

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 646**

**Representatives Brown, Scherer**

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

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**A BILL**

To amend sections 4510.036 and 4511.75 of the 1  
Revised Code to enhance the penalty for failing 2  
to stop for a school bus that is picking up or 3  
dropping off school children when the offender 4  
has a prior violation within a five-year period. 5

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

**Section 1.** That sections 4510.036 and 4511.75 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 4510.036.** (A) The bureau of motor vehicles shall 8  
record within ten days of conviction or bail ~~forfeiture~~ 9  
forfeiture and shall keep at its main office, all abstracts 10  
received under this section or section 4510.03, 4510.031, 11  
4510.032, or 4510.034 of the Revised Code and shall maintain 12  
records of convictions and bond forfeitures for any violation of 13  
a state law or a municipal ordinance regulating the operation of 14  
vehicles, streetcars, and trackless trolleys on highways and 15  
streets, except a violation related to parking a motor vehicle. 16

(B) Every court of record or mayor's court before which a 17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A fine of one thousand dollars; 200

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

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

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



notice of the court's action.	222
(G) As used in this section:	223
(1) "Head start agency" has the same meaning as in section 3301.32 of the Revised Code.	224 225
(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 section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.	226 227 228 229 230 231 232 233 234 235 236 237
<b>Section 2.</b> That existing sections 4510.036 and 4511.75 of the Revised Code are hereby repealed.	238 239