cleaner, except for motor vehicles equipped with electronic fuel-injection engines.



§ 438.30 USE OF CHILD RESTRAINTS.

(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 R.C. § 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 vehicle 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 at least four years of age but not older than 15 years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 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 R.C. § 4513.263.



(d) 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 division (c) 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 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) The Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(f) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in an occupant restraining device as required in 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.

(g) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(h) (1) Whoever violates division (a), (b) or (c) of this section shall be punished as follows:
A. Except as otherwise provided in division (h)(1)B. of this section, the offender is



guilty of a minor misdemeanor and shall be fined not less than \$25.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b) or (c) of this section or of a state law or municipal ordinance that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (h)(1) of this section shall be forwarded to the State Treasurer for deposit in the Child Highway Safety Fund created by R.C. § 4511.81(H).

(R.C. § 4511.81(A) - (G), (J))

§ 438.31 USE OF OCCUPANT RESTRAINING DEVICES.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) Automobile. 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. 1392.

(2) Commercial tractor, passenger car and commercial car. Have the same meanings as in R.C. § 4501.01.

(3) Occupant restraining device. 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.

(4) Passenger. Any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.



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- (5) Tort action. A civil action for damages for injury, death or loss to person or property. Tort action includes a product liability claim, as defined in R.C. § 2307.71, and as asbestos claim, as defined in R.C. § 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.
- (6) Vehicle and motor vehicle. As used in the definitions of the terms set forth above, have the same meanings as in R.C. § 4511.01.

(b) *Prohibited acts.* No person shall do any of the following:

- (1) Operate an automobile on any street or highway unless he or she 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 he or she 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 division (b)(3) of this section 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 he or she 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) *Exceptions.* Division (b)(3) of this section does not apply to a person who is required by R.C. § 4511.81 or a substantially equivalent municipal ordinance to be secured in a child restraint device. Division (b)(1) of this section 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. Divisions (b)(1) and (b)(3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under R.C. Chapter 4731 or a chiropractor licensed to practice in this state under R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(d) *Officers not permitted to stop cars to determine violation.* 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 division (b) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for the violation or for causing the arrest of or commencing a prosecution of a person for the violation. 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 the violation has been or is being committed.

(e) *Use of fines for educational program.* All fines collected for violations of division (b) of this section shall be forwarded to the State Treasurer for deposit in the funds as set forth in R.C. § 4513.263(E).

(f) *Limitations on evidence used for prosecution.*

(1) Subject to division (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 division (b)(1) or (b)(3) of this section 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 division (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 non-economic loss, as defined in R.C. § 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) *Penalty.*

- (1) Whoever violates division (b)(1) of this section shall be fined \$30.



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- (2) Whoever violates division (b)(2) of this section shall be subject to the penalty set forth in § 408.02.
- (3) Whoever violates division (b)(3) of this section shall be fined \$20.
- (4) Except as otherwise provided in this division, whoever violates division (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 division (b)(4) of this section, whoever violates division (b)(4) of this section is guilty of a misdemeanor of the third degree. (R.C. § 4513.263)

§ 438.32 AIR BAGS.

(a) As used in this section, air bag has the same meaning as in 49 C.F.R. 579.4, as amended.

(b) No person shall install or reinstall in any motor vehicle any object to fulfill the function of an air bag, including an air bag, other than an air bag that was designed in conformance with or that is regulated by Federal Motor Vehicle Safety Standard No. 208 for the make, model and model year of the vehicle, knowing that the object is not in accordance with that standard.

(c) Whoever violates division (b) of this section is guilty of improper replacement of a motor vehicle air bag, a misdemeanor of the first degree on a first offense. On each subsequent offense, the person is guilty of a felony to be prosecuted under appropriate state law. (R.C. § 4549.20)

§ 438.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 440: COMMERCIAL AND HEAVY VEHICLES

- 440.01 Load limits
- 440.02 Maximum width, height and length
- 440.03 Wheel protectors
- 440.04 Vehicles transporting explosives
- 440.05 Towing requirements; exception to size and weight restrictions
- 440.06 Loads dropping or leaking; tracking mud; removal required
- 440.07 Vehicles with spikes, lugs and chains
- 440.08 Occupying travel trailer or manufactured home while in motion
- 440.09 Route and load information
- 440.10 Shifting load; loose loads
- 440.11 Chauffeured limousines

- 440.99 Penalty

Cross-reference:

Bus stops and taxicab stands, see § 452.11

Fatigued or ill drivers, see § 442.09

Riding in cargo storage areas, see § 416.06

Slow-moving vehicles or equipment at grade crossings, see § 432.36

Stopping at grade crossings, see §§ 432.35, 432.36

Truck loading zones, see § 452.10

Statutory reference:

Arrest notice of drivers, see R.C. § 5577.14

Display of certificates of registration, see R.C. § 4549.18



§ 440.01 LOAD LIMITS.

(a) *State regulations.*

- (1) The municipality, with respect to highways under its jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in R.C. §§ 5577.01 through 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 through 4513.37, upon any highway under its jurisdiction.
- (2) Notwithstanding R.C. §§ 715.22 and 723.01, the holder of a special permit issued by the Director of Transportation under R.C. § 4513.34 may move the vehicle or combination of vehicles described in the special permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of the municipality. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway which is a part of the state highway system. The Ohio Director of Transportation shall not require the holder of a permit issued by the municipality to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the municipality. Permits may be issued for any period of time not to exceed one year, as the local authority in its discretion determines advisable or for the duration of any public construction project.
- (3) The application for a permit shall be in the form that the municipality prescribes. The municipality may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the municipality for the administrative costs incurred in issuing the permit,



and also to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. For the purposes of this section and of rules adopted by the Director under R.C. § 4513.34, milk transported in bulk by vehicle is deemed a nondivisible load.

- (4) The municipality may issue or withhold a permit. If a permit is to be issued, the municipality may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, the municipality, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the municipality to compensate for or to repair excess damage caused to the roadway by travel under the permit.
- (5) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(R.C. § 4513.34)

(b) *Violations.* Whoever violates division (a) of 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.

(R.C. § 4513.99)

(c) *Local streets.* No person shall operate a vehicle exceeding a size as specified R.C. §§ 5577.01 through 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 through 4513.37,



or exceeding a gross weight of five tons, upon any street in the municipality other than state routes and county roads, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when the operation is necessary to load or unload property, to go to or from the usual place of storage of the vehicle or to perform any other legitimate business or act other than passage through the municipality. Operators of vehicles so deviating from either a state route or a designated truck route within the municipality shall confine the deviation to that required in order to accomplish the purpose of the departure. On county roads, Council or other duly designated local authority shall establish reasonable weight limits commensurate with the construction and material specifications for the roads and the load resistance of the roads as determined by the County Engineer. County roads shall be posted with signs indicating the weight limits.

(d) *Local permit and conditions.* Upon application and for good cause, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets and highways.

- (1) No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction. However, the approval of the Ohio Director of Transportation shall be required for movement upon state routes as provided in division (a) of this section.
- (2) The Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his or her discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation for the vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Police Chief may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.



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- (3) For each such permit, the Police Chief shall charge \$25, and for each hour of time or any part thereof spent by the Police Department in supervising the movement of the vehicle, the applicant shall pay the sum of \$50.
 - (4) Except as provided in divisions (a) and (b) of this section, streets and highways shall be posted with signs indicating no thru trucks - gross weight 5 tons or words of similar import to inform drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.
 - (5) Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of the permit and denial of request for any future permit. This violation shall also subject the violator to the penalties prescribed by §§ 408.01 and 408.02.

§ 440.02 MAXIMUM WIDTH, HEIGHT AND LENGTH.

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

(b) No such vehicle shall have a width:

- (1) In excess of 104 inches for passenger bus type vehicles operated exclusively within the municipality.
- (2) In excess of 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and other state roads with minimum pavement widths of 22 feet, except those roads or portions thereof over which operation of 102-inch buses is prohibited by order of the Director of Transportation.
- (3) In excess of 132 inches for traction engines.
- (4) In excess of 102 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) In excess of 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on the state highways or portions thereof as the Director designates.

(c) No such vehicle shall have a length:

- (1) In excess of 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to R.C. §§ 306.30 to 306.54.
- (2) In excess of 45 feet for all other passenger bus type vehicles.
- (3) In excess of 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may prohibit the operation of any such commercial tractor-semitrailer combination on the state highways or portions thereof as the Director designates.
- (4) In excess of 28-1/2 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 the state highways or portions thereof as the Director designates.
- (5) A. In excess of 97 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. In excess of 75 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) In excess of 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in division (c)(3) and (c)(4), and in division (e) below.

(7) In excess of 45 feet for recreational vehicles.

(8) In excess of 40 feet for all other vehicles, except trailers and semitrailers, with or without load.

(d) No such vehicle shall have a height in excess of 13-1/2 feet, 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 the vehicles, and except further that the Director may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any state highway or portion thereof that the Director designates.

(f) (1) The widths prescribed in division (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.



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- (2) The widths prescribed in division (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 either side of the vehicle.
- (3) The lengths prescribed in divisions (c)(2) to (c)(7) shall not include safety devices, bumpers attached to the front or rear of the bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigerator equipment attached to the front of trailers and semitrailers. In special cases, vehicles that dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Director.
- (g) (1) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to the municipality or to the volunteer fire department thereof or used by that 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 the municipality, shall comply with the rules of the Director governing such movement. Any person adversely affected shall have the same right of appeal as provided in R.C. Chapter 119.
- (2) This section does not require the municipality or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of the vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares.



(h) As used in this section, recreational vehicle has the same meaning as in R.C. § 4501.01.
(R.C. § 5577.05)

(i) No person shall violate any rule or regulation promulgated by the Director of Transportation in accordance with R.C. § 5577.05.
(R.C. § 5577.06)

(j) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, the person is guilty of a misdemeanor of the fourth degree.
(R.C. § 5577.99(C))

§ 440.03 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 public highways, streets, bridges and culverts within the municipality, unless the vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of the 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. The 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 the 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 centerline of the rearmost axle.
(R.C. § 5577.11)



(b) Whoever violates this section shall be fined not more than \$25.

(R.C. § 5577.99(E))

§ 440.04 VEHICLES TRANSPORTING EXPLOSIVES.

(a) Any person operating any vehicle transporting explosives upon a highway shall at all times comply with the following requirements:

- (1) The vehicle shall be marked or placarded on each side and on the rear with the word EXPLOSIVES in letters not less than eight inches high, or there shall be displayed on the rear of the vehicle a red flag not less than 24 inches square marked with the word DANGER in white letters six inches high, or shall be marked or placarded in accordance with § 177.823 of the United States Department of Transportation regulations.
- (2) The vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on the vehicle.

(R.C. § 4513.29)

(b) 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.

(R.C. § 4513.99)

§ 440.05 TOWING REQUIREMENTS; EXCEPTION TO SIZE AND WEIGHT RESTRICTIONS.

(a) (1) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all the weight towed thereby, and the drawbar or other



connection shall not exceed 15 feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.



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- (2) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon the connection a white flag or cloth not less than 12 inches square.
 - (3) In addition to the drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. These chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.
 - (4) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility as defined in R.C. § 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of 25 miles per hour or less, and vehicles 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, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time except as



follows:

- A. An agricultural tractor may tow or draw more than one such vehicle;
- B. A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle.
(R.C. § 4513.32)

(b) 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.

(R.C. § 4513.99)

(c) *Exception to size and weight restrictions.*

- (1) The size and weight provisions of this chapter and R.C. Chapter 5577 do not apply to a person who is engaged in the initial towing or removal of a wrecked or disabled motor vehicle from the site of an emergency on a public highway where the vehicle became wrecked or disabled to the nearest site where the vehicle can be brought into conformance with the requirements of this chapter and R.C. Chapter 5577 or to the nearest qualified repair facility.
- (2) Any subsequent towing of a wrecked or disabled vehicle shall comply with the size and weight provisions of this chapter and R.C. Chapter 5577.
- (3) No court shall impose any penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, or the civil liability established in R.C. § 5577.12 upon a person towing or removing a vehicle in the manner described in division



(c)(1) of this section.
(R.C. § 5577.15)

§ 440.06 LOADS DROPPING OR LEAKING; TRACKING MUD; REMOVAL REQUIRED.

- (a) (1) 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 substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.
- (2) 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.

(R.C. § 4513.31)

(b) Whoever violates division (a) of 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.

(R.C. § 4513.99)



(c) No person shall operate any vehicle so as to track mud on any public way or place.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

§ 440.07 VEHICLES WITH SPIKES, LUGS AND CHAINS.

(a) (1) Except as provided in division (a)(2) of this section, no person shall drive over the improved highways of this municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, and no person shall tow or in any way pull another vehicle over the improved highways of this municipality which towed or pulled vehicle has tires or wheels

equipped with ice picks, spuds, spikes, chains or other projections of any kind. Traction engine or tractor, as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power.

(2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in division (a)(1) of this section.

(b) This municipality shall not adopt, enforce or maintain any ordinance, rule or regulation contrary to or inconsistent with division (a), nor shall this municipality require any license tax upon or registration fee for any traction engine, tractor or trailer, or any permit or license to operate. Operators of traction engines or tractors shall have the same rights upon the public streets and highways as the drivers of any other vehicles, unless some other safe and convenient way is



provided, and no public road open to traffic shall be closed to traction engines or tractors.
(R.C. § 5589.08)

(c) For the purposes of this section, studded tire means any tire designed for use on a vehicle and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire.

(d) (1) Except as provided in division (d)(2) of this section, no person shall operate any motor vehicle other than a public safety vehicle or school bus that is equipped with studded tires on any street or highway in this Municipality, except during the period extending from the first day of November of each year through the fifteenth day of April of the succeeding year.

(2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in division (d)(1) of this section.

(e) Division (d) of this section does not apply to the use of tire chains when there is snow or ice on the streets or highways where the chains are being used, or the immediate vicinity thereof.
(R.C. § 5589.081)

(f) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 5589.99(B))

§ 440.08 OCCUPYING TRAVEL TRAILER OR MANUFACTURED HOME WHILE IN MOTION.

(a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.



(b) 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.

(R.C. § 4511.701)

§ 440.09 ROUTE AND LOAD INFORMATION.

Drivers of vehicles described in this chapter are required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue the route.

§ 440.10 SHIFTING LOAD; LOOSE LOADS.

(a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless the 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) 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 R.C. § 4513.09, or any substantially equivalent municipal ordinance.

§ 440.11 CHAUFFEURED LIMOUSINES.

(a) The operator of a chauffeured limousine shall accept passengers only on the basis of prearranged contracts, as defined in R.C. § 4501.01, and shall not cruise in search of patronage unless the limousine is in compliance with any statute or ordinance governing the operation of taxicabs or other similar vehicles for hire.

(b) No person shall advertise or hold himself or herself out as doing business as a limousine service or livery service or other similar designation unless each vehicle used by the person to provide the service is registered in accordance with R.C. § 4503.24 and is in compliance with R.C. § 4509.80.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4511.85)

§ 440.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 442: DRIVERS OF COMMERCIAL VEHICLES

- 442.01 Definitions
- 442.02 Use of actual gross weight in lieu of rating
- 442.03 Licensing requirements
- 442.04 Physical qualification to operate commercial motor vehicles
- 442.05 Criminal offenses
- 442.06 Application of 49 C.F.R. Part 383
- 442.07 Information required of prospective drivers by employers; unauthorized driving
- 442.08 Authority of peace officers re drunk driving
- 442.09 Permitting or driving while fatigued or ill prohibited

- 442.99 Penalty

Cross-reference:

Driving under the influence, generally, see § 434.01

Load limits, see § 440.01

Route and load information, see § 440.09

Stopping after accidents, generally, see §§ 436.16, 436.17

Statutory reference:

Arrest notice of drivers, see R.C. § 5577.14

Hours of service of truck drivers, see R.C. §§ 4921.30, 4923.16

Warning devices when disabled on freeways, see R.C. § 4513.28

§ 442.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.



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- (a) Alcohol concentration. 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) Commercial driver's license. A license issued in accordance with R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.
- (c) Commercial driver's license information system. 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. App. 2701.
- (d) Commercial motor vehicle. Except when used in R.C. § 4506.25, 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 that 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 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 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 49 C.F.R. Part 172, Subpart F, as amended; or
 - (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.

