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CHAPTER 402
Definitions

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CROSS REFERENCES

See section histories for similar State law
Blind person defined - see TRAF. 416.02
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Commercial car defined - see TRAF. 442.01
Snowmobile, off-highway motorcycle and all-purpose vehicle defined - see TRAF. 446.01

402.01 MEANING OF WORDS AND PHRASES.

(a) Except as otherwise provided, the definitions set forth in Ohio R.C. 4501.01 shall apply to this Traffic Code and the penal laws of the Municipality.

(b) 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.

402.02 AGRICULTURAL TRACTOR; MULTI-WHEEL AGRICULTURAL TRACTOR.

(a) "Agricultural tractor" means 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.
(ORC 4511.01(J))

(b) "Multi-wheel agricultural tractor" means 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.
(ORC 4511.01(GGG))

402.03 ALLEY.

"Alley" means 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 Council.
(ORC 4511.01(XX))

402.04 ARTERIAL STREET.

"Arterial street" means 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.
(ORC 4511.01(CCC))

402.045 BEACON.

"Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.
(ORC 4511.01(KKK))

402.05 BICYCLE.

"Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than 14 inches in diameter.
(ORC 4511.01(G))

402.06 BUS.

"Bus" means 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.
(ORC 4511.01(L))

402.07 BUSINESS DISTRICT.

"Business district" means 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.
(ORC 4511.01(NN))

402.08 CHAUFFEURED LIMOUSINE.

"Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire 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. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.
(ORC 4501.01(LL))

402.09 CHILD DAY-CARE CENTER OR TYPE A FAMILY DAY-CARE HOME.

"Child day-care center" and "Type A family day-care home" have the same meanings as set forth in Ohio R.C. 5104.01.
(ORC 4511.01(FFF))

402.10 COMMERCIAL TRACTOR.

"Commercial tractor" means 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.
(ORC 4511.01(I))

402.11 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means 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.
(ORC 4511.01(CC))

402.12 CROSSWALK.

"Crosswalk" means:

(a) 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;

(b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(c) Notwithstanding the foregoing provisions of this definition, there shall not be a crosswalk where the Legislative Authority has placed signs indicating no crossing. (ORC 4511.01(LL))

402.13 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle.
(ORC 4511.01(Y))

402.14 EMERGENCY VEHICLE.

"Emergency vehicle" means 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.
(ORC 4511.01(D))

402.15 EXPLOSIVES.

"Explosives" means 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 such 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.
(ORC 4511.01(T))

402.16 EXPRESSWAY.

"Expressway" means 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.
(ORC 4511.01(ZZ))

402.17 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.
(ORC 4511.01(U))

402.18 FREEWAY.

"Freeway" means a divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.
(ORC 4511.01(YY))

402.185 FUNERAL ESCORT VEHICLE.

"Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.
(ORC 4511.01(WW))

402.19 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon.
(ORC 4511.01(V))

402.193 HIGHWAY MAINTENANCE VEHICLE.

"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. § 4511.01(QQQ))

402.195 HIGHWAY TRAFFIC SIGNAL.

"Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.
(ORC 4511.01(MMM))

402.197 HYBRID BEACON.

"Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.
(ORC 4511.01(LLL))

402.20 INTERSECTION.

"Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(b) If a highway includes two roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (b) of this definition:

(1) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(2) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.
(3) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(ORC 4511.01(KK))

402.21 LANED HIGHWAY.

"Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
(ORC 4511.01(GG))

402.215 LOCAL AUTHORITIES.

"Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this State.
(ORC 4511.01(AA))

402.217 MEDIAN.

"Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.
(ORC 4511.01(NNN))

402.22 MOTOR VEHICLE.

"Motor vehicle" means 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.
(ORC 4511.01(B))

402.23 MOTORCYCLE.

"Motorcycle" means 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," "cab-enclosed motorcycle", or "motorcycle" without regard to weight or brake horsepower.
(ORC 4511.01(C))

402.24 MOTORIZED BICYCLE OR MOPED.

"Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be capable of being pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces no more than one brake horsepower, and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface.
(ORC 4511.01(H))

402.25 MOTORIZED WHEELCHAIR.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.
(ORC 4511.01(EEE))

402.255 OPERATE.

"Operate" means to cause or have caused movement of a vehicle.
(ORC 4511.01(HHH))

402.26 PARKING.

"Parking," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

402.27 PEDESTRIAN.

"Pedestrian" means any natural person afoot.
(ORC 4511.01(X))

402.28 PERSON.

"Person" means every natural person, firm, partnership, association or corporation.
(ORC 4511.01(W))

402.29 POLE TRAILER.

"Pole trailer" means 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.
(ORC 4511.01(O))

402.30 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Z))

402.305 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

"Predicate motor vehicle or traffic offense" means any of the following:

(a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.214, 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;

(b) A violation of Ohio R.C. 4511.17(A)(2), 4511.51(A) to (D), or 4511.74(A);

(c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(d) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (a), (b), or (c) of this definition.
(ORC 4511.01(III))

402.307 PRIVATE ROAD OPEN TO PUBLIC TRAVEL.

"Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.
(ORC 4511.01(OOO))

402.31 PRIVATE ROAD OR DRIVEWAY.

"Private road or driveway" means 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.
(ORC 4511.01(DD))

402.32 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

(a) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under Ohio R.C. 4503.49;

(b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State;

(c) 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;

(d) 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;

(e) 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 such vehicle has already passed a hospital;

(f) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.
(ORC 4511.01(E))

402.33 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way.
(ORC 4511.01(P))

402.34 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means 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.
(ORC 4511.01(SS))

402.35 RAILROAD TRAIN.

"Railroad train" means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.
(ORC 4511.01(Q))

402.36 RESIDENCE DISTRICT.

"Residence district" means 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.
(ORC 4511.01(OO))

402.37 RIDESHARING ARRANGEMENT.

"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.
(ORC 4511.01(DDD))

402.38 RIGHT-OF-WAY.

"Right-of-way" means either of the following, as the context requires:

(a) 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;

(b) 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.

(ORC 4511.01(UU))

402.385 ROAD SERVICE VEHICLE.

"Road service vehicle" means wreckers, utility repair vehicles and state, county and municipal service vehicles equipped with visual signals by means of flashing, rotating or oscillating lights.

(ORC 4511.01)

402.39 ROADWAY.

"Roadway" means 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.

