

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 148

Representative Brinkman

A BILL

To amend section 4511.44 and to enact section 1
4511.433 of the Revised Code to require drivers 2
to yield the right of way to any other vehicle 3
that is parking in or exiting an angled or 4
parallel parking space on a public road. 5

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

Section 1. That section 4511.44 be amended and section 6
4511.433 of the Revised Code be enacted to read as follows: 7

Sec. 4511.433. (A) As used in this section: 8

(1) "Angled parking space" means a space on a public road 9
that is marked or signed for angled parking that is not parallel 10
to a curb or an edge of that road. 11

(2) "Parallel park" means to park parallel or 12
approximately parallel to a curb or an edge of a public road in 13
the direction of authorized traffic movement. 14

(3) "Parallel parking space" means a space on a public 15
road that is marked or signed for parallel parking, or a space 16
where parallel parking is otherwise authorized on a public road. 17

(4) "Public road" means all public highways, roads, and 18

streets in the state, whether maintained by a state agency or 19
any other governmental agency. 20

(B) No operator of a motor vehicle shall fail to yield the 21
right-of-way to any other vehicle whose operator is both 22
complying with section 4511.38 of the Revised Code and is 23
attempting to do either of the following: 24

(1) Lawfully parallel park in or exit a parallel parking 25
space; 26

(2) Lawfully park in or exit an angled parking space. 27

(C) Except as otherwise provided in this division, whoever 28
violates this section is guilty of a minor misdemeanor. If, 29
within one year of the offense, the offender previously has been 30
convicted of or pleaded guilty to one predicate motor vehicle or 31
traffic offense, whoever violates this section is guilty of a 32
misdemeanor of the fourth degree. If, within one year of the 33
offense, the offender previously has been convicted of two or 34
more predicate motor vehicle or traffic offenses, whoever 35
violates this section is guilty of a misdemeanor of the third 36
degree. 37

(D) The offense established by this section is a strict 38
liability offense and section 2901.20 of the Revised Code does 39
not apply. The designation of this offense as a strict liability 40
offense shall not be construed to imply that any other offense, 41
for which there is no specified degree of culpability, is not a 42
strict liability offense. 43

Sec. 4511.44. (A) The operator of a vehicle, streetcar, or 44
trackless trolley about to enter or cross a highway from any 45
place other than another roadway shall yield the right of way to 46
all traffic approaching on the roadway to be entered or crossed. 47

(B) Except as otherwise provided in this division, whoever 48
violates this section is guilty of a minor misdemeanor. If, 49
within one year of the offense, the offender previously has been 50
convicted of or pleaded guilty to one predicate motor vehicle or 51
traffic offense, whoever violates this section is guilty of a 52
misdemeanor of the fourth degree. If, within one year of the 53
offense, the offender previously has been convicted of two or 54
more predicate motor vehicle or traffic offenses, whoever 55
violates this section is guilty of a misdemeanor of the third 56
degree. 57

If the offender commits the offense while distracted and 58
the distracting activity is a contributing factor to the 59
commission of the offense, the offender is subject to the 60
additional fine established under section 4511.991 of the 61
Revised Code. 62

(C) Division (A) of this section does not apply to a 63
person who is operating a motor vehicle in the manner described 64
in divisions (B)(1) and (2) of section 4511.433 of the Revised 65
Code. 66

Section 2. That existing section 4511.44 of the Revised 67
Code is hereby repealed. 68