- (e) Controlled substance. Includes 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. 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. 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.
- (g) Disqualification. 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) Drive. To drive, operate or be in physical control of a motor vehicle.
- (i) Driver. 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.
- (j) Driver's license. A license issued by the Bureau of Motor Vehicles that authorizes an



- individual to drive.
- (k) Drug of abuse. Any controlled substance, dangerous drug as defined in R.C. § 4729.01, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.
 - (l) Eligible unit of local government. A village, township or county that has a population of not more than 3,000 persons according to the most recent federal census.
 - (m) Employer. 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.
 - (n) Endorsement. 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.
 - (o) Farm truck. 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 definition and is not used in the operations of a motor transportation company or private motor carrier.
 - (p) Fatality. The death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of death.
 - (q) Felony. Any offense under federal or state law that is punishable by death or imprisonment for a term exceeding one year and includes any offense specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.
 - (r) Foreign jurisdiction. Any jurisdiction other than a state.
 - (s) Gross vehicle weight rating. 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.

- (t) Hazardous materials. Any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under 49 C.F.R. Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73, as amended.
- (u) Imminent hazard. 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 death, illness, injury or endangerment.
- (v) Motor vehicle. A vehicle, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power used on highways, except that the term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
- (w) Out-of-service order. A declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that the driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.
- (x) Peace officer. Has the same meaning as in R.C. § 2935.01.
- (y) Portable tank. A liquid or gaseous packaging designed primarily to be loaded on or temporarily attached to a vehicle and equipped with skids, mountings or accessories to facilitate handling of the tank by mechanical means.
- (z) Public safety vehicle. Has the same meaning as in R.C. § 4511.01(E)(1) and (E)(3).
- (aa) Recreational vehicle. Includes every vehicle that is defined as a recreational vehicle in R.C. § 4501.01 and is used exclusively for purposes other than engaging in business for profit.
- (bb) Residence. Any person's residence determined in accordance with standards prescribed in the rules adopted by the Registrar.



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- (cc) School bus. Has the same meaning as in R.C. § 4511.01.
- (dd) Serious traffic violation. A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of R.C. § 4506.03 or a conviction arising from the operation of any motor vehicle that involves any of the following:
- (1) A single charge of any speed in excess of the posted speed limit by 15 miles per hour or more;
 - (2) Violations of R.C. § 4511.20 or § 4511.201 or any substantially equivalent ordinance or resolution, or of any substantially equivalent law of another state or political subdivision of another state;
 - (3) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any substantially equivalent law of another state or political subdivision of another state, that results in a fatal accident;
 - (4) Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent 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;
 - (5) Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent 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;
 - (6) Violation of R.C. § 4511.33 or § 4511.34, or any municipal ordinance or county or township resolution substantially equivalent to either of those sections, or any substantially equivalent law of another state or political subdivision of another state;
 - (7) Violation of any other law of this state or an ordinance or resolution relating to traffic



control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Ohio Director of Public Safety designates as such by rule.

- (ee) State. A state of the United States and includes the District of Columbia.
- (ff) Tank vehicle. Any commercial motor vehicle that is designed to transport any liquid and has a maximum capacity greater than 119 gallons or is designed to transport gaseous materials and has a water capacity greater than 1,000 pounds within a tank that is either permanently or temporarily attached to the vehicle or its chassis. Tank vehicle does not include any of the following:
- (1) Any portable tank having a rated capacity of less than 1,000 gallons;
 - (2) Tanks used exclusively as a fuel tank for the motor vehicle to which it is attached;
 - (3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank;
 - (4) Ready-mix concrete mixers.
- (gg) Tester. A person or entity acting pursuant to a valid agreement entered into pursuant to R.C. § 4506.09(B).
- (hh) United States. The 50 states and the District of Columbia.
- (ii) Vehicle. Has the same meaning as in R.C. § 4511.01.
(R.C. § 4506.01)

§ 442.02 USE OF ACTUAL GROSS WEIGHT IN LIEU OF RATING.

For purposes of this chapter, the actual gross weight of a vehicle or combination of vehicles may be used in lieu of a gross vehicle weight rating to determine whether a vehicle or combination of vehicles qualifies as a commercial motor vehicle if the gross vehicle weight rating specified by the manufacturer for the vehicle or combination of vehicles is not determinable, or if the manufacturer of the vehicle has not specified a gross vehicle weight rating.



(R.C. § 4506.011)

§ 442.03 LICENSING REQUIREMENTS.

(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 cancelled, or while the person is subject to disqualification;
- (3) Drive a motor vehicle on a highway in the municipality under the 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 R.C. § 4506.07.

(b) The municipality shall give every conviction occurring out of this state and notice of which was received by the State Department of Public Safety 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.

(R.C. § 4506.04(A), (B))

(c) No person shall drive any commercial motor vehicle for which an endorsement is required under R.C. § 4506.12 unless the proper endorsement appears on the person's commercial driver's license.

(R.C. § 4506.12(E))



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- (d) (1) Whoever violates division (a)(1), (2) or (3) of this section is guilty of a misdemeanor of the first degree.
- (2) Whoever violates division (a)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of R.C. § 4507.19 apply. (R.C. § 4506.04(C))
- (3) Whoever violates division (c) of this section is guilty of a misdemeanor of the first degree. (R.C. § 4506.12(F))

§ 442.04 PHYSICAL QUALIFICATION TO OPERATE COMMERCIAL MOTOR VEHICLES.

(a) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so. Each person who drives or expects to drive a commercial motor vehicle in interstate or foreign commerce or is otherwise subject to 49 C.F.R. 391 et seq., as amended, shall certify to the Registrar of Motor Vehicles at the time of application for a commercial driver's license that the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. 391 et seq., as amended, shall also certify at the time of application that the person is not subject to these standards.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (R.C. § 4506.10(A), (E))

§ 442.05 CRIMINAL OFFENSES.

- (a) No person shall do any of the following:
- (1) Drive a commercial motor vehicle while having a measurable or detectable amount of



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- 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 0.04% or more by whole blood or breath;
 - (3) Drive a commercial motor vehicle while having an alcohol concentration of 0.048% or more by blood serum or blood plasma;
 - (4) Drive a commercial motor vehicle while having an alcohol concentration of 0.056% or more by urine;
 - (5) Drive a motor vehicle while under the influence of a controlled substance;
 - (6) Use a vehicle in the commission of a felony;
 - (7) Refuse to submit to a test under R.C. § 4506.17;
 - (8) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, cancelled or disqualified;
 - (9) 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;
 - (10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution or dispensing of a controlled substance as defined in R.C. § 3719.01 or the possession with intent to manufacture, distribute or dispense a controlled substance;
 - (11) Drive a commercial motor vehicle in violation of any provision of R.C. §§ 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;
 - (12) Violate any prohibitions described in divisions (a)(2) to (a)(11) of this section while transporting hazardous materials.

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

(R.C. § 4506.15)



Statutory reference:

Alcohol or controlled substance testing, disqualification of drivers, see R.C. § 4506.17

Disqualification of drivers for violations, see R.C. § 4506.16

§ 442.06 APPLICATION OF 49 C.F.R. PART 383.

(a) The provisions of 49 C.F.R. Part 383, Subpart C (Notification Requirements and Employer Responsibilities), as amended, shall apply to all commercial drivers or persons who apply for employment as commercial drivers. No person shall fail to make a report to the person's employer as required by this section.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4506.19)

**§ 442.07 INFORMATION REQUIRED OF PROSPECTIVE DRIVERS BY EMPLOYERS;
UNAUTHORIZED DRIVING.**

(a) Each employer shall require every applicant for employment as a driver of a commercial 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 cancelled 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 a 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 R.C. § 4506.15.

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



(e) Whoever violates division (c) of this section is guilty of a felony to be prosecuted under appropriate state law.

(R.C. § 4506.20)

§ 442.08 AUTHORITY OF PEACE OFFICERS RE DRUNK DRIVING.

(a) Within the jurisdictional limits of the appointing authority, any peace officer shall stop and detain any person found violating R.C. § 4506.15, or any substantially equivalent municipal ordinance, without obtaining a warrant. When there is reasonable ground to believe that a violation of R.C. § 4506.15, or any substantially equivalent municipal ordinance, has been committed and a test or tests of the person's whole blood, blood plasma or blood serum, breath or urine is necessary, the peace officer shall take the person to an appropriate place for testing. If a person refuses to submit to a test after being warned as provided in R.C. § 4506.17(C), or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of 0.04% or more by whole blood or breath, an alcohol concentration of 0.048% or more by blood serum or blood plasma, or an alcohol concentration of 0.056% or more by urine, the peace officer shall require that the person immediately surrender the person's commercial driver's license to the peace officer.

(b) As used in this section, jurisdictional limits means the limits within which a peace officer may arrest and detain a person without a warrant under R.C. § 2935.03, except that the Superintendent and the troopers of the State Highway Patrol may stop and detain, without warrant, any person who, in the presence of the Superintendent or any trooper, is engaged in a violation of any of the provisions of R.C. Chapter 4506.

(R.C. § 4506.23)

§ 442.09 PERMITTING OR DRIVING WHILE FATIGUED OR ILL PROHIBITED.



(a) No person shall drive a commercial motor vehicle, as defined in R.C. § 4506.01, or a commercial car or commercial tractor, as defined in R.C. § 4501.01, while the person's ability or alertness is so impaired by fatigue, illness or other causes that it is unsafe for the person to drive the vehicle. No driver shall use any drug which would adversely affect the driver's ability or alertness.

(b) No owner, as defined in R.C. § 4501.01, of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of the vehicle, shall require or knowingly permit a driver in any such condition described in division (a) of this section to drive the vehicle upon any street or highway.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.79, or R.C. § 4511.63, § 4511.76, § 4511.761, § 4511.762, § 4511.764 or § 4511.77, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (R.C. § 4511.79)

§ 442.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 444: BICYCLES AND MOTORCYCLES GENERALLY

- 444.01 Code application to bicycles
- 444.02 Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses
- 444.03 Attaching bicycles, motorcycles to other vehicles
- 444.04 Riding on right side of roadway; riding abreast
- 444.05 Lights, signal devices, brakes on bicycles
- 444.06 Riding bicycles upon sidewalks
- 444.07 Safe riding regulations for bicycles
- 444.08 Parking; locks
- 444.09 Parent's responsibility
- 444.10 Suspension of riding privileges; impounding of bicycles
- 444.11 Operation of motorized bicycles

- 444.99 Penalty

Cross-reference:

Bicycle defined, see § 402.01

Bicycles prohibited on freeways, see § 412.05

Motorcycle brakes, see § 438.20

Motorcycle defined, see § 402.01

Motorcycle headlight, see § 438.03

Motorcycle operator's license required, see § 436.01

Off-highway motorcycles, see Ch. 446

Operation of vehicles on bicycle paths, see § 432.42

Statutory reference:

Bicycle regulations to be consistent with state law, see R.C. § 4511.07(A)(8)



§ 444.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this traffic code that are applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in division (d) of this section, a bicycle operator who violates any provisions of this traffic code described in division (a) of this section that is applicable to 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 shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit or probationary license under R.C. § 4510.036.

(c) Except as provided in division (d) of this section, in the case of a violation of any provision of this traffic code described in division (a) of this section by a 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 at the time of the violation, the court, notwithstanding any provision of the Ohio Revised Code to the contrary, may require the 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 this traffic code or the Ohio Revised Code for that violation.

(d) Divisions (b) and (c) of this section do not apply to violations of R.C. § 4511.19 or a substantially equivalent municipal ordinance.

(R.C. § 4511.52)



(e) Every person operating a bicycle shall obey the instructions of official traffic-control devices and signals applicable to vehicles, unless otherwise directed by a police officer.

§ 444.02 RIDING UPON SEATS; CARRYING PACKAGES; MOTORCYCLE HANDLE BARS; HELMETS AND GLASSES.

(a) For purposes of this section, snowmobile has the same meaning as given that term in R.C. § 4519.01.

- (b) (1) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto or carry any other person upon the bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.
- (2) 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 the 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.
- (3) 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.
- (4) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.
- (5) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.
- (6) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated



on a highway when the handlebars or grips are more than 15 inches higher than the seat or saddle for the operator.

- (7) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of 18 years, or who holds a motorcycle operator's endorsement or license bearing a NOVICE designation that is currently in effect as provided in R.C. § 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a 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 regulations prescribed and promulgated by the Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(c) 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.

(d) 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.

(R.C. § 4511.53)

§ 444.03 ATTACHING BICYCLES, MOTORCYCLES TO OTHER VEHICLES.



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- (a) (1) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.
- (2) No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled or toy vehicle to attach the same or himself or herself to any vehicle while it is moving upon a roadway.
- (3) This section does not apply to towing a disabled vehicle.

(b) 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.

(R.C. § 4511.54)

§ 444.04 RIDING ON RIGHT SIDE OF ROADWAY; RIDING ABREAST.

(a) Every person operating a 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) Persons riding 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 or motorcycles.

(c) 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 and an overtaking vehicle to travel safely side by side within the lane.

(d) 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.

(R.C. § 4511.55)

§ 444.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES.

(a) Every bicycle when in use at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance shall be equipped with the following:

- (1) A lamp mounted on the front of either the 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 division (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 division (a) of 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.

(c) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(d) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(e) 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.

(R.C. § 4511.56)

§ 444.06 RIDING BICYCLES UPON SIDEWALKS.

A person operating a bicycle shall ride upon the sidewalk rather than the roadway when sidewalks are available, except that no person shall ride a bicycle upon a sidewalk upon or along which signs have been erected by authority of Council or other duly designated local authority prohibiting bicycle riding, or within a business district. At no time shall a person under the age of 11 years operate a bicycle on a street.

§ 444.07 SAFE RIDING REGULATIONS FOR BICYCLES.



(a) Whenever a designated usable path for bicycles has been provided adjacent to a street, bicycle riders shall use the path and shall not use the street.

(b) Whenever a person is riding a bicycle upon a sidewalk or street, the person shall yield the right-of-way to any pedestrian and shall give an audible signal before attempting to overtake and pass a pedestrian or another bicycle. This audible signal must be given only by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle the person being overtaken and passed.

(c) No person shall ride a bicycle across or through any intersection involving a through street. These intersections are to be crossed by walking the bicycle across or through the intersection.

(d) Whenever a person is riding a bicycle upon a sidewalk, the person, before overtaking and passing a blind person carrying a white or metallic cane, shall dismount and overtake or pass on foot.

(e) When a bicycle is operated on the street, the operator shall give hand signals before turning, changing lanes or stopping. The signals shall conform with R.C. § 4511.40, or a substantially equivalent municipal ordinance.

(f) Every rider of a bicycle shall exercise due care to avoid colliding with any pedestrian or any vehicle upon any roadway, sidewalk or bicycle path, or endangering the life, limb or property of any person while in the lawful use of the streets, sidewalks or any other private or public property.

(g) No person shall operate a bicycle at a speed greater than is reasonable and proper under the conditions then existing.



(h) The operator of a bicycle emerging from or turning into an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley, driveway or building, yield the right-of-way to all pedestrians approaching on the sidewalk area. Upon entering the street, the operator shall yield the right-of-way to all vehicles approaching on the street.

(i) No person shall engage in trick riding or operate a bicycle without both hands upon the handle grips except when necessary to give the hand signals required herein.



§ 444.08 PARKING; LOCKS.

(a) No person shall park a bicycle upon a sidewalk in such a manner as to interfere with pedestrian traffic or damage the property of another.

(b) No person shall park a bicycle upon a roadway in such a manner as to interfere with vehicular traffic.

(c) No bicycle shall remain unlocked when parked upon any public way or place.

§ 444.09 PARENT'S RESPONSIBILITY.

No parent of any child or guardian of any ward shall authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

§ 444.10 SUSPENSION OF RIDING PRIVILEGES; IMPOUNDING OF BICYCLES.

In addition to the penalties provided in §§ 408.01 and 408.02, a court may prohibit any person who violates or fails to comply with any of the provisions of this chapter relating to bicycles from riding a bicycle for a period not to exceed three months. In addition, any person violating or failing to comply with any of the provisions of this chapter relating to bicycles may be punished by having his or her bicycle impounded for a period not exceeding 30 days.

§ 444.11 OPERATION OF MOTORIZED BICYCLES.

(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 14 or 15 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 16 years of age or older and holds either a valid commercial driver's license issued under R.C. Chapter 4506 or a driver's license issued under R.C. 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 16 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 division (b) of this section and is in proper working order.
- (3) The person, if under 18 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 rearview 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 R.C. Chapter 119, 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 R.C. § 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 rearview mirror required by division (a)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Director under division (b) of this section.