(ORC 4511.01(EE))

402.395 RURAL MAIL DELIVERY VEHICLE.

"Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(ORC 4511.01(VV))

402.40 SAFETY ZONE.

"Safety zone" means 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.

(ORC 4511.01(MM))

402.41 SCHOOL BUS.

"School bus" means 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 such 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.
(ORC 4511.01(F))

402.42 SEMITRAILER.
"Semitrailer" means 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.
(ORC 4511.01(N))

402.425 SHARED-USE PATH.
"Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users.
(ORC 4511.01(PPP))

402.43 SIDEWALK.
"Sidewalk" means 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.
(ORC 4511.01(FF))

402.435 STATE HIGHWAY.
"State highway" means 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 Ohio R.C. 5511.01 to erect State highway route markers and signs directing traffic shall not be modified by Ohio R.C. 4511.01 through 4511.79 and 4511.99.
(ORC 4511.01(II))

402.44 STATE ROUTE.
"State route" means every highway which is designated with an official state route number and so marked.
(ORC 4511.01(JJ))

402.45 STOP.
"Stop," when required, means a complete cessation of movement.

402.46 STOP INTERSECTION.
"Stop intersection" means any intersection at one or more entrances of which stop signs are erected.
(ORC 4511.01(BBB))

402.47 STOPPING AND STANDING.
"Stopping" and "standing," when prohibited, mean any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

402.48 STREET OR HIGHWAY.
"Street" or "highway" means 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.
(ORC 4511.01(BB))

402.49 THROUGH STREET OR HIGHWAY.
"Through street or highway" means every street or highway as provided in Ohio R.C. 4511.65, or a substantially equivalent municipal ordinance.
(ORC 4511.01(HH))

402.50 THRUWAY.
"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.
(ORC 4511.01(AAA))

402.51 TRAFFIC.
"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.
(ORC 4511.01(TT))

402.52 TRAFFIC CONTROL DEVICE.
"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.
(ORC 4511.01(QQ))

402.53 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.
(ORC 4511.01(RR))

402.54 TRAILER.

"Trailer" means 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.
(ORC 4511.01(M))

402.55 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property.
(ORC 4511.01(K))

402.56 URBAN DISTRICT.

"Urban district" means 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.
(ORC 4511.01(PP))

402.57 VEHICLE.

"Vehicle" means 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 wire or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.
(ORC 4511.01(A))

402.58 WHEELIES.

"Wheelies" means the condition created in the riding of a motorcycle in such a manner that the vehicle moves only on its rear wheel.

CHAPTER 404
Enforcement Generally

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 Furnishing false information incident to traffic citation.
404.08 Traffic direction in emergencies; obedience to school guards.
404.99 Penalty.

CROSS REFERENCES

See section histories for similar State law
Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.61 et seq.
Burden of proof - see Ohio R.C. 2901.05
Arrest without warrant for misdemeanor - see Ohio R.C. 2935.03
Right of trial by jury - see Ohio R.C. 2945.17
Time within which hearing or trial must be held - see Ohio R.C. 2945.71
Extension of time for hearing or trial - see Ohio R.C. 2945.72
Discharge for delay in trial - see Ohio R.C. 2945.73
State point system suspension - see Ohio R.C. 4507.021
Power of trial court of record to suspend license for certain violations - see Ohio R.C. 4510.05, 4510.15
Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06
Use of private property for vehicular travel - see Ohio R.C. 4511.08
Authority of arresting officer when radar, electrical or mechanical timing device used - see Ohio R.C. 4511.091
Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13
Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15
Disposition of property held by Police Department - see ADM. 244.24; GEN. OFF. 608.16
Exceptions for emergency or public safety vehicles - see TRAF. 432.19, 434.07
Suspension of riding privileges; impounding of bicycles - see TRAF. 444.10
Parking violations waiver - see TRAF. 452.14
Limitation on criminal prosecutions - see GEN. OFF. 606.06
Failure to aid a law enforcement officer - see GEN. OFF. 608.05
Obstructing official business - see GEN. OFF. 608.06
Obstructing justice - see GEN. OFF. 608.07

Resisting arrest - see GEN. OFF. 608.08
Soliciting or receiving improper compensation - see GEN. OFF. 608.11
Dereliction of duty - see GEN. OFF. 608.12

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.
(ORC 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.
(ORC 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 Section 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 such 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 such other markings as are required by law and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Ohio 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 Ohio 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 Ohio R.C. 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 Ohio R.C. 5577.01 to 5577.09, or any substantially equivalent municipal ordinance.

(ORC 4511.04)

404.04 EMERGENCY, PUBLIC SAFETY AND CORONERS' VEHICLES EXCEPTED.

(a) The provisions of Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 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.
(ORC 4511.041)

(b) The provisions of Ohio 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 Ohio 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.
(ORC 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.
(ORC 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 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. (ORC 4513.361) (Ord. 1993-37. Passed 8-11-93.)

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 such guard may be assigned.

404.99 PENALTY.

(***Editor's note:*** *See Sections 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 Chief of Police.
406.04 Posting of signs and signals required.
406.05 Chief's powers not limited.
406.06 Records of Chief.
406.07 Reservation of power to Council.
406.08 Violations subject to general Code penalty.

CROSS REFERENCES

Power to designate highway as a freeway, expressway or thruway - see Ohio R.C. 4511.011
Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11
Placing and maintaining local traffic control devices- see Ohio R.C. 4511.10, 4511.11
Alteration of prima facie speed limits - see Ohio R.C. 4511.21, 4511.22, 4511.23
Power to erect stop signs at grade crossings - see Ohio R.C. 4511.61
Designation of through streets and erection of stop or yield signs - see Ohio R.C. 4511.65
Traffic control devices defined - see TRAF. 402.52
Traffic obstruction due to construction; traffic control required; permit - see S.U. & P.S. 1020.02

406.01 AUTHORITY AND CONSIDERATIONS FOR PLACEMENT OF DEVICES.

The Chief of Police shall 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 such person shall deem necessary for the proper control of traffic. The Chief shall determine the location, timing and coordination of such 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 set forth in Ohio R.C. 4511.09.

406.03 POWERS OF CHIEF OF POLICE.

The Chief of Police 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 such 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. Such 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 such 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 such 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 CHIEF'S POWERS NOT LIMITED.

