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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Click and Johnson

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SUMMARY

- Creates an enhanced penalty that applies when a person commits one of 46 specified general traffic offenses in a construction zone.
- Replaces existing additional penalties for speeding and using an electronic wireless communications device (EWCD) in a construction zone with the enhanced penalties established by the bill.
- Alters the parameters under which enhanced penalties apply for speeding or using an EWCD in a construction zone.
- Removes an exemption from enhanced penalties for speeding in a construction zone that applies to indigent offenders.
- Allows a private contractor performing construction to install speed monitoring devices in a construction zone after consultation with the Department of Transportation or the applicable local authority.
- Requires the rules adopted by the Director of Public Safety governing classroom and online driver education courses to include instruction on the dangers of and requirements related to driving a motor vehicle in a construction zone.

DETAILED ANALYSIS

Additional penalty for traffic offenses in a construction zone

General traffic offense penalties

The bill creates an additional penalty that applies when a driver commits one of 46 specified traffic violations (known as “general traffic offenses,” see Appendix A below) in a construction zone. Thus, if a driver commits a general traffic offense in a construction zone, the driver is subject to the fine for the underlying traffic offense and the following additional penalty for committing the underlying offense in the construction zone:

- For a first offense, a \$400 fine and mandatory completion of a safe driving course approved by the Department of Public Safety (DPS) Director;
- For a second offense, an \$800 fine, a 90-day driver's license suspension, and mandatory completion of a safe driving course approved by the DPS Director; or
- For a third or subsequent offense, a \$1,200 fine, a one-year driver's license suspension, and mandatory completion of a safe driving course approved by the DPS Director.

For example, if a person fails to stop at a stop sign in a construction zone and the violation is a first offense, the resulting penalty would be a fine of up to \$150 for the underlying offense, as provided for in current law, plus the additional \$400 fine and mandatory completion of a safe driving course imposed under the bill.¹

Speeding and using an EWCD in a construction zone

Under current law, a person who either speeds or uses an electronic wireless communication device (EWCD) within a construction zone may be subject to doubled fines. For example, if a person commits a speeding offense with no prior offenses, the person is subject to a fine of up to \$150. If the offense occurs within a construction zone, the fine is doubled to up to \$300.

Under the bill, the doubled fines are replaced by the bill's additional penalties; so the fine would be \$150 for the underlying offense, plus the additional enhanced penalty of \$400 for committing the offense in a construction zone. Thus, the bill raises the possible fine for speeding or using an EWCD in a construction zone.² The bill also removes the current law provision that exempts an indigent offender from having to pay the additional penalty for a speeding offense in a construction zone. Thus, under the bill, an indigent offender must pay the same fine amount for speeding in a construction zone as any other offender.³

Construction zones

Under current law and the bill, a construction zone generally is a lane or portion of a street or highway open to vehicular traffic and adjacent to a lane, berm, or shoulder of a street or highway within which lane, berm, or shoulder some form of construction is being conducted. As indicated above, current law imposes additional penalties for speeding or using an EWCD in a construction zone. Those additional penalties apply when signs are erected indicating the presence of a construction zone and when a violation occurs during hours of actual work within the construction zone. The bill provides instead that its enhanced penalties for general traffic offenses and for speeding and using an EWCD in a construction zone apply only if:

¹ R.C. 4511.43 and 4511.993(B) and (D). The Director must list all approved safe driving courses on DPS's website.

² R.C. 4511.204, 4511.21, and 4511.993.

³ R.C. 4511.204, 4511.21(P), and 4511.993.

1. Signs are erected as required under current law;
2. The underlying violation occurs when a construction worker *is present in the construction zone* (regardless of the time of actual work within the construction zone); and
3. The offense is corroborated by two or more witnesses or a video recorded by a body, dash, or roadside camera.⁴

Speed monitoring devices used by private contractors

The bill allows a private contractor that performs construction work in a construction zone to install speed monitoring devices that conform to the Department's Manual of Uniform Traffic Control Devices. However, the private contractor must first consult with the Department of Transportation or the local authority with jurisdiction over the construction zone prior to installation.

Speed monitoring devices are stationary machines placed near the roadway that display the speed of passing traffic and typically include flashing lights. These devices are not used by law enforcement when issuing traffic citations.⁵

Work zone safety instruction in driver's education

The bill requires the rules adopted by the DPS Director governing classroom and online driver education courses to include instruction on the dangers of and requirements related to driving a motor vehicle in a construction zone. Current law requires a person who is under 18 to complete either classroom or online driver education courses to be eligible for a driver's license.⁶

HISTORY

Action	Date
Introduced	02-27-24

⁴ R.C. 4511.993(C) and 5501.27; R.C. 4511.98, repealed by the bill.