(f) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(g) Whoever violates division (a), (d) or (e) of this section is guilty of a minor misdemeanor. (R.C. § 4511.521)

Statutory reference:

Suspension of probationary motorized bicycle license by the state, see R.C. § 4510.34

§ 444.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 446: SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES
AND ALL-PURPOSE VEHICLES

- 446.01 Definitions
- 446.02 Equipment
- 446.03 Code application; prohibited operation
- 446.04 Permitted operation
- 446.05 Licensing requirements of operator
- 446.06 Accident reports
- 446.07 Local control within police power
- 446.08 Registration of vehicles
- 446.09 Operation of off-highway motorcycle or all-purpose vehicle without certificate of title; failure to surrender
- 446.99 Penalty

Cross-reference:

Bicycles and motorcycles generally, see Ch. 444

Operation on bicycle paths, see § 432.42

Required usage of helmets and safety glasses, see § 444.02

Street or highway defined, see § 402.01

Statutory reference:

Power of court to impound registration certificates for certain violations, see R.C. § 4519.47

§ 446.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) All-purpose vehicle. Any self-propelled vehicle designed primarily for cross-country travel



on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. The term does not include a utility vehicle as defined in R.C. § 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under R.C. Chapter 4503 or R.C. Chapter 4561, and any vehicle excepted from definition as a motor vehicle by R.C. § 4501.01(B).

- (b) Dealer. Any person or firm engaged in the business of manufacturing or selling snowmobiles, off-highway motorcycles or all-purpose vehicles at wholesale or retail, or who rents, leases or otherwise furnishes snowmobiles, off-highway motorcycles or all-purpose vehicles for hire.
- (c) Electronic and electronic record. Have the same meanings as in R.C. § 4501.01.
- (d) Electronic dealer. A dealer whom the Registrar of Motor Vehicles designates under R.C. § 4519.511.
- (e) Interstate highway. Any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C. 103, as amended.
- (f) Limited-access highway or freeway. Have the same meanings as in R.C. § 5511.02.
- (g) Off-highway motorcycle. Every motorcycle, as defined in R.C. § 4511.01, that is designed to be operated primarily on lands other than a street or highway.
- (h) Operator. Any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all-purpose vehicle.
- (i) Owner. Any person or firm, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle or all-purpose vehicle, or other right to the possession thereof.
- (j) Snowmobile. Any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.
- (k) Street or highway. Have the same meaning as in R.C. § 4511.01.
(R.C. § 4519.01)



§ 446.02 EQUIPMENT.

(a) In addition to any rules or regulations promulgated by the Ohio Director of Public Safety pursuant to R.C. § 4519.20 and R.C. Chapter 119, equipment of snowmobiles, off-highway motorcycles and all-purpose vehicles 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 tail light 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) Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying the driver, be capable of stopping in no more than 40 feet from an initial steady speed of 20 miles per hour, or locking its traction belt; and
- (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, the 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 division (a)(1) and (a)(2) of this section



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 division, whoever violates division (b) of this section shall be fined not more than \$50. If the offender within the preceding year previously has committed a violation of division (b) of this section or of R.C. § 4519.20(B), whoever violates division (b) of this section shall be fined not less than \$15 nor more than \$100, imprisoned not more than three days, or both.

(R.C. § 4519.20)

§ 446.03 CODE APPLICATION; PROHIBITED OPERATION.

(a) The applicable provisions of this traffic code shall be applied to the operation of snowmobiles, off-highway motorcycles and all-purpose vehicles, except that no snowmobile, off-highway motorcycle or all-purpose vehicle shall be operated as follows:

- (1) On any street, highway, limited access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Public Safety or local authority having jurisdiction shall designate, and except as provided in § 446.04;
- (2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (3) On any land or waters controlled by the state, except at those locations where a sign has been posted permitting the operation;
- (4) On the tracks or right-of-way of any operating railroad;
- (5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased;
- (6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or



(7) During the time from sunset to sunrise, unless displaying lighted lights as required by R.C. § 4519.20 or a substantially equivalent municipal ordinance.

(b) Whoever violates this section shall be fined not less than \$50 nor more than \$500, or imprisoned not less than 3 nor more than 30 days, or both.

(R.C. § 4519.40)

§ 446.04 PERMITTED OPERATION.

Snowmobiles, off-highway motorcycles and all-purpose vehicles may be operated as follows:

- (a) To make a crossing of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the county or township road systems whenever the local authority having jurisdiction over the highways so permits;
- (c) Off and alongside street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle or all-purpose vehicle is intended and authorized to be operated;
- (d) On the berm or shoulder of a highway, other than a highway as designated in R.C. § 4519.40(A)(1), or a substantially equivalent municipal ordinance, when the terrain permits the operation to be undertaken safely and without the necessity of entering any traffic lane;
- (e) On the berm or shoulder or a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle or all-purpose vehicle to another such area.

(R.C. § 4519.41)



§ 446.05 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license, issued under R.C. Chapter 4506 or R.C. Chapter 4507, shall operate a snowmobile, off-highway motorcycle or all-purpose vehicle on any street or highway in this municipality, on any portion of the right-of-way thereof, or on any public land or waters.

(b) No person who is less than 16 years of age shall operate a snowmobile, off-highway motorcycle or all-purpose vehicle on any land or waters other than private property or waters owned by or leased to the person's parent or guardian, unless accompanied by another person who is 18 years of age or older, and who holds a license as provided in division (a) of this section, except that the Ohio Department of Natural Resources may permit the operation on state-controlled land under its jurisdiction when the person is less than 16 years of age but is 12 years of age or older and is accompanied by a parent or guardian who is a licensed driver 18 years of age or older.

(c) Whoever violates this section shall be fined not less than \$50 nor more than \$500, or imprisoned not less than three nor more than 30 days, or both.

(R.C. § 4519.44)

§ 446.06 ACCIDENT REPORTS.

(a) The operator of a snowmobile, off-highway motorcycle or all-purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of \$100 shall report the accident within 48 hours to the Chief of Police, and within 30 days shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the



reports. In the event there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

(b) Any law enforcement officer or other person authorized by R.C. §§ 4519.42 and 4519.43 who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle or all-purpose vehicle shall forward to the Registrar a written report of the accident within 48 hours.

(R.C. § 4519.46)



§ 446.07 LOCAL CONTROL WITHIN POLICE POWER.

Nothing contained in this chapter shall prevent the municipality from regulating the operation of snowmobiles, off-highway motorcycle and all-purpose vehicles on streets and highways and other public property under municipal jurisdiction, and within the reasonable exercise of the police power, except that no registration or licensing of any snowmobile, off-highway motorcycle or all-purpose vehicle required to be registered or titled under R.C. Chapter 4519 shall be required.

(R.C. § 4519.48)

§ 446.08 REGISTRATION OF VEHICLES.

(a) Except as provided in division (b), (c) and (d) of this section, no person shall operate any snowmobile, off-highway motorcycle or all-purpose vehicle within this municipality unless the snowmobile, off-highway motorcycle or all-purpose vehicle is registered and numbered in accordance with R.C. §§ 4519.03 and 4519.04.

(b) No registration is required for a snowmobile, off-highway motorcycle or all-purpose vehicle that is operated exclusively upon lands owned by the owner of the snowmobile, off-highway motorcycle or all-purpose vehicle, or on lands to which the owner has a contractual right.

(c) No registration is required for a snowmobile, off-highway motorcycle or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to R.C. Chapter 4519 and the snowmobile, off-highway motorcycle or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to R.C. Chapter 4519 shall comply with R.C. § 4519.09.



(d) No registration is required for a snowmobile, off-highway motorcycle or all-purpose vehicle owned and used in this municipality by the United States, another state or a political subdivision thereof, but the snowmobile, off-highway motorcycle or all-purpose vehicle shall display the name of the owner thereon.

(e) The owner or operator of any all-purpose vehicle operated or used upon the waters in this municipality shall comply with R.C. Chapters 1547 and 1548 relative to the operation of watercraft.

(f) Except as provided in this division, whoever violates division (a) of this section shall be fined not more than \$25. If the offender previously has been convicted of or pleaded guilty to a violation of division (a) of this section or of R.C. § 4519.02(A), whoever violates division (a) of this section shall be fined not less than \$25 nor more than \$50.

(R.C. § 4519.02)

Statutory reference:

Destruction or disposal of vehicle; transfer of ownership; change of address;

loss of certificate, see R.C. § 4519.05

Registration of emergency vehicles, see R.C. § 4519.08

Registration procedure, see R.C. § 4519.03

Temporary license placards and fees, see R.C. § 4519.10

Temporary operating permit for certain nonresidents, see R.C. § 4519.09

§ 446.09 OPERATION OF OFF-HIGHWAY MOTORCYCLE OR ALL-PURPOSE VEHICLE WITHOUT CERTIFICATE OF TITLE; FAILURE TO SURRENDER.

(a) No person shall do any of the following:



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- (1) Operate in this state 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 R.C. 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 related 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 R.C. Chapter 4519.
 - (4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. 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 R.C. §§ 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 state 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, or imprisoned not more than 90 days, or both.

(R.C. § 4519.66)

§ 446.99 PENALTY.



Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.



CHAPTER 448: WATERCRAFT

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Cross-reference:

Polluting watercourses, see § 660.04

Unauthorized use of a vehicle, see § 642.04

Statutory reference:

Watercraft, see R.C. Chs. 1547 and 1548



§ 448.01 DEFINITIONS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Canoe. A narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells and rowing sculls.
- (2) Coast Guard approved. Bearing an approval number assigned by the United States Coast Guard.
- (3) Diver's flag. A red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.
- (4) Drug of abuse. Has the same meaning as in R.C. § 4506.01.
- (5) Electronic. Includes electrical, digital, magnetic, optical, electromagnetic or any other form of technology that entails capabilities similar to these technologies.
- (6) Electronic record. A record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.
- (7) Electronic signature. A signature in electronic form attached to or logically associated with an electronic record.
- (8) Idle speed. The slowest possible speed needed to maintain steerage or maneuverability.
- (9) In operation. In reference to a vessel, means that the vessel is being navigated or otherwise used on the waters in this municipality.
- (10) Inflatable watercraft. Any vessel constructed of rubber, canvas or other material which is designed to be inflated with any gaseous substance, constructed with two or more



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- air cells and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.
- (11) Law enforcement vessel. Any vessel used in law enforcement and under the command of a law enforcement officer.
- (12) Muffler. An acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.
- (13) Navigable waters. Waters which come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this municipality, except inland lakes having neither a navigable inlet nor outlet.
- (14) No wake. Has the same meaning as idle speed.
- (15) Operator. Includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this municipality.
- (16) Owner. Includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.
- (17) Person. Includes any legal entity defined as a person in R.C. § 1.59 and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee or other representative thereof.
- (18) Personal watercraft. A vessel, less than 16 feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.
- (19) Powercraft. Any vessel propelled by machinery, fuel, rockets or similar devices.
- (20) Rowboat. Any vessel, except a canoe, that is designed to be rowed and which is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine or sail has been affixed or is used for the operation of the vessel.



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- (21) Sailboat. Any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.
- A. Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.
 - B. Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.
 - C. Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.
- (22) Sewage. Human body wastes and wastes from toilets and other receptacles intended to receive or retain body waste.
- (23) Type 1 personal flotation device. A device which is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately 20 pounds, of buoyancy.
- (24) Type 2 personal flotation device. A device which is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately 15-2/5 pounds, of buoyancy.
- (25) Type 3 personal flotation device. A device which is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately 15-2/5 pounds, of buoyancy.
- (26) Type 4 personal flotation device. A device which is designed to be thrown to a person in the water and not worn and that has at least 7-1/2 kilograms, approximately 16-1/2 pounds, of buoyancy.
- (27) Type 5 personal flotation device. A device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including,



without limitation, all of the following:

- A. The approval label on the type 5 personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use;
- B. The personal flotation device is used in accordance with any requirements on the approval label;
- C. The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(28) Vessel. Includes every description of craft, including nondisplacement craft and sea planes, designed to be used as a means of transportation on water.

(29) Visible. Visible on a dark night with clear atmosphere.

(30) Watercraft. As used in §§ 448.25, 448.32(a) and (b), 448.36 and 448.38:

- A. Watercraft means any of the following when used or capable of being used for transportation on the water:
 1. A vessel operated by machinery either permanently or temporarily affixed;
 2. A sailboat other than a sailboard;
 3. An inflatable or manually propelled boat that is required by federal law to have a hull identification number meeting the requirements of the United States Coast Guard; or
 4. A canoe or rowboat.
- B. Watercraft does not include ferries as referred to in R.C. Chapter 4583.
- C. Watercraft subject to R.C. § 1547.54 shall be divided into five classes as follows:
 1. Class A: Less than 16 feet in length;
 2. Class 1: At least 16 feet but less than 26 feet in length;
 3. Class 2: At least 26 feet but less than 40 in length;



4. Class 3: At least 40 feet but less than 65 feet in length; and
5. Class 4: At least 65 feet in length.

(31) Watercraft dealer. Any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale or dealing in vessels at an established place of business. Watercraft dealer does not include a person who is a marine salvage dealer or any other person who dismantles, salvages or rebuilds vessels using used parts.

(32) Waters in this municipality means all streams, rivers, lakes, ponds, marshes, watercourses, waterways and all other bodies of water, natural or human-made, which are situated wholly or partially within this municipality or within its jurisdiction and are used for recreational boating.

(b) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this municipality. Nothing in this chapter shall be construed in contravention of any valid federal or state act or regulation, but is in addition to the act or regulation where not inconsistent.

(R.C. 1547.01)

§ 448.02 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.

(a) No person shall install or use any intermittently flashing light of any type or color on any vessel in use or operation on the waters in this municipality, except in accordance with federal law.

(b) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.03)

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



(R.C. 1547.99(C))

§ 448.03 SIREN PROHIBITED; EXCEPTIONS.

(a) No person, except an authorized watercraft representative of the federal government, the state or any of its political subdivisions shall use or operate a siren on the waters in this municipality except for emergency purposes.

(b) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.04)

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

(R.C. 1547.99(C))

§ 448.04 REGULATIONS FOR OPERATION AND RENTAL OF POWERCRAFT OF MORE THAN TEN HORSEPOWER.

(a) (1) No person born on or after January 1, 1982, shall operate on the waters in this municipality a powercraft powered by more than ten horsepower, unless the operator successfully has completed either a safe boater course approved by the National Association of State Boating Law Administrators or a proctored or nonproctored proficiency examination that tests knowledge of information included in the curriculum of such a course, and has received a certificate as evidence of successful completion of the course or examination.

(2) No person shall permit a powercraft to be operated in this municipality in violation of this division (a).



(R.C. 1547.05)

(b) A person born on or after January 1, 1982, who is operating on the waters in this municipality a powercraft powered by more than ten horsepower and who is stopped by a law enforcement officer in the enforcement of R.C. Chapter 1547 or rules adopted under it, shall present to the law enforcement officer, not later than 72 hours after being stopped, a certificate obtained by the person pursuant to division (a) of this section prior to being stopped or proof of holding such a certificate. Failure of the person to present



the certificate or proof of holding it within 72 hours constitutes prima facie evidence of a violation of division (a) of this section.

(R.C. 1547.051)

(c) No rental business shall lease, hire or rent a powercraft powered by more than ten horsepower for operation on the waters in this municipality to a person born on or after January 1, 1982, unless the person meets one of the following requirements:

- (1) The person signs a statement on the rental agreement or attached to the rental agreement that the person has successfully completed a safe boater course approved by the National Association of State Boating Law Administrators or has successfully completed a proficiency examination as provided in division (a) of this section.
- (2) The person receives educational materials from the rental business and successfully passes, with a score of 90% or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.

(d) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired or rented powercraft shall:

- (1) Meet the requirements for boater education of division (c) of this section.
- (2) Be named as an operator on the agreement that leases, hires or rents the powercraft.

(e) The Division of Watercraft shall make available to all watercraft rental businesses in the state boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (c)(2) of this section.

(R.C. 1547.052)



(f) Whoever violates division (a) or (b) of this section is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.

(R.C. 1547.99(K))

(g) Whoever violates division (c) or (d) of this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

(h) The sentencing court, in addition to the penalty provided under this section for a violation of this section or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the National Association of State Boating Law Administrators before the offender is allowed to operate a powercraft powered by more than ten horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under R.C. Chapter 2705.

(R.C. 1547.99(L))

§ 448.05 RESTRICTIONS ON CHILD OPERATORS; DUTY OF SUPERVISORY ADULT.

(a) Except as otherwise provided in this division, no person under 16 years of age shall operate a personal watercraft on the waters in this municipality. A person who is not less than 12 nor more than 15 years of age may operate a personal watercraft if a supervising person 18 years of age or older is aboard the personal watercraft and, in the case of a supervising person born on or after January 1, 1982, if the supervising person holds a certificate obtained under § 448.04(a) or, in the case of a rented powercraft, meets the requirements of § 448.04(c) and (d).



(b) No person under 12 years of age shall operate any vessel on the waters in this municipality unless the person is under the direct visual and audible supervision, during the operation, of a person who is 18 years of age or older. This division does not apply to a personal watercraft, which shall be governed by division (a) of this section, or to a powercraft, other than a personal watercraft, powered by more than ten horsepower, which shall be governed by division (c) of this section.