The powers of the Chief of Police shall not be limited by the specific enumeration of subjects contained in this chapter.

406.06 RECORDS OF DESIGNATED PERSON.

The Chief of Police 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 Chief of Police and may assume any of the powers delegated to such 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 Sections 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 REFERENCES

See section histories for similar State law
Definition of "imprisoned" - see Ohio R.C. 1.05
Satisfaction of fine; credit for time served - see Ohio R.C. 2947.14
Criteria for probation; conditions for probation - see Ohio R.C. 2951.02
Ignition interlock devices - see TRAF. 438.31
Definition of "dangerous offender" - see GEN. OFF. 698.01
Definition of "repeat offender" - see GEN. OFF. 698.01
Imposing sentence for misdemeanor - see GEN. OFF. 698.03
Organizational penalties - see GEN. OFF. 698.04
Multiple sentences - see GEN. OFF. 698.05

408.01 PENALTIES FOR MISDEMEANOR.

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

(ORC 4511.99)

408.03 SUSPENSION OF DRIVER'S LICENSE.

Except as otherwise provided in Ohio 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.
(ORC 4510.05)

CHAPTER 410
Impounding

410.01 Licensing of tow truck operators or agencies; pounds.
410.02 Reasons for impounding of vehicles.
410.03 Towing; responsibilities of private agencies.
410.04 Storage fee for storage at vehicle pound.
410.05 Notice and redemption.
410.06 Impounding fee.
410.07 Pound records.
410.08 Impounding of commercial vehicles; fees.
410.09 Impounding of bicycles.
410.10 Tow truck licensing; fees and requirements.

CROSS REFERENCES

Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 737.33, 4513.62 et seq.
Private tow-away zones - see Ohio R.C. 4511.681; TRAF. 452.06
Impounding - see Ohio R.C. 4513.60 et seq.
Storage fee for impounded vehicles - see ADM. 244.23
Police may remove illegally parked vehicle - see TRAF. 452.02

410.01 LICENSING OF TOW TRUCK OPERATORS OR AGENCIES; POUNDS.

The Mayor, subject to the approval of Council, is hereby authorized to license tow truck operators or agencies. Each agency shall provide a vehicle pound in which vehicles may be stored in the manner hereinafter provided. Such pounds shall be located in an area which is zoned for the same. Each pound shall be reasonably secure to prevent loss or damage to stored vehicles and shall be supervised adequately by the agency so operating the same. (Ord. 1982-22. Passed 4-14-82.)

410.02 REASONS FOR IMPOUNDING OF VEHICLES.

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

(a) 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;

(b) When any motor vehicle, including an abandoned junk motor vehicle, as defined in Ohio R.C. 4513.63, is left on private residential property, as defined in Section 452.05(d), 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 forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place, except that when such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately;

(c) When any vehicle has been stolen or operated without the consent of the owner;

(d) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;

(e) When any vehicle has been used in or connected with the commission of a felony;

(f) 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;

(g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;

(h) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;

(i) 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;

(j) 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 such citation tags as lawfully required.

(k) When any vehicle has been parked in violation of any Municipality parking ban, prohibition or restriction.

410.03 TOWING; RESPONSIBILITIES OF PRIVATE AGENCIES.

(a) Police officers are directed to ascertain which towing company a disabled motorist, under Section 410.02(g), wishes to use in having his or her vehicle towed to safety, and, if possible, shall so notify such towing company. Private towing companies will be recommended by police officers only when requested to do so by the disabled motorist.

(b) The police officer who orders a motor vehicle to be taken into custody and towed by a private towing agency from the scene where found, shall make a report of the general condition of the vehicle and a list of its contents found in and about the interior. The person who tows the vehicle shall sign the report prior to removing the vehicle from the scene. However, in the case of junk, abandoned or stripped vehicles, and in the case of vehicles towed away under the emergency snow ban, it shall not be necessary that the police remain at the scene until the arrival of the towing agency. In any case of urgent police necessity,

the officer may leave the scene, but shall return immediately after disposition of the emergency. If the vehicle has been towed away by an agency designated by the Municipality, the police officer shall go immediately to the towing agency, reinspect the vehicle and obtain the signature of the tow truck operator or the agency representative.

(c) No person shall remove tires, parts, equipment or anything of value from a motor vehicle taken into tow.

(d) The tow truck operator and the agency which he or she represents shall then be held responsible for the safekeeping of such vehicle until such time as it is reclaimed by the owner. If the vehicle is not maintained in the same condition as when received or has had anything detached or removed from it, the towing agency shall be liable and shall compensate the owner accordingly.

(e) A conviction under this section for failure to fulfill the responsibility to properly safekeep a vehicle or to compensate for damage or loss shall result in the forfeiture of the agency's right and authority to conduct any further towing transactions for the Police Department.

(f) All tow truck operators shall notify the Police Department when towing a vehicle from the Municipality.
(Ord. 1982-22. Passed 4-14-82.)

410.04 STORAGE FEE FOR STORAGE AT VEHICLE POUND.

Whenever any vehicle, except a bicycle, is stored in a vehicle pound for any reason, a reasonable charge per day or fraction thereof can be imposed and collected by the agency.
(Ord. 1982-22. Passed 4-14-82.)

410.05 NOTICE AND REDEMPTION.

(a) The police officer or person in charge of any impounded vehicle shall inform the owner or other person claiming an impounded vehicle, of the nature and circumstances of the violation because of which such vehicle has been impounded. If such owner or other person claiming such impounded vehicle furnishes evidence of his or her identity and ownership, together with a receipt from the Clerk of the Mayor's Court, showing the payment of all fees for violation of provisions of this Traffic Code, the impounded vehicle shall be surrendered by the agent or person in charge thereof, who shall obtain a receipt for such impounded vehicle.

The cost of towing such vehicle, including storage fees, is an agency matter and shall be so collected by it.

(b) In case protest is made against the payment of any impounding or storage fee, the agent or person in charge of such impounded vehicle, upon satisfactory evidence of the

identity and ownership of the person claiming such impounded vehicle and upon the furnishing of a bond in an amount as set by rule of the Mayor's Court, by the owner or driver of such vehicle, to the satisfaction of the Clerk of the Mayor's Court, conditioned that such owner or driver shall appear before the Mayor's Court to answer to the violation because of which such vehicle has been impounded, shall surrender the impounded vehicle to the claimant. It shall thereupon be the duty of the police officer having knowledge of the facts to forthwith institute the proper proceedings in the Mayor's Court, charging the owner or driver of such vehicle with the violation of the ordinance for which the vehicle was impounded.
(Ord. 1982-22. Passed 4-14-82.)