⁵ R.C. 5517.07.

⁶ R.C. 4508.02(C)(3).

APPENDIX A

General Traffic Offenses	
Description	Citation
Proceeding through red light or stop sign when driving an emergency or public safety vehicle	R.C. 4511.03
Disobeying a traffic control device	R.C. 4511.12
Failing to comply with the requirements for proceeding through an intersection with a malfunctioning traffic control signal	R.C. 4511.132
Operating a vehicle without reasonable control	R.C. 4511.202
Use of EWCD while driving by a person under 18	R.C. 4511.205
Speeding on a private road or driveway	R.C. 4511.211
Failing to comply with requirements for passing certain stationary vehicles that are displaying flashing, oscillating, or rotating lights	R.C. 4511.213
Operating a vehicle at an unreasonably slow speed	R.C. 4511.22
Operating a vehicle on an elevated structure (e.g., a bridge) at a speed greater than the posted maximum speed	R.C. 4511.23
Operating a vehicle on the wrong side of the road, unless an exception applies	R.C. 4511.25
Street racing	R.C. 4511.251
Failing to give half of the roadway to a vehicle proceeding in the opposite direction	R.C. 4511.26
Violating the requirements for passing a vehicle proceeding in the same direction	R.C. 4511.27, 4511.28, and 4511.29
Driving left-of-center where prohibited	R.C. 4511.30 and 4511.31.
Driving the wrong direction on a one-way road or through a rotary traffic island	R.C. 4511.32

General Traffic Offenses	
Description	Citation
Failing to comply with lane requirements	R.C. 4511.33
Following another vehicle more closely than is reasonable, or violating a specified requirement for following another vehicle	R.C. 4511.34
On a divided highway, operating a vehicle other than on the right side or operating over, across, or within the dividing space	R.C. 4511.35
Failing to comply with the law governing turning at an intersection or any traffic control device that indicates how to turn at an intersection	R.C. 4511.36
Proceeding in the wrong direction, upon a curve or near the crest of a grade, if the vehicle cannot be seen within 500 feet by any driver	R.C. 4511.37
Starting a vehicle before movement may be made with reasonable safety; backing up either on a freeway or without exercising vigilance	R.C. 4511.38
Turning or changing lanes without exercising due care; failing to use a turn or stop signal	R.C. 4511.39
Failing to comply with the provisions of law governing vehicle right-of-way	R.C. 4511.41 and 4511.42
Failing to abide by a stop sign or yield sign	R.C. 4511.43
Failing to stop before crossing a sidewalk or entering a street from an alley, building, private road, or driveway	R.C. 4511.431
Failing to yield the right-of-way before entering or crossing a highway	R.C. 4511.44
Failing to yield the right-of-way to a pedestrian on a sidewalk	R.C. 4511.441
Failing to yield the right-of-way to a funeral procession, or failing to display a pennant while operating a vehicle in a funeral procession	R.C. 4511.451
Failing to yield the right-of-way to a pedestrian where the right-of-way is unclear	R.C. 4511.46
Failing to yield the right-of-way to a blind pedestrian who either is guided by a guide dog, or is carrying a predominately white or metallic cane	R.C. 4511.47

General Traffic Offenses	
Description	Citation
Permitting a person on a bicycle, coaster, roller skates, sled, or other toy vehicle to attach to a vehicle	R.C. 4511.54
Failing to comply with requirements for operating a vehicle near a streetcar	R.C. 4511.57, 4511.58, and 4511.59
Driving through a safety zone	R.C. 4511.60
Failing to stop for a railroad-grade crossing or failing to exercise due care before proceeding across such a grade crossing	R.C. 4511.61
Failing to comply with requirements for moving certain equipment with a low operating speed across a railroad-grade crossing	R.C. 4511.64
Driving upon, along, or across a highway that is closed and posted with appropriate signs	R.C. 4511.71
Driving a vehicle on a sidewalk	R.C. 4511.711
Obstructing an intersection, crosswalk, or railroad-grade crossing	R.C. 4511.712
Failing to comply with provisions for following a public safety or emergency vehicle or parking near a fire truck	R.C. 4511.72
Driving over an unprotected fire hose	R.C. 4511.73