(c) No person under 12 years of age shall operate on the waters in this municipality a powercraft, other than a personal watercraft, powered by more than ten horsepower unless the person is under the direct visual and audible supervision, during the operation, of a person 18 years of age or older who is aboard the powercraft and, in the case of such a supervising person born on or after January 1, 1982, who holds a certificate obtained under § 448.04(a) or, in the case of a rented powercraft, meets the requirements of § 448.04(c) and (d).

(d) No supervising person 18 years of age or older shall permit any person who is under the supervising person's supervision and who is operating a vessel on the waters in this municipality to violate any section of this chapter, R.C. Chapter 1547 or a rule adopted under it.
(R.C. 1547.06)

(e) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. 1547.99(C))

§ 448.06 RECKLESS OPERATION; MAINTAINING SUFFICIENT CONTROL; WAKES RESTRICTED.

(a) *Reckless operation.*

(1) Any person who operates any vessel or manipulates any water skis, aquaplane or



similar device on the waters in this municipality carelessly or heedlessly, or in disregard of the rights or safety of any person, vessel or property, or without due caution, at a rate of speed or in a manner so as to endanger any person, vessel or property is guilty of reckless operation of the vessel or other device.

- (2) No person shall operate or permit the operation of a vessel in an unsafe manner. A vessel shall be operated in a reasonable and prudent manner at all times. Unsafe vessel operation includes, without limitation, any of the following:
- A. A vessel becoming airborne or completely leaving the water while crossing the wake of another vessel at a distance of less than 100 feet, or at an unsafe distance, from the vessel creating the wake;
 - B. Operating at such a speed and proximity to another vessel or to a person attempting to ride on one or more water skis, surfboard, inflatable device or similar device being towed by a vessel so as to require the operator of either vessel to swerve or turn abruptly to avoid collision;
 - C. Operating less than 200 feet directly behind a person water skiing or attempting to water ski;
 - D. Weaving through congested traffic.
- (R.C. 1547.07)

(b) *Maintaining sufficient control.* No person shall operate or permit the operation of a vessel on the waters in this municipality without maintaining sufficient control to avoid an incident that results in property damage, physical injury, loss of life or any combination of them.
(R.C. § 1547.072)

(c) *Wakes restricted.*

- (1) As used in this division (c), public service means activities that include but are not limited to escorting or patrolling special water events, traffic control, salvage,



firefighting, medical assistance, assisting disabled vessels, and search and rescue.

- (2) No person shall operate a vessel at a speed that creates a wake within 100 feet of a stationary law enforcement vessel displaying at least one flashing, oscillating or rotating light conforming with 33 C.F.R. 88.11.
- (3) No person shall operate a vessel at a speed that creates a wake within 100 feet of a vessel that is being used to provide public service and that displays at least one flashing, oscillating or rotating light conforming with 33 C.F.R. 88.12.
- (4) No person shall permit any vessel to be operated on the waters in this municipality in violation of this division (c).

(R.C. § 1547.132)

(d) *Penalty.*

- (1) Whoever violates divisions (a) or (c) of this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(D))
- (2) Whoever violates divisions (a) or (c) of this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.
(R.C. § 1547.99(E))
- (3) Whoever violates division (b) of this section shall be subject to the penalty provided in § 448.99.

§ 448.07 UNSAFE CONDITIONS.

(a) If a law enforcement officer observes a vessel being used and determines that at least one of the unsafe conditions identified in division (c) of this section is present and that an especially hazardous condition exists, the officer may direct the operator of the vessel to take whatever immediate and reasonable actions are necessary for the safety of the persons aboard the vessel,



including directing the operator to return the vessel to mooring and remain there until the situation creating the hazardous condition is corrected or has ended. For the purposes of this section, an especially hazardous condition is one in which a reasonably prudent person would believe that the continued operation of a vessel would create a special hazard to the safety of the persons aboard the vessel.

(b) The refusal by an operator of a vessel to terminate use of the vessel after being ordered to do so by a law enforcement officer under division (a) of this section is prima facie evidence of a violation of § 448.06.

- (c) For the purposes of this section, any of the following is an unsafe condition:
- (1) Insufficient personal flotation devices;
 - (2) Insufficient fire extinguishers;
 - (3) Overloaded, insufficient freeboard for the water conditions in which the vessel is operating;
 - (4) Improper display of navigation lights;
 - (5) Fuel leaks, including fuel leaking from either the engine or the fuel system;
 - (6) Accumulation of or an abnormal amount of fuel in the bilges;
 - (7) Inadequate backfire flame control;
 - (8) Improper ventilation.

- (d) This section does not apply to any of the following:
- (1) Foreign vessels temporarily using waters that are subject to the jurisdiction of the United States;
 - (2) Military vessels, vessels owned by the state or a political subdivision, or other public vessels, except those that are used for recreation;
 - (3) A ship's lifeboats, as defined in R.C. § 1548.01;



- (4) Vessels that are solely commercial and that are carrying more than six passengers for hire.

(R.C. 1547.071)

§ 448.08 MARKING OF BATHING AND VESSEL AREAS.

(a) No person shall operate a vessel within or through a designated bathing area or within or through any area that has been buoyed off designating it as an area in which vessels are prohibited.

(b) (1) No person shall operate a vessel at greater than idle speed or at a speed that creates a wake under any of the following circumstances:

- A. Within 300 feet of any marina, boat docking facility, boat gasoline dock, launch ramp, recreational boat harbor or harbor entrance on Lake Erie or on the Ohio River;
- B. During the period from sunset to sunrise according to local time within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River for any vessel not documented by the United States Coast Guard as commercial;
- C. Within any area buoyed or marked as a no wake area on the waters in this municipality.

(2) Division (b)(1) of this section does not apply in either of the following places:

- A. An area designated by the Chief of the Division of Watercraft unless it is marked by a buoy or sign as a no wake or idle speed area;
- B. Within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River when the United States Coast Guard has authorized the holding of a special event of a community nature on that water.



(c) No person shall operate a vessel in any area of restricted or controlled operation in violation of the designated restriction.

(d) No person shall operate a vessel within 300 feet of an official diver's flag unless the person is tendering the diving operation.

(e) (1) All areas of restricted or controlled operation as described in division (a) of this section or as provided for in § 448.13 or R.C. § 1547.16 or § 1547.61 shall be marked by a buoy or sign designating the restriction. All waters surrounded by or lying between such a buoy or sign and the closest shoreline are thereby designated as an area in which the designated restrictions shall apply in the operation of any vessel.

(2) Markings on buoys designating areas of restricted or controlled operation shall be so spaced as to show all around the horizon. Lineal spacing between the buoys shall be such that under normal conditions of visibility any buoy shall be readily visible from the next adjacent buoy. No colors or symbols, except as provided for in rules of the Chief of the Division of Watercraft, shall be used on buoys or signs for marking closed or controlled areas of boating waters.

(3) Any state department, conservancy district or political subdivision having jurisdiction and control of impounded boating waters may place such buoys or signs on its waters. Any political subdivision may apply to the Chief of the Division of Watercraft for permission to place such buoys or signs on other waters within its territorial limits. No person shall place or cause to be placed a regulatory buoy or sign on, into or along the waters in this municipality unless the person has complied with all the provisions of this chapter and R.C. Chapter 1547.

(f) No person shall enter, operate a vessel that enters or allow a vessel to enter a federally-



declared security zone as defined in 33 C.F.R Chapter 1, subparts 6.01-1, 6.01-2, 6.01-3, 6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7 and 6.04-8.

(g) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section.

(R.C. 1547.08)

(h) (1) Whoever violates division (a), (b), (c), (d), (e) or (g) of this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

(2) Whoever violates division (f) of this section is guilty of a misdemeanor of the first degree.

(R.C. 1547.99(B))



§ 448.09 MOORING PROHIBITED IN CERTAIN AREAS.

(a) No person shall moor or anchor any vessel in a designated speed zone or water ski zone. No person, unless in distress and no other vessel is endangered thereby, shall moor to, anchor to or tie up to any marker, aid, buoy, light or other aid to navigation.

(b) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.09)

(c) Whoever violates this section is guilty of a minor misdemeanor

(R.C. 1547.99(C))

§ 448.10 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

(a) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane or similar device on the waters in this municipality if, at the time of the operation, control or manipulation, any of the following applies:

- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them;
- (2) The person has a concentration of 0.08% or more by weight of alcohol per unit volume in the person's whole blood;
- (3) The person has a concentration of 0.096% or more by weight per unit volume of alcohol in the person's blood serum or plasma;
- (4) The person has a concentration of 0.11 grams or more by weight of alcohol per 100 milliliters of the person's urine;
- (5) The person has a concentration of 0.08 grams or more by weight of alcohol per 210



liters of the person's breath.

- (6) Except as provided in division (h) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
- A. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - B. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - C. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - D. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
 - E. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite



(6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

- F. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or has a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
- G. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
- H. Either of the following applies:
 - 1. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 2. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or



has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

- I. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
- J. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(b) No person under 21 years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane or similar device on the waters in this municipality if, at the time of the operation, control or manipulation, any of the following applies:

- (1) The person has a concentration of at least 0.02% but less than 0.08% by weight per unit volume of alcohol in the person's whole blood;
- (2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma.
- (3) The person has a concentration of at least 0.028 grams, but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine;
- (4) The person has a concentration of at least 0.02 grams, but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath.

(c) In any proceeding arising out of one incident, a person may be charged with a violation of



division (a)(1) and a violation of division (b)(1), (b)(2), (b)(3) or (b)(4) of this section, but the person shall not be convicted of more than one violation of those divisions.

- (d) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense that is watercraft-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
- (2) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in § 448.12(c) or R.C. § 1547.111(C) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine or other bodily substance test at the request of a law enforcement officer under R.C. § 1547.111, or any substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse or a qualified technician, chemist or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a



controlled substance, or combination content of the whole blood, blood serum or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division if, in that person's opinion, the physical welfare of the defendant or child would be endangered by withdrawing blood.

- (3) The whole blood, blood serum or plasma, urine, or breath withdrawn under division (d)(2) of this section shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to R.C. § 3701.143.
- (4) In a criminal prosecution or juvenile court proceeding for a violation of division (a) of this section or for an equivalent offense that is watercraft-related, if there was at the time the bodily substance was taken a concentration of less than the applicable concentration of alcohol specified for a violation of division (a)(2), (a)(3), (a)(4) or (a)(5) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(6) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant or in making an adjudication for the child. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (b) of this section or for a violation of a prohibition that is substantially equivalent to that division.
- (5) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney immediately upon completion of the test analysis.
- (6) If the chemical test was administered pursuant to division (d)(2) of this section, the person tested may have a physician, registered nurse or qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall



be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

- (e) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them, or of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that have been set by the National Highway Traffic Safety Administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes or similar devices, all of the following apply:
- A. The officer may testify concerning the results of the field sobriety test so administered.
 - B. The prosecution may introduce the results of the field sobriety test so



- administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
- C. If testimony is presented or evidence is introduced under division (E)(1)(a) or (E)(1)(b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
- (2) Division (e)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (E)(1) of this section.
- (f) (1) Subject to division (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense that is substantially equivalent to either of those divisions, the court shall admit as prima facie evidence a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine or other bodily substance tested and that contains all of the information specified in this division. The laboratory report shall contain all of the following:
- A. The signature, under oath, of any person who performed the analysis;
 - B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
 - C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer



involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

- D. An outline of the analyst's or test performer's education, training and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (f)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child.
- (3) A report of the type described in division (f)(1) of this section shall not be prima facie evidence of the contents, identity or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interests of justice.

(g) Except as otherwise provided in this division, any physician, registered nurse or qualified technician, chemist or phlebotomist who withdraws blood from a person pursuant to this section, R.C. § 1547.111 or any substantially equivalent municipal ordinance, and a hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, R.C. § 1547.111 or any substantially equivalent municipal ordinance, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act



performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(h) Division (a)(6) of this section does not apply to a person who operates or is in physical control of a vessel underway or manipulates any water skis, aquaplane or similar device while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(i) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Cocaine and L.S.D. Have the same meanings as in R.C. § 2925.01.
- (2) Controlled substance and marihuana. Have the same meanings as in R.C. § 3719.01.
- (3) Equivalent offense. Has the same meaning as in R.C. § 4511.181.
- (4) Equivalent offense that is watercraft-related. An equivalent offense that is one of the following:
 - (a) A violation of division (a) or (b) of this section;
 - (b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from



manipulating any water skis, aquaplane or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (a) or (b) of this section;

(d) A violation of an existing or former law of this state that is or was substantially equivalent to division (A) or (B) of this section.

(5) National Highway Traffic Safety Administration. Has the same meaning as in R.C. § 4511.19.

(6) Operate. A vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States Coast Guard, this state or a political subdivision and in which the vessel has the right to anchor.

(R.C. 1547.11)

(j) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be punished as provided in division (j)(1), (j)(2) or (j)(3) of this section.

(1) Except as otherwise provided in division (j)(2) or (j)(3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to R.C. § 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by this division (j)(1) if the court, in



lieu of the suspended jail term, places the offender under a community control sanction pursuant to R.C. § 2929.25 and requires the offender to attend, for three consecutive days, a drivers§ intervention program that is certified pursuant to R.C. § 3793.10. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by this division (j)(1) if the court places the offender under a community control sanction pursuant to R.C. § 2929.25 for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers§ intervention program that is certified pursuant to R.C. § 3793.10; and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the drivers§ intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers§ intervention program, that the operators of the drivers§ intervention program determine that the offender should attend and to report periodically to the court on the offender§s progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

- (2) If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of this section, R.C. § 1547.11 or one other equivalent offense, the court shall sentence the offender to a jail term of ten consecutive days and may sentence the offender pursuant to R.C. § 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 3793.10.
- (3) If, within six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation or offense identified in division (j)(2) of this section,



the court shall sentence the offender to a jail term of 30 consecutive days and may sentence the offender to a longer jail term of not more than one year. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers§ intervention program that is certified pursuant to R.C. § 3793.10.

- (4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (j)(1), (j)(2) or (j)(3) of this section to continue the offender§s employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of three, ten or 30 consecutive days that the court is required by division (j)(1), (j)(2) or (j)(3) of this section to impose. No court shall authorize work release during the mandatory jail term of three, ten or 30 consecutive days that the court is required by division (j)(1), (j)(2) or (j)(3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.
- (5) Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court shall suspend the mandatory jail term of ten or 30 consecutive days required to be imposed by division (j)(2) or (j)(3) of this section or place an offender who is sentenced pursuant to division (j)(2) or (j)(3) of this section in any treatment program in lieu being imprisoned or serving a jail term until after the offender has served the mandatory jail term of ten or 30 consecutive days required to be imposed pursuant to division (j)(2) or (j)(3) of this section. Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution



of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (j)(1) of this section, shall suspend the mandatory jail term of three consecutive days required to be imposed by division (j)(1) of this section or place an offender who is sentenced pursuant to division (j)(1) of this section in any treatment program in lieu of being imprisoned or serving a jail term until after the offender has served the mandatory jail term of three consecutive days required to be imposed pursuant to division (j)(1) of this section.

- (6) For the purpose of this division (j) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- A. Equivalent offense. Has the same meaning as in R.C. § 4511.181.
 - B. Jail term and mandatory jail term. Have the same meanings as in R.C. § 2929.01.
(R.C. 1547.99(G))

§ 448.11 IMPLIED CONSENT.

- (a) (1) A. Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane or similar device upon any waters in this municipality shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance.
- B. The test or tests under division (a)(1)A. of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe



the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.

- (2) Any person who is dead or unconscious or who otherwise is in a condition rendering the person incapable of refusal shall be deemed to have consented as provided in division (a)(1) of this section, and the test or tests may be administered, subject to R.C. §§ 313.12 to 313.16.
- (b) (1) If a law enforcement officer arrests a person for operating or being in physical control of a vessel or manipulating any water skis, aquaplane or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance, and if the person previously has been convicted of or pleaded guilty to two or more violations of § 1547.11 or other equivalent offenses, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. The advice shall be in written form prescribed by the Chief of the Division of



Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. Divisions (a)(1)B. and (a)(2) of this section apply to the administration of a chemical test or tests pursuant to this division.