410.06 IMPOUNDING FEE.

A fee of seven dollars and fifty cents ($7.50) to cover the cost of removal, in addition to the storage fee provided in Section 410.04, shall be assessed against the owner or other person claiming any vehicle.
(Ord. 1982-22. Passed 4-14-82.)

410.07 POUND RECORDS.

The agent or person in charge of the vehicle pound shall keep the names of all owners of vehicles impounded, license plate numbers and the nature and circumstances of each violation, as well as the disposition of each case. The Clerk of the Mayor's Court shall account for all fees collected under this chapter and pay the same into the Municipal Treasury.
(Ord. 1982-22. Passed 4-14-82.)

410.08 IMPOUNDING OF COMMERCIAL VEHICLES; FEES.

(a) Storage Fees. Notwithstanding the provisions of Section 410.04, whenever any commercial vehicle is impounded and stored, either in a vehicle pound operated by the Municipality or other area designated by the Mayor, a charge of five dollars ($5.00) per day or fraction thereof for storage in excess of twenty-four hours shall be charged for the storage of all tractors and trucks not exceeding two tons net weight, and a charge of fifteen dollars ($15.00) per day or fraction thereof for storage in excess of twenty-four hours shall be charged for the storage of all commercial units, trucks and commercial tractors in excess of two tons net weight.

(b) Impounding Fee. Notwithstanding the provisions of Section 410.06, a fee of twenty-five dollars ($25.00) per hour, plus a prorated fee for each fraction of an hour in excess of the first hour, shall be charged to cover the costs of removal of commercial vehicles.

(c) Assessment of Fees. The storage and impounding fees provided for in this section shall be assessed against the owner or other person claiming such impounded vehicles.

(d) Release of Vehicles. Impounded commercial vehicles shall be released to the owner or other person claiming such impounded vehicle in accordance with Section 410.05, provided that proof is presented by the owner or person claiming such vehicle that all towing, removal and storage charges and fees have been paid in addition to the fine imposed. (Ord. 1982-22. Passed 4-14-82.)

410.09 IMPOUNDING OF BICYCLES.

Whenever any bicycle is operated by any minor under the age of eighteen years in violation of the provisions of this Traffic Code, such bicycle may be impounded by any police officer in any vehicle pound established under authority of Section 410.01. When any bicycle has been impounded, written notice or personal service shall be made forthwith by the officer in charge of such pound to a parent or guardian of the licensee of such bicycle. The bicycle so impounded shall be surrendered to a parent or guardian of such minor after payment of any impounding charge and a full explanation to the parent or guardian of the reason for seizing the bicycle. When any impounded bicycle is not redeemed within three days after mailing of notice or personal service, a charge of twenty-five cents (25¢) per day but not to exceed one dollar ($1.00) shall be made by the officer in charge of the pound and collected by the Clerk of the Mayor's Court for such impounding.
(Ord. 1982-22. Passed 4-14-82.)

410.10 TOW TRUCK LICENSING; FEES AND REQUIREMENTS.

(a) Definitions. As used in this section, certain words are defined as follows:

(1) "Tow truck" means any truck or other vehicle adapted or used for the purpose of towing, winching or otherwise removing disabled motor vehicles.

(2) "Tow truck owner" means any person, firm or corporation engaged in the business of offering towing services and includes a lessee in operation of a tow truck.

(b) Tow Truck Identification. Any person, firm or corporation engaged in the business of offering towing services shall have imprinted on both sides of any vehicle used as a tow truck, the name, business address and telephone number of the person, firm or corporation owning such vehicle. The name shall be printed in letters three inches high and not less than three-eighths of an inch wide. The address and telephone number shall be in letters two inches high and not less than three-eighths of an inch wide. Lettering shall be done in a color which shall contrast sharply with the background upon which it is painted and shall be placed in such position as to be easily seen by anyone wishing to identify the vehicle. Markings shall be kept clear and distinct at all times.

(c) License Application; Issuance; Duration; Fee; Insurance. No tow truck shall be operated within the Municipality without the owner thereof obtaining a license therefor from the Mayor. Such license shall be issued for one year or any portion thereof and shall expire June 30 of each year. Application for such license shall be made by the owner on forms

provided by the Mayor and shall be accompanied by a fee of twenty-five dollars ($25.00) per vehicle. In addition, the application shall include a photograph of the vehicle to be licensed. In addition, each owner of a tow truck shall furnish, at the time of the application and/or renewal of such license, a certificate of insurance or an acknowledgment thereof, by an insurance carrier licensed to do business in the State, evidence of a garagekeeper's legal liability to protect property left in his or her care, custody or control, in an amount of not less than fifty thousand dollars ($50,000) and general liability in an amount not less than one hundred thousand dollars ($100,000).

The provisions of this section relating to garagekeepers' legal liability shall not apply to a tow truck owner who establishes to the satisfaction of the Mayor that such owner does not own, operate or maintain a garage or vehicular storage facilities.

(d) Tow Truck License Number. Upon a successful application by a tow truck owner, the Mayor shall issue a license, and as evidence thereof, a metal tag bearing a tow truck license number. The tag shall be six inches by eight inches and shall be of annual contrasting colors as determined by the Mayor. The tag shall be permanently affixed to the boom assembly of the licensed tow truck.

(e) Authority to Remove. No tow truck shall have in tow a motor vehicle for which the operator does not have in his or her possession authorization to remove such vehicle. The authorization of the owner or of an officer of the Police Department shall include, but not be limited to, the name of the owner of such motor vehicle, the name and telephone number of the person authorizing the moving of the motor vehicle, the motor vehicle registration number and/or the vehicle identification number.

(f) Recordkeeping. The owner of a tow truck shall keep a record of all vehicles towed, the date, time and place of removal, and the ultimate new destination, and shall, at the request of the Chief of Police, or his or her designated representative, have for inspection a record of all transactions.

(g) Posting of Charges. The owner of a tow truck shall post a list of general charges for towing services and shall conspicuously display the rate of storage charged by his or her firm.

