

As Passed by the House

131st General Assembly

Regular Session

2015-2016

H. B. No. 110

Representative Hill

Cosponsors: Representatives Blessing, Brown, Rezabek, Rogers, Dever, Antonio, Baker, Boose, Buchy, Duffey, Green, Grossman, Hambley, Johnson, T., Kraus, Landis, Manning, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ruhl, Schaffer, Slaby, Smith, K., Stinziano, Young, Speaker Rosenberger

A BILL

To amend sections 4549.02 and 4549.021 of the Revised Code to increase the penalty for failure to stop after a traffic accident that results in the death of a person or serious physical harm to a person and to name this act Brandon's Law.

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

Section 1. That sections 4549.02 and 4549.021 of the Revised Code be amended to read as follows:

Sec. 4549.02. (A) (1) In the case of a motor vehicle accident ~~to~~ or collision with persons or property ~~upon any of the on a public roads or highways, due to the driving or operation thereof of any motor vehicle, the person driving or operating road or highway, the operator of 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. The operator ~~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 18
the owner of that motor vehicle, together with the registered 19
number of that motor vehicle, to ~~any~~ all of the following: 20

(a) Any person injured in the accident or collision ~~or to~~ 21
~~the;~~ 22

(b) The operator, occupant, owner, or attendant of any 23
motor vehicle damaged in the accident or collision, ~~or to any;~~ 24

(c) The police officer at the scene of the accident or 25
collision. 26

(2) In the event the an injured person is unable to 27
comprehend and record the information required to be given ~~by~~ 28
under division (A) (1) of this section, the other driver operator 29
involved in the accident or collision ~~forthwith~~ shall notify the 30
nearest police authority concerning the location of the accident 31
or collision, and the ~~driver's operator's~~ name, address, and the 32
registered number of the motor vehicle the ~~driver operator~~ was 33
operating, ~~and then~~. The operator shall remain at the scene of 34
the accident or collision until a police officer arrives, unless 35
removed from the scene by an emergency vehicle operated by a 36
political subdivision or an ambulance. 37

(3) If the accident or collision is with an unoccupied or 38
unattended motor vehicle, the operator who collides with the 39
motor vehicle shall securely attach the information required to 40
be given in this section, in writing, to a conspicuous place in 41
or on the unoccupied or unattended motor vehicle. 42

(B) Whoever violates division (A) of this section is 43
guilty of failure to stop after an accident, a misdemeanor of 44
the first degree. If the accident or collision results in 45
serious physical harm to a person, ~~failure to stop after an~~ 46

~~accident is a felony of the fifth degree. If the accident or~~ 47
~~collision results in~~ or the death of a person, failure to stop 48
after an accident is a felony of the ~~third~~ second degree. The 49
court, in addition to any other penalties provided by law, shall 50
impose upon the offender a class five suspension of the 51
offender's driver's license, commercial driver's license, 52
temporary instruction permit, probationary license, or 53
nonresident operating privilege from the range specified in 54
division (A) (5) of section 4510.02 of the Revised Code. No judge 55
shall suspend the first six months of suspension of an 56
offender's license, permit, or privilege required by this 57
division. 58

The offender shall provide the court with proof of 59
financial responsibility as defined in section 4509.01 of the 60
Revised Code. If the offender fails to provide that proof of 61
financial responsibility, then, in addition to any other 62
penalties provided by law, the court may order restitution 63
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 64
amount not exceeding five thousand dollars for any economic loss 65
arising from an accident or collision that was the direct and 66
proximate result of the offender's operation of the motor 67
vehicle before, during, or after committing the offense charged 68
under this section. 69

Sec. 4549.021. (A) (1) In the case of a motor vehicle 70
accident or collision resulting in injury or damage to persons 71
or property ~~upon~~ on any public or private property other than 72
~~public roads or highways, due to the driving or operation~~ 73
~~thereon of any motor vehicle, the person driving or operating a~~ 74
public road or highway, the operator of the motor vehicle, 75
having knowledge of the accident or collision, shall stop, ~~and,~~ 76
~~upon~~ at the scene of the accident or collision. Upon request of 77

~~the any person who is injured~~ or damaged, or any other person, 78
~~the operator~~ shall give that person the ~~driver's or operator's~~ 79
name and address, and, if the ~~driver or operator~~ is not the 80
owner, the name and address of the owner of that motor vehicle, 81
together with the registered number of that motor vehicle, and, 82
if available, exhibit the ~~driver's or operator's~~ driver's or 83
commercial driver's license. 84

~~(2) If the owner or person in charge of the damaged~~ 85
~~property is not furnished such information, the driver operator~~ 86
of the motor vehicle involved in the accident or collision does 87
not provide the information specified in division (A) (1) of this 88
section, the operator shall give that information, within 89
twenty-four hours after the accident or collision, ~~shall forward~~ 90
to the police department of the city or village in which the 91
accident or collision occurred, or if it occurred outside the 92
corporate limits of a city or village, to the sheriff of the 93
county in which the accident or collision occurred ~~the same~~ 94
~~information required to be given to the owner or person in~~ 95
~~control of the damaged property and give the date, time, and~~ 96
~~location of the accident or collision.~~ 97

(3) If the accident or collision is with an unoccupied or 98
unattended motor vehicle, the operator who collides with the 99
motor vehicle shall securely attach the information required ~~to~~ 100
~~be given in~~ under division (A) (1) of this section, in writing, 101
to a conspicuous place in or on the unoccupied or unattended 102
motor vehicle. 103

(B) Whoever violates division (A) of this section is 104
guilty of failure to stop after a nonpublic road accident, a 105
misdemeanor of the first degree. If the accident or collision 106
results in serious physical harm to a person, ~~failure to stop~~ 107

~~after a nonpublic road accident is a felony of the fifth degree.~~ 108
~~If the accident or collision results in~~ or the death of a 109
person, failure to stop after a nonpublic road accident is a 110
felony of the ~~third~~ second degree. The court, in addition to any 111
other penalties provided by law, shall impose upon the offender 112
a class five suspension of the offender's driver's license, 113
commercial driver's license, temporary instruction permit, 114
probationary license, or nonresident operating privilege from 115
the range specified in division (A) (5) of section 4510.02 of the 116
Revised Code. No judge shall suspend the first six months of 117
suspension of an offender's license, permit, or privilege 118
required by this division. 119

The offender shall provide the court with proof of 120
financial responsibility as defined in section 4509.01 of the 121
Revised Code. If the offender fails to provide that proof of 122
financial responsibility, then, in addition to any other 123
penalties provided by law, the court may order restitution 124
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 125
amount not exceeding five thousand dollars for any economic loss 126
arising from an accident or collision that was the direct and 127
proximate result of the offender's operation of the motor 128
vehicle before, during, or after committing the offense charged 129
under this section. 130

Section 2. That existing sections 4549.02 and 4549.021 of 131
the Revised Code are hereby repealed. 132

Section 3. This act shall be known as Brandon's Law. 133