- (2) If a person refuses to submit to a chemical test upon a request made pursuant to division (b)(1) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) Any person under arrest for violating R.C. § 1547.11 or a substantially equivalent municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (a) of this section. The advice shall be in a written form prescribed by the Chief of the Division of Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation, and if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

- (d) (1) If a law enforcement officer asks a person under arrest for violating R.C. § 1547.11



or a substantially equivalent municipal ordinance to submit to a chemical test or tests as provided in division (a) of this section, if the arresting officer advises the person of the consequences of the person's refusal as provided in division (c) of this section, and the person refuses to submit, no chemical test shall be given. Upon receipt of a sworn statement of the officer that the arresting law enforcement officer had reasonable grounds to believe the arrested person violated R.C. § 1547.11 or a substantially equivalent municipal ordinance and that the person refused to submit to the chemical test upon the request of the officer, and upon receipt of the form as provided in division (d) of this section certifying that the arrested person was advised of the consequences of the refusal, the Chief of the Division of Watercraft shall inform the person by written notice that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane or similar device, and from registering any watercraft in accordance with R.C. § 1547.54, for one year following the date of the alleged violation. The suspension of these operation, physical control, manipulation and registration privileges shall continue for the entire one-year period, subject to review as provided in this section.

- (2) If the person under arrest is the owner of the vessel involved in the alleged violation, the law enforcement officer who arrested the person shall seize the watercraft registration certificate and tags from the vessel involved in the violation and forward them to the Chief of the Division of Watercraft. The Chief of the Division of Watercraft shall retain the impounded registration certificate and tags and shall impound all other registration certificates and tags issued to the person in accordance with R.C. §§ 1547.54 and 1547.57, for a period of one year following the date of the alleged violation, subject to review as provided in this section.
- (3) If the arrested person fails to surrender the registration certificate because it is not on the person of the arrested person or in the watercraft, the law enforcement officer who made the arrest shall order the person to surrender it within 24 hours to the law



enforcement officer or the law enforcement agency that employs the law enforcement officer. If the person fails to do so, the law enforcement officer shall notify the Chief of the Division of Watercraft of that fact in the statement the officer submits to the Chief of the Division of Watercraft under this division.

(e) Upon suspending a person's operation, physical control, manipulation and registration privileges in accordance with division (d) of this section, the Chief of the Division of Watercraft shall notify the person in writing, at the person's last known address, and inform the person that the person may petition for a hearing in accordance with division (f) of this section. If a person whose operation, physical control, manipulation and registration privileges have been suspended petitions for a hearing or appeals any adverse decision, the suspension shall begin at the termination of any hearing or appeal unless the hearing or appeal results in a decision favorable to the person.

- (f) (1) Any person who has been notified by the Chief of the Division of Watercraft that the person is prohibited from operating or being in physical control of a vessel or manipulating any water skis, aquaplane or similar device and from registering any watercraft in accordance with R.C. § 1547.54, or who has had the registration certificate and tags of the person's watercraft impounded pursuant to division (d) of this section, within 20 days of the notification or impoundment, may file a petition in the municipal court or the county court, or if the person is a minor in juvenile court, with jurisdiction over the place at which the arrest occurred, agreeing to pay the cost of the proceedings and alleging error in the action taken by the Chief of the Division of Watercraft under division (d) of this section or alleging one or more of the matters within the scope of the hearing as provided in this section, or both. The petitioner shall notify the Chief of the Division of Watercraft of the filing of the petition and send the Chief of the Division of Watercraft a copy of the petition.
- (2) The scope of the hearing is limited to the issues of whether the law enforcement



officer had reasonable grounds to believe the petitioner was operating or in physical control of a vessel or manipulating any water skis, aquaplane or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance, whether the petitioner was placed under arrest, whether the petitioner refused to submit to the chemical test upon request of the officer, and whether the petitioner was advised of the consequences of the petitioner's refusal.

- (g) (1) The Chief of the Division of Watercraft shall furnish the court a copy of the affidavit as provided in division (c) of this section and any other relevant information requested by the court.
- (2) In hearing the matter and in determining whether the person has shown error in the decision taken by the Chief of the Division of Watercraft as provided in division (d) of this section, the court shall decide the issue upon the relevant, competent and material evidence submitted by the Chief of the Division of Watercraft or the person whose operation, physical control, manipulation and registration privileges have been suspended. In the proceedings, the Chief of the Division of Watercraft shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the Chief of the Division of Watercraft. If the petition is filed in the municipal court, the Chief of the Division of Watercraft shall be represented as provided in R.C. § 1901.34.
- (3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the Chief of the Division of Watercraft under division (d) of this section or in one or more of the matters within the scope of the hearing as provided in division (f) of this section, or both, the court shall assess the cost of the



proceeding against the person and shall uphold the suspension of the operation, physical control, use and registration privileges provided in division (d) of this section. If the court finds that the person has shown error in the action taken by the Chief of the Division of Watercraft under division (d) of this section or in one or more of the matters within the scope of the hearing as provided in division (f) of this section, or both, the cost of the proceedings shall be paid out of the county treasury of the county in which the proceedings were held, Chief of the Division of Watercraft shall reinstate the operation, physical control, manipulation and registration privileges of the person without charge, and the Chief of the Division of Watercraft shall return the registration certificate and tags, if impounded, without charge.

(4) The court shall give information in writing of any action taken under this section to the Chief of the Division of Watercraft.

(h) At the end of any period of suspension or impoundment imposed under this section, and upon request of the person whose operation, physical control, use and registration privileges were suspended or whose registration certificate and tags were impounded, the Chief of the Division of Watercraft shall reinstate the person's operation, physical control, manipulation and registration privileges by written notice and return the certificate and tags.

(i) No person who has received written notice from the Chief of the Division of Watercraft that the person is prohibited from operating or being in control of a vessel, from manipulating any water skis, aquaplane or similar device, and from registering a watercraft, or who has had the registration certificate and tags of the person's watercraft impounded, in accordance with division (d) of this section or R.C. § 1547.111(D), shall operate or be in physical control of a vessel or manipulate any water skis, aquaplane or similar device for a period of one year following the date of the person's alleged violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance.

(R.C. 1547.111)



(j) Whoever violates division (i) of this section is guilty of a misdemeanor of the first degree.
(R.C. 1547.99(B))

§ 448.12 INCAPACITATED OPERATORS PROHIBITED.

(a) No person shall operate any vessel if the person is so mentally or physically incapacitated as to be unable to operate the vessel in a safe and competent manner.

(b) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section.
(R.C. 1547.12)

(c) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.
(R.C. 1547.99(D))

(d) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.
(R.C. 1547.99(E))

§ 448.13 WATER SKIING CONFINED TO SKI ZONES.

(a) Except on the waters of the Ohio River or Lake Erie and immediately connected harbors and bays, any person who rides or attempts to ride upon one or more water skis, surfboard or similar device, or who engages or attempts to engage in barefoot skiing, and any person who operates a vessel towing a person riding or attempting to ride on one or more water skis, surfboard



or similar device, or engaging or attempting to engage in barefoot skiing, shall confine that activity to the water area within a designated ski zone on all bodies of water on which a ski zone has been established.

(b) On all bodies of water where no specific activity zones have been established, the activities described in division (a) of this section shall be confined to areas where the activities are not specifically restricted by this chapter and rules adopted under R.C. Chapter 1547.

(c) Divisions (a) and (b) of this section do not apply to an activity described in division (a) of this section if the vessel involved in the activity is traveling at idle speed in a designated no wake zone and the activity is not being conducted in any of the following areas:

- (1) Within 300 feet of a gas dock, marina, launch ramp or harbor entrance;
- (2) Within a designated anchorage area, swim zone, boat swim zone or boat camping area;
- (3) Under a bridge or within 300 feet of a bridge underpass;
- (4) Any area designated as a "no ski zone".

(d) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.14)

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

§ 448.14 OBSERVER REQUIRED WHEN TOWING SKIER.

(a) Any person who operates a vessel towing any person riding or attempting to ride upon one or more water skis or upon a surfboard or similar device, or engaging or attempting to engage in barefoot skiing, on the waters in this municipality shall have present in the vessel a person or



persons other than the operator, ten years of age or older, who shall at all times observe the progress of the person being towed. The operator of the towing vessel shall at all times observe the traffic pattern toward which the vessel is approaching.

(b) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.15)

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

(R.C. 1547.99(C))

§ 448.15 WATER SKIING AFTER DARK PROHIBITED.

(a) No person shall ride or attempt to ride upon water skis, surfboard or similar device, or engage or attempt to engage in barefoot skiing, or use or operate any vessel to tow any person thereon on the waters in this municipality during that period of the day between sunset and sunrise, except upon special permit issued by the state department, conservancy district or political subdivision having jurisdiction and control of the water.

(R.C. 1547.16)

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

(R.C. 1547.99(C))

§ 448.16 PERSONAL FLOTATION DEVICE REQUIRED FOR TOWED PERSON.

(a) No person shall ride or attempt to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel without wearing an adequate and effective Coast



Guard approved type 1, 2 or 3 personal flotation device or type 5 personal flotation device specifically designed for water skiing, in good and serviceable condition and of appropriate size, except upon special permit issued by the state department, conservancy district or political subdivision having jurisdiction and control of the water.

(b) No person shall engage or attempt to engage in barefoot skiing without wearing an adequate and effective Coast Guard approved type 1, 2 or 3 personal flotation device or type 5 personal flotation device specifically designed for water skiing, in good and serviceable condition and of appropriate size, or a wet suit specifically designed for barefoot skiing.

(c) No operator of a vessel shall tow any person who fails to comply with division (a) or (b) of this section.

(R.C. 1547.18)

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

§ 448.17 SKI JUMPS PROHIBITED.

(a) No person shall install or maintain any structure or inclined platform known as a water ski jump on the waters in this municipality. No person shall use any such platform or structure for the purpose of water ski jumping, except upon special permit issued by the state department, conservancy district or political subdivision having jurisdiction and control over the water.

(R.C. 1547.19)

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

(R.C. 1547.99(C))



§ 448.18 PERMIT FOR SPECIAL WATER EVENTS.

(a) No person or organization shall conduct any race, regatta or other special event upon the waters in this municipality without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta or event, of the federal agency, state department, conservancy district or political subdivision having jurisdiction and control over the waters. Any state department, conservancy district or political subdivision may suspend its respective rules during a race, regatta or special event. Nothing in this section shall be construed to mean that the operator of a vessel competing in a specially authorized race, regatta or special event shall not attempt to attain high speeds on a marked racing course.

(b) On any waters in this municipality over which no federal agency, state department, conservancy district or political subdivision has jurisdiction and control, no person or organization shall conduct any race, regatta or other special event without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta or event, of the Chief of the Division of Watercraft. The Chief of the Division of Watercraft may, if he or she determines that the public safety will be adequately protected, grant written permission for holding the race, regatta or special event. This section does not apply to privately owned lakes or ponds nor to canoes or rowboats.

(R.C. 1547.20)

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

(R.C. 1547.99(C))

§ 448.19 SALE OF SINGLE CELLED INFLATABLE VESSELS PROHIBITED.

(a) No person shall use or offer for use on the waters in this municipality any inflatable vessel made of canvas, rubber, synthetic rubber or vinyl plastic unless the inflatable vessel is of multiple air



cell or compartment construction and is capable of remaining afloat if one air cell or compartment is punctured or collapsed.

(R.C. 1547.21)

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

(R.C. 1547.99(C))

§ 448.20 SITTING, STANDING, WALKING ON MOVING VESSELS RESTRICTED.

(a) No occupant of any vessel underway on the waters in this municipality shall sit, stand or walk upon any portion of the vessel not specifically designed for that movement, except when immediately necessary for the safe and reasonable navigation or operation of the vessel. No operator of a vessel underway on the waters in this municipality shall allow any occupant of the vessel to sit, stand or walk on any portion of the vessel underway not specifically designed for that use, except when immediately necessary for the safe and reasonable navigation or operation of the vessel.

(b) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.22)

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

(R.C. 1547.99(C))

§ 448.21 ENGINE WARM-UP REQUIRED.

(a) The pilot or engineer of any powercraft for hire to carry passengers shall not permit



passengers to come aboard before the engine of the powercraft has been permitted to run for a minimum of two minutes.

(R.C. 1547.23)

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

(R.C. 1547.99(C))

§ 448.22 PERSONAL FLOTATION DEVICES FOR CHILDREN UNDER TEN.

(a) No person shall operate or permit to be operated any vessel under 18 feet in length while there is present in the vessel any person under ten years of age, not wearing a Coast Guard approved type 1, 2, 3 or 5 personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age.

(R.C. 1547.24)

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

(R.C. 1547.99(C))

§ 448.23 OPERATION WITHOUT PERSONAL FLOTATION DEVICES PROHIBITED.

(a) No person shall operate or permit to be operated any vessel, other than a commercial vessel or other vessel exempted by rules adopted under R.C. § 1547.52, on the waters in this municipality:

- (1) That is 16 feet or greater in length without carrying aboard one type 1, 2 or 3 personal flotation device for each person aboard and one type 4 personal flotation device;
- (2) That is less than 16 feet in length, including canoes and kayaks of any length, without carrying aboard one type 1, 2 or 3 personal flotation device for each person



aboard.

(b) A type 5 personal flotation device may be carried in lieu of a type 1, 2 or 3 personal flotation device required under division (a) of this section.

(c) No person shall operate or permit to be operated any commercial vessel on the waters in this municipality:

- (1) That is less than 40 feet in length and is not carrying persons for hire without carrying aboard at least one type 1, 2 or 3 personal flotation device for each person aboard;
- (2) That is carrying persons for hire or is 40 feet in length or longer and is not carrying persons for hire without carrying aboard at least one type 1 personal flotation device for each person aboard;
- (3) That is 26 feet in length or longer without carrying aboard at least one type 4 ring life buoy in addition to the applicable requirements of divisions (c)(1) and (c)(2) of this section.

(d) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard the vessel at all times.

(e) As used in this section, commercial vessel means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner or agent or any other person interested in the vessel. Commercial vessel does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented or chartered to another for noncommercial use.

(R.C. 1547.25)



(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. 1547.99(F))

§ 448.24 DISTRESS SIGNAL OR FLAG REQUIRED.

(a) No person shall operate on the waters of Lake Erie or the immediately connecting bays, harbors and anchorage areas at any time a vessel that is 16 or more feet in length or any vessel carrying six or fewer passengers for hire without carrying Coast Guard approved visual distress signals for both day and night use.

(b) No person shall operate upon the waters of Lake Erie or the immediately connecting bays, harbors and anchorage areas during the period from sunset to sunrise according to local time any of the following without carrying Coast Guard approved visual distress signals for night use:

- (1) A vessel less than 16 feet in length;
- (2) A vessel competing in an organized marine parade, race, regatta or similar event;
- (3) A manually propelled vessel;
- (4) A sailboat less than 26 feet in length with completely open construction and without propulsion machinery.

(c) No person shall operate a vessel on the waters in this state other than Lake Erie or the immediately connecting bays, harbors and anchorage areas unless the vessel carries either a distress flag at least two feet square and international orange in color or a Coast Guard approved daytime distress signal.

(d) No person shall display any distress signal unless a vessel or a person is in distress and in need of help.



(e) Divisions (a) and (c) of this section do not apply to any of the following:

- (1) Vessels competing in an organized marine parade, race, regatta or similar event;
- (2) Manually propelled vessels;
- (3) Sailboats less than 26 feet in length with completely open construction and without propulsion machinery.

(f) The distress signals required by this section shall be in good and serviceable condition, readily accessible, and of the type and quantities required by regulations adopted under 46 U.S.C. 4302, as amended.

(g) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(R.C. 1547.251)

(h) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

§ 448.25 ANCHOR REQUIREMENTS.

(a) All watercraft, except sailboats less than 16 feet long having a cockpit depth of less than 12 inches and except canoes, shall carry an anchor and line of sufficient weight and length to anchor the watercraft securely. The Chief of the Division of Watercraft, by rule, may exempt other types of watercraft from this section after determining that carrying such an anchor and line would constitute a hazard.

(b) No person shall operate or permit to be operated any watercraft on the waters in this municipality in violation of this section.



(R.C. 1547.26)

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

(R.C. 1547.99(C))

§ 448.26 SPECIFICATION FOR FIRE EXTINGUISHERS.

(a) Except those powercraft propelled by an electric motor and those less than 26 feet in length designed for use with an outboard motor, of open construction, and not carrying passengers for hire, all powercraft shall carry fire extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard.

(b) Class A and class 1 powercraft shall carry at least one B-1 fire extinguisher. Class 2 powercraft shall carry at least two B-1 fire extinguishers or at least one B-2 fire extinguisher. Class 3 powercraft shall carry at least three B-1 fire extinguishers, or at least one B-1 and one B-2 fire extinguishers. A B-1 fire extinguisher is one containing a minimum of 1-1/4 gallons foam, four pounds carbon dioxide, two pounds dry chemical, 2-1/2 pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use. A B-2 fire extinguisher is one containing a minimum of 2-1/2 gallons foam, 15 pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for that use.