(h) Violations. In addition to any penalty imposed, whoever violates any of the provisions of this section shall forfeit his or her license to operate for the balance of unexpired time, and shall not be permitted to operate an unlicensed tow truck on the streets and roadways of the Municipality until such time as he or she obtains a tow truck license as herein provided.

(Ord. 1982-22. Passed 4-14-82.)

TITLE FOUR - Public Ways and Traffic Control Devices

Chap. 412. Obstruction and Special Uses of Public Ways.
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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.
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412.05 Freeway use prohibited by pedestrians, bicycles and animals.
412.06 Parades and assemblages.
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CROSS REFERENCES

See section histories for similar State law
Power to regulate processions or assemblages - see Ohio R.C. 4511.07
Loads dropping or leaking; tracking mud; removal required - see TRAF. 440.06
Selling, washing or repairing vehicle upon roadway - see TRAF. 452.09
Parking in alleys or narrow streets; exceptions - see TRAF. 452.12
Sidewalk obstructions; damage or injury - see GEN. OFF. 660.10
Traffic obstruction due to construction; traffic control required; permit - see S.U. & P.S. 1020.02

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 such 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 such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.
(ORC 4511.74(A), (B))

(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.
(ORC 4511.74(C))

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 such 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 such closed area and then such 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 such 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 on 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.
(ORC 4511.051)

412.06 PARADES AND ASSEMBLAGES.

No person, group of persons or organization shall conduct or participate in any parade, procession or assemblage upon any street or highway, or block off any street or highway area, without first obtaining a permit therefor from the Mayor.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if the resultant conditions would unreasonably hinder the movement of traffic or would require the diversion of such number of police officers or fire-fighters as to deprive the Municipality of normal police and fire protection, or would be reasonably likely to provoke disorderly conduct, create a disturbance or threaten the safety of residents.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

The fee for the permit required by this section shall be fifty dollars ($50.00).

412.99 PENALTY.

(***Editor's note:*** *See Sections 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. (Repealed)
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 REFERENCES

See section histories for similar State law
Designation of through streets or stop intersections - see Ohio R.C. 4511.07, 4511.65
Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11; TRAF. 406.02
Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11
Traffic control devices defined - see TRAF. 402.52
Authority and considerations for placing of devices - see TRAF. 406.01
Posting of signs and signals required - see TRAF. 406.04
Intersections at which traffic control signals fail or malfunction - see TRAF. 432.16
Criminal mischief (tampering) - see GEN. OFF. 642.09

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.
(ORC 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 Ohio 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.
(ORC 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.
(ORC 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.
(ORC 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.
(ORC 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.
(ORC 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 such 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 such 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 such 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.
(ORC 4511.65)

414.03 TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS.

Highway traffic signal indications for vehicles and pedestrians shall have the following meanings:

(a) Steady Green Signal Indication.

(1) A. Vehicular traffic facing a circular green signal indication are permitted to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, are permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

A. Pedestrians lawfully within an associated crosswalk;
B. Other traffic lawfully using the intersection.

(3) A. Unless otherwise directed by a pedestrian signal indication, as provided in R.C. § 4511.14, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.

B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(b) Steady Yellow Signal Indication.

(1) Vehicular traffic facing a steady circular yellow signal indication are thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.

(2) Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.

(3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in R.C. § 4511.14 or other traffic control device, shall not start to cross the roadway.

(c) Steady Red Signal Indication.

(1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in divisions (c)(1), (c)(2), and (c)(3) of this section.

B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow and shall be subject to the provisions that are applicable after making a stop at a stop sign.

(3) Unless otherwise directed by a pedestrian signal indication as provided in R.C. § 4511.14 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.

(4) Local authorities 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.

(d) Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.

(e) Flashing Yellow Signal Indication.

(1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

(f) Flashing Red Signal Indication.

(1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.

(3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

(g) 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 such sign or marking the stop shall be made at the signal.

(h) This section does 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.
(R.C. § 4511.13)

414.04 SIGNAL TO CONTROL LANE DIRECTION OF TRAVEL.

The meanings of lane-use control signal indications are as follows:

(a) A Steady Downward Green Arrow. A road user is permitted to drive in the lane over which the arrow signal indication is located.

(b) A Steady Yellow "X". A road user is to prepare to vacate the lane over which the signal indication is located because a lane control change is being made to a steady red "X" signal indication.

(c) A Steady White Two-Way Left-Turn Arrow. A road user is permitted to use a lane over which the signal indication is located for a left turn, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.

(d) A Steady White One-Way Left-Turn Arrow. A road user is permitted to use a lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.

(e) A Steady Red "X". A road user is not permitted to use the lane over which the signal indication is located and that this signal indication shall modify accordingly the meaning of other traffic controls present.
(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) A steady walking person signal indication, which symbolizes "walk", means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.

(b) A flashing upraised hand signal indication, which symbolizes "don't walk", means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady walking person signal indication shall proceed to the far side of the traveled way

of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.

(c) A steady upraised hand signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.

(d) 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.

(e) A flashing walking person signal indication has no meaning and shall not be used. (R.C. § 4511.14)

414.06 FLASHING TRAFFIC SIGNALS. (REPEALED)

(***Editor's note***: *Section 414.06 was repealed as part of the 2013 updating and revision of these Codified Ordinances because substantially identical State law (Ohio R.C. 4511.15) was repealed by the Ohio General Assembly.*

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 Ohio 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.
(ORC 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 (3) of this section is guilty of a misdemeanor of the third degree. If a violation of division (a)(1) or (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 (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.
(ORC 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 Ohio 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 Ohio R.C. 2913.02, or a substantially equivalent municipal ordinance, or for receiving stolen property in violation of Ohio R.C. 2913.51, or a substantially equivalent municipal ordinance.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 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 Ohio 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 Ohio 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.
(ORC 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 Ohio 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 Ohio R.C. 4511.09.
(ORC 4511.094)

414.99 PENALTY.

(***Editor's note:*** *See Sections 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.
416.05 Walking on sidewalks and streets.
416.06 Soliciting rides or business; riding on outside of vehicle or in cargo storage area.
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.
416.11 Motorized wheelchair operators.
416.12 Operation of electric personal assistive mobility devices.
416.99 Penalty.

CROSS REFERENCES

See section histories for similar State law
Pedestrians prohibited on freeways - see TRAF. 412.05
Obedience to traffic control devices - see TRAF. 414.01
Pedestrian control signals - see TRAF. 414.05
Opening doors on side available to traffic - see TRAF. 452.08

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 Ohio 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 Ohio 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.
(ORC 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°.