(c) No person shall operate or permit to be operated on the waters in this municipality any



powercraft that does not comply with this section.

(R.C. 1547.27)

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

§ 448.27 BACKFIRE FLAME CONTROL DEVICE REQUIRED.

(a) Every gasoline engine installed in a vessel after April 25, 1940, except an outboard motor, shall be equipped with an acceptable device to control backfire flame. The device shall comply with all of the following:

- (1) Be securely attached to the air intake with a flame-tight connection;
- (2) Be in proper working order;
- (3) Be Coast Guard approved or comply with either SAE J1928 or UL 1111;
- (4) Be marked to indicate approval or compliance under division (a)(3) of this section.

(R.C. 1547.28)

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

(R.C. 1547.99(C))

§ 448.28 VENTILATION REQUIREMENT ON POWERCRAFT.

(a) All powercraft using gasoline or other liquid fuel having a flashpoint of less than 110E F. shall be provided with ventilation as follows:

- (1) At least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases;



- (2) Any type of ventilating system approved for use by the United States Coast Guard;
- (3) The ventilation of the boat is not required where the greater portion of the bilges of the engine and fuel tank compartment is open to the natural atmosphere.

(R.C. 1547.29)

- (b) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

§ 448.29 ABANDONMENT OF JUNK VESSELS OR OUTBOARD MOTORS.

(a) *Law enforcement official may order storage of vessel or outboard motor left on private property; towing by private dock owner.*

- (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. Law enforcement agency. Any organization or unit comprised of law enforcement officers, as defined in R.C. § 2901.01.
 - B. Vessel or outboard motor. Excludes an abandoned junk vessel or outboard motor, as defined in division (d) of this section, or any watercraft or outboard motor under R.C. § 4585.31.
- (2) A. The County Sheriff, Chief of Police or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any vessel or outboard motor that has been left on private property, other than a private dock or mooring facility or structure, for at least 72 hours without the permission of the person having the right to the possession of the property. The Sheriff or Chief, upon complaint of the owner of a marine repair facility or place of storage, may order into storage any vessel or outboard motor that has been left at the facility



or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Sheriff or Chief. When ordering a vessel or motor into storage under division (a)(2)A. of this section, a Sheriff or Chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

- B. 1. Except as provided in division (a)(2)B.4. of this section, no person, without the consent of the owner or other person authorized to give consent, shall moor, anchor or tie a vessel or outboard motor at a private dock or mooring facility or structure owned by another person if the owner has posted, in a conspicuous manner, a prohibition against the mooring, anchoring or tying of vessels or outboard motors at the dock, facility or structure by any person not having the consent of the owner or other person authorized to give consent.
2. If the owner of a private dock or mooring facility or structure has posted at the dock, facility or structure, in a conspicuous manner, conditions and regulations under which the mooring, anchoring or tying of vessels or outboard motors is permitted at the dock, facility or structure, no person, except as provided in division (a)(2)B.4. of this section, shall moor, anchor or tie a vessel or outboard motor at the dock, facility or structure in violation of the posted conditions and regulations.
3. The owner of a private dock or mooring facility or structure may order towed into storage any vessel or outboard motor found moored, anchored or tied in violation of division (a)(2)B.1. or (a)(2)B.2. of this section, provided that the owner of the dock, facility or structure posts on it a sign that states that the dock, facility or structure is private, is visible from all entrances to the dock, facility or structure, and contains all of the following information:



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- a. The information specified in division (a)(2)B.1. or (a)(2)B.2. of this section, as applicable;
 - b. A notice that violators will be towed and that violators are responsible for paying the cost of the towing;
 - c. The telephone number of the person from whom a towed vessel or outboard motor may be recovered, and the address of the place to which the vessel or outboard motor will be taken and the place from which it may be recovered.
4. Divisions (a)(2)B.1. or (a)(2)B.2. of this section do not prohibit a person from mooring, anchoring or tying a vessel or outboard motor at a private dock or mooring facility or structure if either of the following applies:
 - a. The vessel or outboard motor is disabled due to a mechanical or structural malfunction, provided that the person immediately removes the vessel or outboard motor from the dock, facility or structure when the malfunction is corrected or when a reasonable attempt has been made to correct it;
 - b. Weather conditions are creating an imminent threat to safe operation of the vessel or outboard motor, provided that the person immediately removes the vessel or outboard motor from the dock, facility or structure when the weather conditions permit safe operation of the vessel or outboard motor.
 5. A person whose vessel or outboard motor is towed into storage under division (a)(2)B.3. of this section either shall pay the costs of the towing of the vessel or outboard motor or shall reimburse the owner of the dock or mooring facility or structure for the costs that the owner incurs in towing the vessel or outboard motor.



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- C. Subject to division (a)(3) of this section, the owner of a vessel or motor that has been removed under division (a)(2) of this section may recover the vessel or motor only in accordance with division (a)(6) of this section.
- (3) If the owner or operator of a vessel or outboard motor that has been ordered into storage under division (a)(2) of this section arrives after the vessel or motor has been prepared for removal, but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vessels or motors under division (a)(2) of this section that normally is assessed by the person who has prepared the vessel or motor for removal, in order to obtain release of the vessel or motor. Upon payment of that fee, the vessel or motor shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that it is not on the private property without the permission of the person having the right to possession of the property, or is not at the facility or place of storage without the permission of the owner, whichever is applicable.
- (4) The County Sheriff, Chief of Police and each other chief of a law enforcement agency shall maintain a record of vessels or outboard motors that are ordered into storage under division (a)(2)A. of this section. The record shall include an entry for each such vessel or motor that identifies the vessel's hull identification number or serial number, if any, the vessel's or motor's make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vessel or motor shall be provided to any person who, pursuant to a statement the person makes either in person or by telephone, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.



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- (5) Any person who registers a complaint that is the basis of a Sheriff's or Chief's order for the removal and storage of a vessel or outboard motor under division (a)(2)A. of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who, pursuant to a statement the person makes, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.
- (6) A. The owner of a vessel or outboard motor that is ordered into storage under division (a)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed \$200, and storage, in an amount not to exceed \$5 per 24-hour period, and upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under R.C. § 1548.01.
- B. If a vessel or outboard motor that is ordered into storage under division (a)(2)A. of this section remains unclaimed by the owner for 30 days, the procedures established by divisions (b) and (c) of this section shall apply.
- C. If a vessel or outboard motor ordered into storage under division (a)(2)B. of this section remains unclaimed for 72 hours after being stored, the tow truck operator or towing company that removed the vessel or outboard motor shall provide notice of the removal and storage to the County Sheriff, Chief of Police or other chief of a law enforcement agency within whose territorial jurisdiction the vessel or outboard motor had been moored, anchored or tied in violation of division (a)(2)B. of this section. The notice shall be in writing and include the vessel's hull identification number or serial number, if any, the vessel's or outboard motor's make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person



from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

1. Upon receipt of the notice, the Sheriff or Chief immediately shall cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lienholder of the vessel or outboard motor, and, if known, shall send notice to the owner and lienholder, if any, at the owner's and lienholder's last known address by certified mail, return receipt requested, that the vessel or outboard motor will be declared a nuisance and disposed of if not claimed not later than 30 days after the date of the mailing of the notice.
2. If the owner or lienholder makes no claim to the vessel or outboard motor within 30 days of the date of the mailing of the notice, the Sheriff or Chief shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of division (a)(6)C. of this section, and the vessel or outboard motor shall be disposed of in accordance with division (c) of this section.

- (7) No person shall remove, or cause the removal of, any vessel or outboard motor from private property other than in accordance with division (a)(2) of this section or division (b) of this section.

(R.C. 1547.30)

(b) *Storage of vessel or motor left in sunken, beached, drifting or docked condition; notice; affidavit; salvage certificate.*

- (1) The County Sheriff, Chief of Police or other chief of a law enforcement agency, within his or her respective territorial jurisdiction, or a State Highway Patrol trooper, upon notification to the Sheriff or Chief of that action and of the location of the place of storage, may order into storage any vessel or outboard motor that has been left in



a sunken, beached or drifting condition for any period of time, or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road or highway, for 48 hours or longer without notification to the Sheriff or Chief of the reasons for leaving the vessel or motor in any such place or condition. The Sheriff or Chief shall designate the place of storage of any vessel or motor ordered removed by him or her.

- (2) The Sheriff or Chief shall immediately cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lienholder of a vessel or outboard motor ordered into storage by the Sheriff or Chief, and, if known, shall send notice to the owner and lienholder, if any, at his or her last known address by certified mail, return receipt requested, that the vessel or motor will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the vessel or motor may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under R.C. § 1548.01.
- (3) If the owner or lienholder makes no claim to the vessel or outboard motor within ten days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in division (c) of this section, the Sheriff or Chief shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this division (b). Upon presentation of the affidavit, the Clerk of Courts shall without charge issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief and shall send a copy of the affidavit to the Chief of the Division of Watercraft. If the vessel or motor is to be disposed of to a marine salvage dealer or other facility as provided in division (c) of this section, the Sheriff or Chief shall



execute in triplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this division (b) have been complied with. The Sheriff or Chief shall retain the original of the affidavit for his or her records and shall furnish two copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the Clerk of Courts shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

- (4) Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this division (b), such owner shall not be required to obtain an Ohio certificate of title to the vessel or motor in his or her own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts. Upon receipt of such an affidavit, the Clerk of Courts shall send one copy of it to the Chief of the Division of Watercraft.

(R.C. 1547.301)

(c) *Disposal of unclaimed vessel or motor.*

- (1) Unclaimed vessels or outboard motors ordered into storage under division (a)(2) of this section or division (b) of this section shall be disposed of at the order of the County Sheriff, the Chief of Police or another chief of a law enforcement agency, in any of the following ways:
- A. To a marine salvage dealer;
 - B. To any other facility owned, operated or under contract with the state or the county, municipality, township or other political subdivision;
 - C. To a charitable organization, religious organization or similar organization not used and operated for profit;



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- D. By sale at public auction by the Sheriff, the Chief or an auctioneer licensed under R.C. Chapter 4707, after giving notice of the auction by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the county.
- (2) Any moneys accruing from the disposition of an unclaimed vessel or motor that are in excess of the expenses resulting from the removal and storage of the vessel or motor shall be credited to the General Revenue Fund or to the General Fund of the county, municipality, township or other political subdivision, as appropriate.
- (3) As used in this division (c), charitable organization has the same meaning as in R.C. § 1716.01.
(R.C. 1547.302)
- (d) *Disposal of abandoned vessel or motor.*
- (1) For the purpose of this division and division (e) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- A. Abandoned junk vessel or outboard motor. Any vessel or outboard motor meeting all of the following requirements:
1. It has been left on private property for at least 72 hours without the permission of the person having the right to the possession of the property; left in a sunken, beached or drifting condition for any period of time; or left in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road or highway, for 48 hours or longer without notification to the County Sheriff, the Chief of Police, or other chief of a law enforcement agency having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition;



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2. It is three years old or older;
 3. It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor or outdrive;
 4. It is apparently inoperable;
 5. It has a fair market value of \$200 or less.
- B. Law enforcement agency. Any organization or unit comprised of law enforcement officers, as defined in R.C. § 2901.01.
- (2) The County Sheriff, Chief of Police or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, or a State Highway Patrol trooper, upon notification to the Sheriff or Chief of such action, shall order any abandoned junk vessel or outboard motor to be photographed by a law enforcement officer. The officer shall record the make of vessel or motor, the hull identification number or serial number when available, and shall also detail the damage or missing equipment to substantiate the value of \$200 or less. The Sheriff or Chief shall thereupon immediately dispose of the abandoned junk vessel or outboard motor to a marine salvage dealer or other facility owned, operated or under contract to the state, the county, township or municipality for the destruction of such vessels or motors. The records and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the law enforcement agency ordering the disposition of the vessel or motor for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section have been complied with, and shall sign and file the same with the Clerk of Courts of the county in which the vessel or motor was abandoned. The Clerk of Courts shall retain the original of the affidavit for the Clerk's files, shall furnish one copy thereof to the Chief of the Division of Watercraft, one copy to the marine salvage dealer or other facility handling the disposal of the



vessel or motor, and one copy to the law enforcement agency ordering the disposal, who shall file the copy with the records and photographs relating to the disposal. Any moneys arising from the disposal of an abandoned junk vessel or outboard motor shall be credited to the General Revenue Fund, or to the General Fund of the county, township, municipality or other political subdivision, as appropriate.

- (3) Notwithstanding division (b) of this section, any vessel or outboard motor meeting the requirements of divisions (d)(1)A.3. to (d)(1)A.5. of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in division (b) of this section may be disposed of as provided in this division (d).

(R.C. 1547.303)

(e) *Abandonment of vessel or motor without notice to law enforcement official prohibited.*

- (1) No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than 72 hours without the permission of the person having the right to the possession of the property; in a sunken, beached or drifting condition for any period of time; or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road or highway, for 48 hours or longer without notification to the County Sheriff, Chief of Police or other chief of a law enforcement agency having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition.
- (2) For purposes of this division (e), the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima facie evidence of abandonment.
- (3) Nothing in this section or R.C. §§ 1547.30, 1547.301 and 1547.303 invalidates the provisions of any ordinance of the municipality regulating or prohibiting the



abandonment of vessels or outboard motors on waterways, beaches, docks, streets, highways, public property or private property within the boundaries of the municipality.
(R.C. 1547.304)

(f) *Penalty.*

(1) Whoever violates any provision of this section for which no penalty is otherwise provided is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

(2) Whoever violates division (a)(7) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. 1547.99(F))

(3) Whoever violates division (e) of this section guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation or other political subdivision from that disposal.

(R.C. 1547.99(H))

§ 448.30 EXHAUST MUFFLER REQUIRED; NOISE LEVELS; EXCEPTIONS.

(a) Every powercraft operated on the waters in this municipality shall be equipped at all times with a muffler or a muffler system that is in good working order, in constant operation, and effectively installed to prevent excessive or unusual noise.

(b) (1) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality in such a manner as to exceed a noise level of 90 decibels on the A scale when subjected to a stationary sound level test as prescribed



by SAE J2005.

- (2) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality in such a manner as to exceed a noise level of 75 decibels on the A scale measured as specified by SAE J1970. Measurement of a noise level of not more than 75 decibels on the A scale of a powercraft in operation does not preclude the conducting of a stationary sound level test as prescribed by SAE J2005.

(c) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality that is equipped with an altered muffler or muffler cutout, or operate or give permission for the operation of a powercraft on the waters in this municipality in any manner that bypasses or otherwise reduces or eliminates the effectiveness of any muffler or muffler system installed in accordance with this section, unless the applicable mechanism has been permanently disconnected or made inoperable.

(d) No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this section.

(e) No person shall manufacture, sell or offer for sale a powercraft that is not equipped with a muffler or muffler system that prevents noise levels in excess of those established in division (b)(1) of this section.

(f) This section does not apply to any of the following:

- (1) A powercraft that is designed, manufactured and sold for the sole purpose of competing in racing events. The exception established under this division (f)(1) shall be documented in each sale agreement and shall be acknowledged formally by the signatures of the buyer and the seller. The buyer and the seller shall maintain copies



of the sale agreement. A copy of the sale agreement shall be kept aboard the powercraft when it is operated. A powercraft to which the exception established under this division (f)(1) applies shall be operated on the waters in this municipality only in accordance with division (f)(2) of this section.

- (2) A powercraft that is actually participating in a sanctioned racing event or in tune-up periods for a sanctioned racing event on the waters in this municipality and that is being operated in accordance with this division (f)(2). For the purposes of this division (f)(2), a sanctioned racing event is a racing event that is conducted in accordance with § 448.18 or R.C. § 1547.20 or that is approved by the United States Coast Guard. The operator of a powercraft that is operated on the waters in this municipality for the purpose of a sanctioned racing event shall comply with § 448.18 and R.C. § 1547.20 and requirements established under it or with requirements established by the Coast Guard, as appropriate. Failure to comply subjects the operator to this section.
- (3) A powercraft that is being operated on the waters in this municipality by or for a boat or engine manufacturer for the purpose of testing, development or both and that complies with this division (f)(3). The operator of such a powercraft shall have aboard at all times and shall produce on demand of a law enforcement officer a current, valid letter issued by the Chief of the Division of Watercraft in accordance with rules adopted under R.C. § 1547.31(I)(1). Failure to produce the letter subjects the operator to this section.

(g) A law enforcement officer who is trained in accordance with rules adopted under R.C. § 1547.31(I)(2) and who has reason to believe that a powercraft is not in compliance with the noise levels established in this section may direct the operator of the powercraft to submit it to an on-site test to measure the level of the noise emitted by the powercraft. The operator shall comply with that direction. The officer may remain aboard the powercraft during the test at the officer's discretion. If



the level of the noise emitted by the powercraft exceeds the noise levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the powercraft to a mooring and keeping it at the mooring until the violation is corrected or ceases.

(h) A law enforcement officer who conducts powercraft noise level tests pursuant to this section shall be trained to do so in accordance with rules adopted under R.C. § 1547.31(I)(2).
(R.C. 1547.31(A) - (H))

(i) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.
(R.C. 1547.99(J))

§ 448.31 SAFETY EQUIPMENT ON RENTAL VESSELS.

(a) No person who lets vessels for hire, or the agent or employee thereof, shall rent, lease, charter or otherwise permit the use of a vessel, unless the person provides the vessel with the equipment required under R.C. §§ 1547.25, 1547.251, 1547.26, 1547.27, 1547.28, 1547.29 and 1547.31, or any substantially equivalent municipal ordinances, and rules adopted under R.C. Chapter 1547 regarding the equipment of vessels, and complies with the requirements of R.C. §§ 1547.24, 1547.40, 1547.53, 1547.57, and either § 1547.54 or § 1547.542, or any substantially equivalent municipal ordinances, and rules adopted under R.C. Chapter 1547 to implement and enforce those sections.

(R.C. 1547.38)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. 1547.99(F))



§ 448.32 CAPACITY PLATE.

(a) *Required; display.*

- (1) No person, after January 1, 1977, shall manufacture, sell or offer for sale any watercraft propelled by machinery as its principal source of power, or watercraft designed to be manually propelled, less than 20 feet in length, and designed to carry two or more persons, manufactured after that date, unless a capacity plate containing the correct information, as prescribed by regulations adopted by the United States Coast Guard, is firmly attached to the watercraft. The capacity plate shall be attached in such a location that it is clearly legible from the position designed or intended to be occupied by the operator when the watercraft is underway.
- (2) No person shall operate or permit to be operated on the waters in this municipality watercraft for which a capacity plate is required under this section unless the capacity plate is attached.
- (3) No person shall alter, remove or deface any information contained on the capacity plate unless the manufacturer has altered the watercraft in such a way that would require a change in the information contained on the capacity plate.
- (4) As used in this division (a), manufacture means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect or change its weight capacity or occupant capacity.
(R.C. 1547.39)

(b) *Prohibitions.*

- (1) No person shall operate or permit to be operated on the waters in this municipality a watercraft to which a capacity plate is attached if the total load exceeds the weight capacity indicated on the capacity plate, if the number of persons aboard exceeds the occupant capacity indicated on the capacity plate, or if the horsepower of any



attached outboard motor exceeds the maximum horsepower indicated on the capacity plate.

(2) When no capacity plate exists, no person shall operate or permit to be operated on the waters in this municipality a watercraft if a reasonably prudent person would believe that either of the following circumstances applies:

- A. The total load aboard the watercraft has associated with it a risk of physical harm to persons or property;
- B. The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.

(R.C. 1547.40)

(c) *Penalty.* Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree.

(R.C. 1547.99(F))

§ 448.33 DWELLINGS: SANITARY SYSTEMS.

(a) *Watercraft dwelling unlawful if a nuisance; exception.* No person shall use any vessel for the purpose of establishing or maintaining a dwelling which creates a nuisance of either permanent or temporary nature on any of the waters in this state except Lake Erie, the Muskingum River, the Ohio River, and the immediately connected harbors and anchorage facilities or in such other areas as may be designated for the purpose.

(R.C. 1547.32)

(b) *Discharging sanitary systems prohibited; exception.* Except on the waters of Lake Erie, the Muskingum River or the Ohio River, no person shall launch, moor, dock, use, operate or permit to be operated on any of the waters in this state any vessel that contains a sink, toilet or sanitary



system that is capable of discharging urine, fecal matter, contents of a chemical commode, kitchen wastes, laundry wastes, slop sink drainage or other household wastes into the waters in this state. Such a sink, toilet or sanitary system shall be removed, sealed or made to drain into a tank or reservoir that can be carried or pumped ashore for disposal in a sewage treatment works approved by the Director of Environmental Protection.

(R.C. 1547.33)

(c) *Penalty.*

(1) Whoever violates division (a) of this section is guilty of a minor misdemeanor
(R.C. 1547.99(C))

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. 1547.99(F))

§ 448.34 PRIMA FACIE EVIDENCE OF NEGLIGENCE.

Violations of §§ 448.02 to 448.33 and 370.39(a) and/or R.C. §§ 1547.02 to 1547.36 which result in injury to persons or damage to property shall constitute prima facie evidence of negligence in a civil action.

(R.C. 1547.34)

§ 448.35 REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFT.

(a) (1) No person shall operate or permit the operation of a personal watercraft unless each person on the watercraft is wearing a type 1, 2, 3 or 5 personal flotation device.

(2) A person operating a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to the person, the person's



clothing, or the personal flotation device as appropriate for the specific watercraft.

(3) No person shall operate a personal watercraft at any time between sunset and sunrise.

(4) No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation of this chapter or R.C. Chapter 1547.

(b) This section does not apply to a person who is participating in a regatta, race, marine parade, tournament or exhibition that is operated in accordance with § 448.18 or R.C. § 1547.20 or that is United States Coast Guard approved.

(R.C. 1547.41)

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.
(R.C. 1547.99(C))

§ 448.36 NUMBERING.

(a) Every watercraft operated on the waters in this municipality shall be numbered by this state in accordance with federal law or a federally approved numbering system of another state. A watercraft numbered by this state shall display the number on the watercraft as provided in R.C. § 1547.57. Watercraft exempt from numbering by the state are:

- (1) Those currently documented by the United States Coast Guard or its successor;
- (2) Those whose principal use is not on the waters in this state and that have not been used within this state for more than 60 days and have a valid number assigned under a federally approved numbering system by another state if the number is displayed in accordance with the requirements of that system and the certificate of number is available for inspection whenever the watercraft is on waters in this state;
- (3) Those from a country other than the United States, temporarily using the waters in



this state;

- (4) Those whose owner is the United States, a state or a political subdivision of a state, that fit either of the following descriptions, and that are clearly identifiable as such:
 - A. A powercraft that principally is used for governmental purposes other than recreational purposes;
 - B. A watercraft other than a powercraft.
- (5) A ship's lifeboat. As used in this division, lifeboat means a watercraft that is held aboard another vessel and used exclusively for emergency purposes.
- (6) Those that have been exempted from numbering by the Chief of the Division of Watercraft after the Chief of the Division of Watercraft has found that the numbering of the watercraft will not materially aid in their identification and, if an agency of the United States has a numbering system applicable to the watercraft, after the Chief of the Division of Watercraft has further found that they also would be exempt from numbering by the United States government if they were subject to the federal law;
- (7) Those temporarily using the waters in this state under a waiver issued by the Chief of the Division of Watercraft to an organization sponsoring a race, regatta or special event. The Chief of the Division of Watercraft may issue a waiver upon application by the sponsoring organization at least 15 days before the date of the proposed race, regatta or special event. The waiver shall be effective for ten days including the day or days of the proposed race, regatta or special event. Such a waiver does not obviate the need for compliance with § 448.18 or R.C. § 1547.20;
- (8) Canoes, rowboats, and inflatable watercraft that are registered under R.C. § 1547.54 and that an owner, in accordance with this division, chooses not to have numbered under this section. An owner of a canoe, rowboat or inflatable watercraft may choose to do either of the following:
 - A. Have it numbered under this section, pay a lesser registration fee under R.C. § 1547.54(A)(2)(a), and obtain square tags under R.C. § 1547.57(A);



- B. Not have it numbered under this section, pay a higher registration fee under R.C. § 1547.54(A)(2)(b), and obtain a rectangular tag under R.C. § 1547.57(C).

(R.C. 1547.53)

- (b) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. 1547.99(C))

§ 448.37 REGISTRATION.

- (a) (1) Except as provided in division (a)(2) or (b) of this section, no person shall operate or give permission for the operation of any watercraft on the waters in this municipality unless the watercraft is registered in the name of the current owner in accordance with R.C. § 1547.54, and the registration is valid and in effect.

- (2) A. On and after January 1, 1999, if a watercraft that is required to be issued a certificate of title under R.C. Chapter 1548 is transferred to a new owner, it need not be registered under R.C. § 1547.54 for 45 days following the date of the transfer, provided that the new owner purchases a temporary watercraft registration under division (a) of this section or holds a bill of sale from a watercraft dealer.

- B. For the purposes of division (a)(2) of this section, a temporary watercraft registration or a bill of sale from a watercraft dealer shall contain at least all of the following information:

1. The hull identification number or serial number of the watercraft;
2. The make of the watercraft;
3. The length of the watercraft;
4. The type of propulsion, if any;
5. The state in which the watercraft principally is operated;



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6. The name of the owner;
 7. The address of the owner, including the zip code;
 8. The signature of the owner;
 9. The date of purchase;
 10. A notice to the owner that the temporary watercraft registration expires 45 days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this state solely under the bill of sale beginning 45 days after the date of purchase of the watercraft, as applicable.
- (3) A person may purchase a temporary watercraft registration from the Chief of the Division of Watercraft or from an authorized agent designated under R.C. § 1547.54. The Chief of the Division of Watercraft shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in division (a)(2) of this section, the person shall pay one of the applicable fees required under R.C. § 1547.54(A)(2)(a) to (g) as provided in that section. Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the Waterways Safety Fund created in R.C. § 1547.75.
- (4) In addition to the applicable fee required under division (a)(3) of this section, the Chief of the Division of Watercraft or an authorized agent shall charge an additional fee of \$3 for a temporary watercraft registration that the Chief of the Division of Watercraft or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional fee. When the temporary watercraft registration is issued by the Chief of the Division of Watercraft, the additional fee shall be deposited to the credit of the Waterways Safety Fund.
- (5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under R.C. § 1547.54 need not pay



the fee required under R.C. § 1547.54(A)(2) for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

- (6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under R.C. § 1547.54, and who is exempt from payment for the registration certificate under R.C. § 1547.54(O), may apply to the Chief of the Division of Watercraft for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The Chief of the Division of Watercraft shall refund that amount upon issuance to the person of a registration certificate.
- (7) All records of the Division of Watercraft made or maintained for the purposes of divisions (a)(2) to (a)(8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division.
- (8) Pursuant to R.C. § 1547.52(A)(1), the Chief of the Division of Watercraft may adopt rules establishing all of the following:
 - A. Record-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (a)(2) of this section;
 - B. Procedures and requirements for the refund of fees under division (a)(6) of this section;
 - C. Any other procedures and requirements necessary for the administration and enforcement of divisions (a)(2) to (a)(8) of this section.

(b) All of the following watercraft are exempt from registration:

- (1) Those that are exempt from numbering by the state under R.C. § 1547.53(B) to



(G);

- (2) Those that have been issued a commercial documentation by the United States Coast Guard or its successor and are used exclusively for commercial purposes;
- (3) Those that have been documented by the United States Coast Guard or its successor as temporarily transiting, whose principal use is not on the waters in this state, and that have not been used within this state for more than 60 days.

(c) No person shall operate a watercraft documented by the United States Coast Guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. 67, as amended, the watercraft shall display the official number, the vessel name and the home port listed on the certificate of documentation.

- (d) (1) For the purposes of this section and R.C. § 1547.53, a watercraft is principally using the waters in this state if any of the following applies:
 - A. The owner resides in this state and declares that the watercraft principally is using the waters in this state;
 - B. The owner resides in another state but declares that the watercraft principally is using the waters in this state;
 - C. The watercraft is registered in another state or documented by the United States Coast Guard and is used within this state for more than 60 days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this state.
- (2) Notwithstanding division (d)(1)C. of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this state regardless of the number of days that the watercraft is used in this state.



(R.C. 1547.531)

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.
(R.C. 1547.99(C))

§ 448.38 ALTERING OF SERIAL NUMBERS; FALSE INFORMATION PROHIBITED.

(a) No person shall deface or alter any serial number, model designation or other identifying mark on any watercraft or motor as placed thereon by the manufacturer thereof, or remove, deface or alter the registration number of any watercraft as the registration number appears on the bow thereof except by specific order of the Chief of the Division of Watercraft.

(b) No person shall give purposely false information concerning any watercraft or motor when applying for registration of the watercraft. Any certificate issued which is found to be based on such false information is void.

(R.C. 1547.66)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. 1547.99(B))

§ 448.39 ACCIDENT REPORTS.

(a) *Operator to stop and furnish information upon accident or collision.*

(1) In case of accident to or collision with persons or property on the waters of this municipality, due to the operation of any vessel, the operator having knowledge of the accident or collision shall immediately stop the vessel at the scene of the accident or collision, to the extent that it is safe and practical, and shall remain at the scene of the accident or collision until he or she has given his or her name and address and,



if he or she is not the owner, the name and address of the owner of the vessel, together with the registration number of the vessel, if any, to any person injured in the accident or collision or to the operator, occupant, owner or attendant of any vessel damaged in the accident or collision, or to any law enforcement officer at the scene of the accident or collision.

- (2) If the injured person is unable to comprehend and record the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the nearest law enforcement agency having authority concerning the location of the accident or collision, and his or her name, address and the registration number, if any, of the vessel he or she was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a law enforcement officer arrives, unless removed from the scene by an emergency vehicle operated by the state or a political subdivision or by an ambulance.
- (3) If the accident or collision is with an unoccupied or unattended vessel, the operator so colliding with the vessel 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 vessel.

(R.C. 1547.10)

(b) *Duties after collision or accident; accident reports.*

- (1) The operator of a vessel involved in a collision, accident or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew and passengers, shall render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty. The operator also shall give the operator's name, address and



identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

- (2) Any person who renders assistance at the scene of a collision, accident or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident or other casualty of damages caused or aggravated by the rendering of assistance.
- (3) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, or damage to property in excess of \$500, shall file with the Chief of the Division of Watercraft a full description of the collision, accident or other casualty on a form prescribed by the Chief of the Division of Watercraft. The report so filed shall be used for statistical purposes only and shall not be admissible for any purpose in any civil, criminal or administrative action at law.
- (4) If the operator of the vessel involved in a collision, accident or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the Chief of the Division of Watercraft.

(R.C. 1547.59)

(c) *Penalty.*

- (1) Whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.
(R.C. 1547.99(B))
- (2) Whoever violates division (b) of this section is guilty of a minor misdemeanor.



(R.C. 1547.99(C))

§ 448.40 ENFORCEMENT.

Every Sheriff, Deputy Sheriff, Marshal, Deputy Marshal, member of the organized police department of any municipal corporation, police constable of any township, wildlife officer, park officer, preserve officer, conservancy district police officer and other law enforcement officer, within the area of his or her authority, may enforce this chapter, R.C. Chapter 1547 and rules adopted by the Chief of the Division of Watercraft and, in the exercise thereof, may stop and board any vessel subject to this chapter and R.C. Chapter 1547, and rules adopted under it.

(R.C. 1547.63)

§ 448.41 CERTIFICATE OF TITLE; EXCEPTIONS.

(a) No person, except as provided in § 448.42, shall sell or otherwise dispose of a watercraft or outboard motor without delivering to the purchaser or transferee a physical certificate of title with an assignment on it as is necessary to show title in the purchaser or transferee; nor shall any person purchase or otherwise acquire a watercraft or outboard motor without obtaining a certificate of title for it in the person's name in accordance with R.C. Chapter 1548; however, a purchaser may take possession of and operate a watercraft or outboard motor on the waters in this state without a certificate of title for a period not exceeding 30 days if the purchaser has been issued and has in the purchaser's possession a dealer's dated bill of sale, or in the case of a casual sale, a notarized bill of sale.

(R.C. 1548.03)

(b) Division (a) of this section and §§ 448.42 and 448.43 do not apply to any of the following:



- (1) A watercraft covered by a marine document in effect that has been assigned to it by the United States government pursuant to federal law;
- (2) A watercraft from a country other than the United States temporarily using the waters in this state;
- (3) A watercraft whose owner is the United States, a state or a political subdivision of a state;
- (4) A ship's lifeboat. As used in this division (b)(4), lifeboat means a watercraft that is held aboard another vessel and used exclusively for emergency purposes.
- (5) A canoe;
- (6) A watercraft less than 14 feet in length without a permanently affixed mechanical means of propulsion;
- (7) A watercraft less than 14 feet in length with a permanently fixed mechanical means of propulsion of less than ten horsepower as determined by the manufacturer's rating;
- (8) Outboard motors of less than ten horsepower as determined by the manufacturer's rating.

(c) The various certificates, applications and assignments necessary to provide certificates of title for watercraft and outboard motors shall be made on appropriate forms approved by the Chief of the Division of Watercraft.