(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.
(ORC 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.
(ORC 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.
(ORC 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 Ohio 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.
(ORC 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 Ohio 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 divisions (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 Internal Revenue Code 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 Ohio 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.

(ORC 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.
(ORC 4511.511)

416.08 RIGHT-OF-WAY OF PUBLIC SAFETY VEHICLES.

(a) Upon the immediate approach of a public safety vehicle, as stated in Ohio 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.
(ORC 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.
(ORC 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.
(ORC 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.
(ORC 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:

(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 – 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 ten dollars ($10.00);
   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 five dollars ($5.00) 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 fifty dollars ($50.00).
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. (ORC 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.
(ORC 4501.01(TT))

416.99 PENALTY.

(***Editor's note:*** *See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.*)

TITLE SIX - 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. 445. Skateboards and Rollerblades.
Chap. 446. Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles.

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.
432.06 Driving upon left side of roadway.
432.07 Hazardous or no passing zones.
432.08 Driving within lanes or continuous lines of traffic.
432.09 Following too closely.
432.10 Turning at intersections.
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432.12 Starting and backing vehicles.
432.13 Signals before changing course, turning or stopping.
432.14 Hand and arm signals.
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432.16 Intersections at which traffic control signals fail or malfunction.
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432.20 Right-of-way of public safety or coroner's vehicle.
432.205 Driving while approaching stationary public safety vehicle with flashing lights.
432.21 Right-of-way at private driveway, alley or building.
432.22 Stop signs on private roads and driveways.
432.23 Right-of-way of funeral procession.
432.24 Driving upon sidewalks, tree lawns or curbs.
432.25 Driver's view and control to be unobstructed by load or persons.
432.26 Driving upon street posted as closed for repair.
432.27 Following and parking near emergency or safety vehicles.

432.28 Driving over fire hose.
432.29 Driving through safety zone.
432.30 One-way streets and rotary traffic islands.
432.31 Driving upon divided roadways.
432.32 Stopping for school bus; actuating visual signals; discharging children.
432.33 Driving across grade crossings.
432.34 Stopping at grade crossings.
432.35 Slow-moving vehicles or equipment at grade crossings.
432.36 Obstructing intersections, crosswalks or grade crossings.
432.37 "Peeling"; cracking exhaust noises; "wheelies."
432.38 Shortcutting across private property.
432.39 Entering and exiting controlled-access highway.
432.40 Weaving; full time and attention.
432.41 Operation on paths set aside for bicycles.
432.42 Littering from motor vehicles.
432.43 Use of earphones while driving.
432.44 Texting while driving prohibited.
432.45 Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited.
432.99 Penalty.

CROSS REFERENCES

See section histories for similar State law
Obedience to traffic control devices - see TRAF. 414.01
Yielding right-of-way to pedestrians on sidewalks - see TRAF. 416.09
Operation of bicycles and motorcycles generally - see TRAF. 444.01 et seq.
Operation of snowmobiles, off-highway motorcycles and all-purpose vehicles - see TRAF. 446.03, 446.04

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 such 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 such 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 center line 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 center line 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.
(ORC 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.
(ORC 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 Ohio R.C. 4511.35, a limited access highway as defined in Ohio 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.
(ORC 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.
(ORC 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.
(ORC 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 Ohio 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.
(ORC 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 center line of the roadway would be especially hazardous, and may, by appropriate signs or markings on the highway, indicate the beginning and end of such 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 Ohio 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 center line of the roadway to meet the overtaking and passing provisions of Ohio 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.
(ORC 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 such 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 such 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.
(ORC 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.
(ORC 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 center line thereof and by passing to the right of the center line 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 center line 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.
(ORC 4511.36)

432.11 "U" TURNS RESTRICTED.

(a) Except as provided in R.C. § 4511.13 and 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 such 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.
(ORC 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 such movement, or at any other location unless such 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 such 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.
(ORC 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 such 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.
(ORC 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.
(ORC 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 Ohio 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.
(ORC 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 such 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.

(ORC 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.

(ORC 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.
(ORC 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.
(ORC 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 Ohio 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 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.
(ORC 4511.45)

432.205 DRIVING WHILE APPROACHING STATIONARY PUBLIC SAFETY VEHICLE WITH FLASHING LIGHTS.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with R.C. §§ 4923.04 and 4923.06, or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in R.C. § 4513.17, 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, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with R.C. §§ 4923.04 and 4923.06, or a highway maintenance 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, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with R.C. §§ 4923.04 and 4923.06, or a highway maintenance 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) (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 Section 698.02 or Ohio 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.
(ORC 4511.213)

432.21 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.
(ORC 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.
(ORC 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.
(ORC 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.

432.22 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 Ohio 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 Ohio R.C. 4511.211(A)(2), or any substantially equivalent municipal ordinance.

(b) Ohio R.C. 4511.43(A) and Ohio R.C. 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 Ohio R.C. 4511.43(A) and Ohio R.C. 4511.46, or any substantially equivalent municipal ordinance, to conduct under this section:

(1) "Intersection" means:

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 such private roads or driveways shall be regarded as a separate intersection.

(2) "Roadway" means 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.

(3) "Owner" and "private residential area containing 20 or more dwelling units" have the same meanings as in Ohio R.C. 4511.211.
(ORC 4511.432(A) - (C), (E))

(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.
(ORC 4511.432(D))

432.23 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 Ohio 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.
(ORC 4511.451)

432.24 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.
(ORC 4511.711(A))

(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.
(ORC 4511.711(B))

(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.

432.25 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.
(ORC 4511.70)

432.26 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.
(ORC 4511.71)

432.27 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.
(ORC 4511.72(A))

(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.
(ORC 4511.72(B))

432.28 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.
(ORC 4511.73)

432.29 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.
(ORC 4511.60)

432.30 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.
(ORC 4511.32)

432.31 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.
(ORC 4511.35)

432.32 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 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 such 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 Ohio 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 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 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 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 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 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 five hundred dollars ($500.00). 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 Ohio 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) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio 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 Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio 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.
(ORC 4511.75)

432.33 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.

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.
(ORC 4511.62)

432.34 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 100-185, 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 Ohio R.C. 4511.63(B).