(R.C. 1548.01(B), (C))

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

§ 448.42 MANUFACTURER'S OR IMPORTER'S CERTIFICATE.

(a) No manufacturer, importer, dealer or other person shall sell or otherwise dispose of a new watercraft or outboard motor to a dealer to be used by the dealer for purposes of display and resale



without delivering to the dealer a manufacturer's or importer's certificate executed in accordance with this section and with such assignments on it as are necessary to show title in the name of the purchaser. No dealer shall purchase or acquire a new watercraft or outboard motor without obtaining from the seller the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft or outboard motor shall contain the following information in such form and together with such further information as the Chief of the Division of Watercraft may require:

- (1) Description of the watercraft, including the make, year, length, series or model, if any, body type, hull identification number or serial number, and make, manufacturer's serial number and horsepower of any inboard motor or motors; or description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower;
- (2) Certification of the date of transfer of the watercraft or outboard motor to a distributor or dealer or other transferee, and the name and address of the transferee;
- (3) Certification that this was the first transfer of the new watercraft or outboard motor in ordinary trade and commerce;
- (4) Signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate before a notary public or other officer empowered to administer oaths shall be printed on the reverse side of the manufacturer's or importer's certificate in the form to be prescribed by the Chief of the Division of Watercraft. The assignment form shall include the name and address of the transferee, a certification that the watercraft or outboard motor is new, and a warranty that the title at the time of delivery is subject only to such liens and encumbrances as are set forth and described in full in the assignment.

(R.C. 1548.05)



(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

§ 448.43 PROHIBITIONS.

(a) No person shall do any of the following:

- (1) Operate in this municipality a watercraft for which a certificate of title is required or a watercraft powered by an outboard motor for which a certificate of title is required without having the certificate or a valid temporary permit and number in accordance with R.C. Chapter 1548 or, if a physical certificate of title has not been issued for it, operate the watercraft or outboard motor in this state knowing that the ownership information relating to the watercraft or outboard motor has not has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;
- (2) Operate in this municipality a watercraft for which a certificate of title is required, or a watercraft powered by an outboard motor for which a certificate of title is required, upon which the certificate of title has been canceled;
- (3) Fail to surrender any certificate of title upon cancellation of it by the Chief of the Division of Watercraft and notice of the cancellation as prescribed in R.C. Chapter 1548;
- (4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 1548, in case of the destruction or dismantling or change of a watercraft or outboard motor in such respect that it is not the watercraft or outboard motor described in the certificate of title;
- (5) Violate any provision of R.C. Chapter 1548 for which no penalty is otherwise provided, or any lawful rules adopted pursuant to R.C. Chapter 1548;
- (6) Operate in this municipality a watercraft or outboard motor knowing that the certificate of title to or ownership of the watercraft or outboard motor as otherwise reflected in the automated title processing system has been canceled.



(R.C. 1548.18)

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

(R.C. 1548.99(A))

§ 448.44 PERMANENTLY DISPLAYED HULL IDENTIFICATION NUMBER.

(a) A watercraft constructed on or after November 1, 1972, shall have a hull identification number permanently displayed and affixed to it in accordance with federal law.

(b) A watercraft constructed before November 1, 1972, shall have a hull identification number assigned to it by the Chief of the Division of Watercraft at the time of registration, at the time of application for title, after transfer of ownership, or at the time of a change to this state as the principal location of operation. The number shall be permanently displayed and affixed as prescribed by rules adopted under R.C. § 1547.52.

(c) A person who builds a watercraft or imports a watercraft from another county for personal use and not for the purpose of sale shall request a hull identification number from the Chief of the Division of Watercraft and permanently display and affix the number as prescribed by rules adopted under R.C. § 1547.52.

(d) No person shall operate or permit to be operated any watercraft on the waters in this state in violation of this section.

(R.C. 1547.65)

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(R.C. 1547.99(F))



§ 448.45 FIREARMS OFFENSES; SIGNALING DEVICES.

(a) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Firearm and handgun. Have the same meaning as in R.C. § 2923.11.
- (2) Unloaded. Has the same meaning as in R.C. § 2923.16.

(b) No person shall knowingly discharge a firearm while in or on a vessel.

(c) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger.

(d) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight.

(e) (1) The affirmative defenses authorized in R.C. § 2923.12(D)(1) and (D)(2) are affirmative defenses to a charge under division (c) or (d) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (c) or (d) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the



firearm in the vessel or in a motor vehicle in a manner prohibited by this section or R.C. § 2923.16(B) or (C) while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway or other public or private property used by the public for vehicular traffic.

- (2) No person who is charged with a violation of division (c) or (d) of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under R.C. § 2923.125 or § 2923.1213 as a condition for the dismissal of the charge.

(f) Divisions (b), (c) and (d) of this section do not apply to the possession or discharge of a United States Coast Guard approved signaling device required to be carried aboard a vessel under R.C. § 1547.251 when the signaling device is possessed or used for the purpose of giving a visual distress signal. No person shall knowingly transport or possess any signaling device of that nature in or on a vessel in a loaded condition at any time other than immediately prior to the discharge of the signaling device for the purpose of giving a visual distress signal.

(g) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

- (h) (1) This section does not apply to officers any of the following:
- A. An officer, agent or employee of this or any other state or of the United States, or to a law enforcement officer, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in a vessel, and who is subject to and in



compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (h)(1)B. does not apply to the person;

C. Any person legally engaged in hunting.

- (2) Divisions (c) and (d) of this section do not apply to a person who transports or possesses a handgun in a vessel and who, at the time of that transportation or possession, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under R.C. § 2923.125 or § 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under R.C. § 109.69, unless the person knowingly is in a place on the vessel described in R.C. § 2923.126(B).

(i) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(R.C. 1547.69)

(j) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(R.C. 1547.99(F))

§ 448.46 TAMPERING WITH NAVIGATION AID OR VESSEL PROHIBITED.

(a) No person shall knowingly:



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- (1) Damage, remove or tamper with any signal, buoy or other aid to navigation;
 - (2) Sever the mooring lines of, set adrift or tamper with any vessel that is moored or tied up on the waters in this municipality.

(R.C. 1547.92)

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

(R.C. 1547.99(F))

§ 448.99 PENALTY.

(a) Whoever violates a provision of this chapter, or a rule adopted thereunder, for which penalty is otherwise provided, is guilty of a minor misdemeanor.

(R.C. § 1547.99(C))

(b) The sentencing court, in addition to the penalty provided under this chapter for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the National Association of State Boating Law Administrators before the offender is allowed to operate a powercraft powered by more than ten horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under R.C. Chapter 2705.

(R.C. § 1547.99(L))



TITLE EIGHT B PARKING

CHAPTER 452: PARKING GENERALLY

- 452.01 Prohibition against parking on streets or highways
- 452.02 Police may remove illegally parked vehicle
- 452.03 Prohibited standing or parking places
- 452.04 Manner of parallel and angle parking; handicapped persons
- 452.05 Willfully leaving vehicles on private or public property
- 452.06 Parking prohibitions on private property; private tow-away zones
- 452.07 Unattended vehicles; duty to lock ignition, remove key, set brake and the like
- 452.08 Opening doors on side available to traffic
- 452.09 Selling, washing or repairing vehicle upon roadway
- 452.10 Truck loading zones
- 452.11 Bus stops and taxicab stands
- 452.12 Parking in alleys and narrow streets; exceptions
- 452.13 Registered owner prima facie liable for unlawful parking
- 452.14 Waiver
- 452.99 Penalty

Cross-reference:

Impounding; redemption, see § 404.07

Lights on parked or stopped vehicles, see § 438.09

Parking defined, see § 402.01

Parking Enforcement Unit, see § 244.04

Parking near stopped fire apparatus, see § 432.28

Parking of bicycles; locks, see § 444.08

Police may remove ignition key from unattended vehicle, see § 404.01



Stop defined, see § 402.01

Stopping and standing defined, see § 402.01

Storage of junk vehicles, see § 660.07

§ 452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

- (a) (1) Upon any highway, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park or so leave the vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite the standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway.
- (2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

(b) 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.

(R.C. § 4511.66)

§ 452.02 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.



(a) Whenever any police officer finds a vehicle standing upon a highway in violation of R.C. § 4511.66 or a substantially equivalent municipal ordinance, the officer may move the vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of the highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge or causeway, or in any tunnel, where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(R.C. § 4511.67)

§ 452.03 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 title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except a bicycle;
- (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;



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- (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 the 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 elevated structure upon a highway, or within a highway tunnel;
 - (14) At any place where signs prohibit stopping;
 - (15) Within one foot of another parked vehicle;
 - (16) On the roadway portion of a freeway, expressway or thruway.

(b) 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.

(R.C. § 4511.68)

§ 452.04 MANNER OF PARALLEL AND ANGLE PARKING; HANDICAPPED PERSONS.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in this case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance



may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) 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.

(d) Notwithstanding any statute or any rule, regulation, resolution or ordinance, 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 or highway, may stop, stand or park where necessary in order to perform the work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the 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 all political subdivisions and by the state 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 division and R.C. § 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure 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 division (e) of this section, 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 that division, 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; or
 - 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 division (f)(1)A. or (f)(1)B. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the municipality. 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 division (f)(1)A. or (f)(1)B. 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 R.C. § 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 division (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.

(j) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Handicapped person. 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 R.C. § 4503.44.
- (3) Special license plates and removable windshield placard. Any license plates or removable windshield placard or temporary removable windshield placard issued under R.C. § 4503.41 or § 4503.44, and also mean any substantially equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.

(k) *Penalty.*

- (1) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.
- (2) A. Whoever violates division (f)(1)A. or (f)(1)B. of this section is guilty of a misdemeanor and shall be punished as provided in division (k)(2)A. and (k)(2)B. of this section. Except as otherwise provided in division (k)(2)A. of this section, an offender who violates division (f)(1)A. or (f)(1)B. of this section shall be fined not less than \$250 nor more than \$500. An offender who violates division (f)(1)A. or (f)(1)B. of this section shall be fined not more than \$100 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:
 1. At the time of the violation of division (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 division (f)(1)A. of this section.
 2. At the time of the violation of division (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 division (f)(1)B. of this section.

- B. In no case shall an offender who violates division (f)(1)A. or (f)(1)B. be sentenced to any term of imprisonment.
 - C. An arrest or conviction for a violation of division (f)(1)A. or (f)(1)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.
 - D. The Clerk of the Court shall pay every fine collected under division (k)(2) of this section to the municipality. Except as provided in division (k)(2) of this section, the municipality shall use the fine moneys it receives under division (k)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (e) of this section. The municipality may use up to 50% of each fine it receives under division (k)(2) 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 municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.
- (3) Whoever violates division (h) of this section shall be punished as follows:
- A. Except as otherwise provided in division (k)(3) 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 division (h) of this section or of a municipal ordinance that is substantially equivalent to that division, the offender shall not be issued a warning but shall



be fined not more than \$25 for each parking location that is not properly marked or whose markings are not properly maintained.

(R.C. § 4511.69)

§ 452.05 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) No person shall leave any motor vehicle, other than an abandoned junk motor vehicle, as defined in R.C. § 4513.63, on private residential or private agricultural property for more than four hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer, without notification to the Chief of Police of the reasons for leaving the motor vehicle in that place.

(b) No person shall leave a vehicle, other than an abandoned junk motor vehicle, at a repair garage or place of storage for a longer period than that agreed upon by the owner of the garage or place of storage and the owner or person in custody or control of the vehicle.

(c) Divisions (a) and (b) of this section do not apply to any private residential property or private agricultural property that is established as a private tow-away zone in accordance with § 452.06.

(d) As used in divisions (a) through (c) of this section, private residential property means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. Private residential property does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.



(R.C. § 4513.60, 4513.61)

- (e) (1) No person shall willfully leave an abandoned junk motor vehicle, as defined in R.C. § 4513.63, on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in that place.
- (2) For purposes of this division (e), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.
- (3) Nothing contained in this section and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality.

(f) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle, less any money accruing to the municipality from the disposal.

(R.C. § 4513.64)

§ 452.06 PARKING PROHIBITIONS ON PRIVATE PROPERTY; PRIVATE TOW-AWAY ZONES.

(a) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (1) Park a vehicle on the property without the owner's consent;



(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(b) Whoever violates division (a) of this section is guilty of a minor misdemeanor.

(R.C. § 4511.681)

(c) (1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

A. 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 contains at least all of the following information:

1. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;
2. The telephone number of the person from whom a towed-away vehicle can be recovered and the address of the place to which the vehicle will be taken and the place from which it may be recovered;
3. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed \$90, and a storage charge, in an amount not to exceed \$12 per 24-hour period; except that the charge for towing shall not exceed \$150, and the storage charge shall not exceed \$20 per 24-hour period, 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.

B. The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted and 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 municipality in which the private tow-away zone is located.

- (2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (c)(1) without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in division (c)(1)A.3. of this section, and the owner, subject to division (d) of this section, may recover a vehicle that has been so removed only in accordance with division (f) of this section.
- (3) If the municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipality shall remove or shall cause the removal and storage of any vehicle pursuant to division (c)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.
- (4) Divisions (c)(1) through (c)(3) of this section do not affect or limit the operation of R.C. §§ 4513.60 through 4513.65 as they relate to property other than private property that is established as a private tow-away zone under division (c)(1) of this section.

(d) If the owner or operator of a vehicle that has been ordered into storage pursuant to division R.C. § 4513.60(A) or of a vehicle that is being removed under authority of division (c)(2) of this section arrives after the vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vehicles under R.C. § 4513.60(A) or of vehicles under division (c)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the vehicle for removal, in order to obtain release of the vehicle. Upon



payment of that fee, the vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

- (1) If the motor vehicle was ordered into storage pursuant to R.C. § 4513.60(A), it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;
 - (2) If the vehicle was being removed under authority of division (c)(2) of this section, it 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.
- (e) (1) If an owner of private property that is established as a private tow-away zone in accordance with division (c)(1) of this section or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of division (c)(2) of this section, the owner or agent promptly shall notify the Police Department, the vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.
- (2) The Police Chief shall maintain a record of vehicles that the Police Chief orders into storage pursuant to R.C. § 4513.60(A) and of vehicles removed from private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (e)(1) of this section. The record shall include an entry for each such vehicle that identifies the vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a



particular vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the vehicle and requests information pertaining to its location.

- (3) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a vehicle under R.C. § 4513.60(A) shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(f) The owner of a vehicle that is ordered into storage pursuant to R.C. § 4513.60(A) or of a vehicle that is removed under authority of division (c)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed \$90, and storage, in an amount not to exceed \$12 per 24-hour period; except that the charge for towing shall not exceed \$150, and the storage charge shall not exceed \$20 per 24-hour period, 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. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle also shall be required for reclamation of the vehicle. If a vehicle that is ordered into storage pursuant to R.C. § 4513.60(A) remains unclaimed by the owner for 30 days, the procedures established by R.C. §§ 4513.61 and 4513.62 shall apply.

(g) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (c)(1) of this section other than in accordance with division (c)(2) of this section, and no person shall remove, or cause the removal of, any motor vehicle from any other private property other than in accordance with R.C. §§ 4513.60 through 4513.65.



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- (h) (1) Whoever violates division (c)(3) of this section is guilty of a minor misdemeanor.
- (2) Except as otherwise provided in this division, whoever violates division (g) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (g) of this section or R.C. § 4513.60(F), whoever violates division (g) of this section is guilty of a misdemeanor of the third degree.
- (R.C. § 4513.60)

§ 452.07 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE AND THE LIKE.

- (a) (1) 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.
- (2) 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.

(b) 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.

(R.C. § 4511.661)



§ 452.08 OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC.

(a) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(b) 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.

(R.C. § 4511.70)

§ 452.09 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying the vehicle for sale; or
- (b) Washing, greasing or repairing the vehicle except repairs necessitated by an emergency.



§ 452.10 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a truck loading zone during hours when the provisions applicable to those zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

§ 452.11 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when the stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone, and then only for a period not to exceed three minutes, if the stopping is not prohibited therein by posted signs.

(b) No operator of a bus shall stop, stand or park the vehicle upon any street or other public way at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) No operator of a bus shall fail to enter a bus stop on a street or other public way in such a manner that the bus when stopped to load or unload passengers or baggage is in a position with the right front wheel of the vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) No operator of a taxicab shall stand or park the vehicle upon any street or other public



way at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

§ 452.12 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic-control signal.

(b) Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

§ 452.13 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this traffic code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing that fact, from the Registrar shall be proof of ownership.

§ 452.14 WAIVER.



Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay the sum in the manner prescribed on the issued traffic ticket. This payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for the alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

§ 452.99 PENALTY.

Editor's note:

See §§ 408.01 and 408.02 for general traffic code penalty if no specific penalty is provided.