(3) As used in division (a) of this section:

A. "Bus" means 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" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under Ohio R.C. 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.

C. "School vehicle" means 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)(1) 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)(1) of this section or Ohio 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)(1) of this section is guilty of a misdemeanor of the fourth degree.

(ORC 4511.63)

(b) (1) As used in this section, "active grade crossing warning device" has the same meaning as in R.C. § 5733.43.

(2) 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.

(3) A. The Department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

1. New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.
2. The grade crossing is constructed after July 1, 2013 and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.

B. Division (b)(3)A. of this section does not apply to a railroad highway grade crossing that the Director of Transportation has exempted from that division because of traffic flow or other considerations or factors.

(4) When stop signs are erected pursuant to division (b)(2) or (b)(3) of this section, 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 such grade crossing.

(5) Except as otherwise provided in this division, whoever violates division (b)(4) 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 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.
(ORC 4511.61)

432.35 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 (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.
(ORC 4511.64)

432.36 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.
(ORC 4511.712)

432.37 "PEELING"; CRACKING EXHAUST NOISES; "WHEELIES."

No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the rubber tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling," or, in the case of a motorcycle, in such a manner as to cause the condition known as "wheelies."

432.38 SHORTCUTTING ACROSS PRIVATE PROPERTY.

(a) No operator of a motor vehicle shall avoid and disregard any traffic control device by entering upon private or public property for the sole purpose of driving across such property, adjacent to the place where the traffic control signal is in operation or a traffic sign has been erected. The failure to stop upon such property, in connection with or in furtherance of the objects of enterprise or activities being conducted on the property, shall constitute prima facie evidence of violation.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1980-142. Passed 10-22-80.)

432.39 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.

432.40 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 such 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 such vehicle.

432.41 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 such 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.
(ORC 4511.713(A), (B))

432.42 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.
(ORC 4511.82(A), (B), (D))

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

432.43 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:
(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.
(ORC 4511.84)

432.44 TEXTING WHILE DRIVING PROHIBITED.

(a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(b) Division (a) of this section does not apply to any of the following:

(1) A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;

(3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;

(4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;

(5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle;

(6) A person receiving wireless messages via radio waves;

(7) A person using a device for navigation purposes;

(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

(c) 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 (a) 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.

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

(e) A prosecution for a violation of R.C. § 4511.204 does not preclude a prosecution for a violation of a substantially equivalent municipal ordinance based on the same conduct. However, if an offend er is convicted of or pleads guilty to a violation of R.C. § 4511.204 and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import under R.C. § 2941.25.

(f) As used in this section:

(1) "Electronic wireless communications device." Includes any of the following:

A. A wireless telephone;

B. A text-messaging device;

C. A personal digital assistant;

D. A computer, including a laptop computer and a computer tablet;

E. Any other substantially similar wireless device that is designed or used to communicate text.

(2) "Voice-operated or hands-free device." A device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

(3) "Write, send, or read a text-based communication." To manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.

(R.C. § 4511.204)

Statutory reference:

No preemption for local regulations imposing greater penalties, see R.C. § 4511.204(E)

432.45 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICES BY MINORS OR PROBATIONARY DRIVERS WHILE DRIVING PROHIBITED.

(a) No holder of a temporary instruction permit who has not attained the age of 18 years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Division (a) of this section does not apply to either of the following:

(1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
(3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(c) (1) Except as provided in division (c)(2) of this section, whoever violates division (a) of this section shall be fined $150. In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of 60 days.
(2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined $300. In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of R.C. § 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of R.C. § 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under R.C. § 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:
(1) A wireless telephone;
(2) A personal digital assistant;
(3) A computer, including a laptop computer and a computer tablet;
(4) A text-messaging device;
(5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
(R.C. § 4511.205)

432.99 PENALTY.

(***Editor's note:*** *See Sections 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.
434.011 Immobilizing or disabling device violation.
434.02 Reckless operation on streets, public or private property.
434.025 Careless operation on streets, public or private property.
434.03 Maximum speed limits; assured clear distance ahead.
434.04 Speed limits on private roads and driveways.
434.05 Slow speed; posted minimum speeds.
434.06 Speed limitations over bridges.
434.07 Speed exceptions for emergency or safety vehicles.
434.08 Reasonable control.
434.09 Street racing prohibited.
434.10 Vehicular homicide; vehicular manslaughter.
434.11 Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.
434.99 Penalty.

CROSS REFERENCES

See section histories for similar State law
Drug of abuse defined - see Ohio R.C. 3719.011
Alcohol defined - see Ohio R.C. 4301.01
Alteration of prima facie speed limits - see Ohio R.C. 4511.21, 4511.22, 4511.23
Intoxicated pedestrians - see TRAF. 416.10
Driving upon sidewalks, tree lawns or curbs - see TRAF. 432.24
"Peeling" - see TRAF. 432.37
Weaving; full time and attention - see TRAF. 432.40
O.V.I. by drivers of commercial vehicles - see TRAF. 442.05, 442.08
Liquor consumption in motor vehicle - see GEN. OFF. 612.04

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 10 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 10 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 10 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 10 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 2 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 5 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 10 nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
11. The State Board of Pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's 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 Ohio R.C. 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with Ohio 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), (2), or (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 Ohio 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 on Ohio 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 Ohio 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, an emergency medical technician-intermediate, an emergency medical technician-paramedic, 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 a blood sample 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 Ohio R.C. 3701.143.

C. As used in division (d)(1)B. of this section, "Emergency medical technician-intermediate" and "Emergency medical technician-paramedic" have the same meanings as in R.C. § 4765.01.

(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 that 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. If the person was under arrest as described in R.C. § 4511.191(A)(5), the arresting officer shall 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. If the person was under arrest other than described in R.C. § 4511.191(A)(5), 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 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 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) (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. or (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 of 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) (1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or Ohio 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 Ohio 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 also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(2) As used in division (f)(1), "Emergency medical technician-intermediate" and "Emergency medical technician-paramedic" have the same meanings as in R.C. § 4765.01.
(ORC 4511.19(A) - (F))

(g) Implied Consent.
(1) Definitions. As used in this section:
A. "Alcohol monitoring device" means 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 Ohio R.C. 4511.194.
(1) Definition. "Physical control" has the same meaning as in Ohio 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, Ohio R.C. 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or any other municipal OVI ordinance.
(3) 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 Ohio R.C. 313.12 to 313.16.
(ORC 4511.191(A))
(5) A. If a law enforcement officer arrests a person for a violation of Ohio R.C. 4511.19(A) or (B), Ohio R.C. 4511.194 or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if

convicted would be required to be sentenced under Ohio R.C. 4511.19(G)(1)(c), (d), or (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 is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (g)(7) of this section, but the officer 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.

(6) Advice required. Except as provided in division (g)(5) of this section, 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, Ohio R.C. 4511.19(A) or (B), Ohio R.C. 4511.194 or a substantially equivalent municipal ordinance, or any other municipal OVI 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 of tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test of tests.

(7) Certification of arrest. Except as provided in division (g)(5) of this section, 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 – 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) or (g)(6) of this section to submit to a chemical test or tests under Ohio 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 Ohio R.C. 4511.196.

(9) 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 Ohio 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, Ohio 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 Ohio R.C. 4511.19(A) or (B) or a municipal OVI ordinance or for being in physical control of a stationary vehicle in violation of Ohio R.C. 4511.194 or a substantially equivalent municipal ordinance;
   b. That the person was arrested and charged with a violation of Ohio R.C. 4511.19(A) or (B), Ohio R.C. 4511.194 or a substantially equivalent municipal ordinance, or a municipal OVI 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 Ohio 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, Ohio R.C. 4511.194 or a 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 Ohio 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.

(ORC 4511.192) (Ord. 2003-33. Passed 7-23-03.)

(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 Ohio 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, Ohio R.C. 4511.19(A) or (B), or any other municipal OVI ordinance, or for being in physical control of a vehicle in violation of division (o) of this section or Ohio 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 Ohio R.C. 4511.191(B) or (C) or Ohio R.C. Chapter 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the persons' arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to Ohio R.C. 4511.197 regarding the issues specified in that section. (ORC 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 under Ohio 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., C., D., or 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 Ohio R.C. 4511.19(G)(1)(a)(i) to (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 Ohio R.C. 4511.19(G)(1)(b)(i) to (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 Ohio R.C. 4511.19(G)(1)(c)(i) to (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 Ohio 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 Ohio R.C. 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in Ohio R.C. 4511.191(F)(2).

(3) A. If an offender is sentenced to a jail term under Ohio R.C. 4511.19(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (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 Ohio 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 Ohio R.C. 4511.19(G)(1), the court may sentence the offender as provided in Ohio 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 Ohio R.C. 4511.19(G) and if Ohio 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 Ohio 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 Ohio 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 Ohio 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., D., or E. of this section is assigned or transferred and Ohio R.C. 4503.234(B)(2) or (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 Automobile Dealers Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to § 698.02(f) or R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (h) of this section.

(8) As used in division (h) of this section, "electronic monitoring" has the same meaning as in Ohio 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 Ohio 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 Ohio 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 Ohio 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 Ohio R.C. 2929.24(E).

(4) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial

responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 698.02(f) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (b) of this section.

(j) (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 Ohio R.C. Chapter 5119 by the Director of Mental Health and 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) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or Ohio 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) 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) 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 Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(n) All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or 4511.01, the term as defined in Ohio R.C. 4510.01 applies to this section.
(ORC 4511.19(G) - (M))

(o) Physical Control of Vehicle While Under the Influence.

(1) Definition. As used in this division, "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:
    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) 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 what 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 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 Ohio 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.

(ORC 4511.194)

(p) As used in this section:

(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 Ohio R.C. 2929.01.

(2) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.

(3) "Equivalent offense" means any of the following:

A. A violation of Ohio R.C. 4511.19(A) or (B);

B. A violation of a municipal O.V.I. ordinance;

C. A violation of Ohio 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 Ohio R.C. 2903.06(A)(1) or Ohio R.C. 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

E. A violation of Ohio R.C. 2903.06(A)(2), (A)(3), or (A)(4), Ohio R.C. 2903.08(A)(2), or former Ohio 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 Ohio 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;

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 Ohio R.C. 4511.19(A) or (B);

I. A violation of a former law of this State that was substantially equivalent to Ohio R.C. 4511.19(A) or (B) or Ohio R.C. 1547.11(A) or (B).

(4) "Equivalent offense that is vehicle-related" means 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 Ohio R.C. 4511.19(A) or (B);

C. A violation of a former law of this State that was substantially equivalent to Ohio R.C. 4511.19(A) or (B).

(5) "Mandatory jail term" means the mandatory term in jail of 3, 6, 10, 20, 30, or 60 days that must be imposed under Ohio 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 Ohio R.C. 4511.19, the term must be served in a jail.

B. Except as specifically authorized under Ohio R.C. 4511.19, the term cannot be suspended, reduced, or otherwise modified pursuant to Ohio 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" mean 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.
(ORC 4511.181)

Statutory reference:

Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal ordinance conviction, see Ohio 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 Ohio R.C. 4511.191

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

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

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

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

434.011 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.
(ORC 4510.44)

434.02 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 such property knowingly permits such operation thereon.
(ORC 4511.20)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 2003-04. Passed 1-22-03.)

434.03 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 or established 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 Ohio 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 such 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 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 Ohio 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 (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, highways as provided in division (b)(9) of this section, and highways, expressways and freeways as provided in divisions (b)(12), (b)(13), (b)(14) and (b)(16) 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) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the Director under R.C. § 4511.21(H)(2);

(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(11) Fifty-five miles per hour at all times on freeways outside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(12) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;

(13) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;

(14) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;
(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;
(16) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt; (ORC 4511.21(A) - (B))
(17) Thirty-five miles per hour on Ledge Road within the territorial limits of the Village. The within edict shall not apply to the school zone near Lee Eaton School for the times and areas that the school zone is in effect.
(Ord. 2004-10. Passed 2-11-04.)

(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 or established 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 two-lane state route as provided in division (b)(9) of this section and upon a highway, expressway or freeway as provided in divisions (b)(12), (b)(13), (b)(14) and (b)(16) of this section;
(2) At a speed exceeding 60 miles per hour upon a two-lane state route as provided in division (b)(9) of this section and upon a highway as provided in division (b)(12) of this section;
(3) At a speed exceeding 65 miles per hour upon an expressway as provided in division (b)(13) of this section or upon a freeway as provided in division (b)(16) of this section, except upon a freeway as provided in division (b)(14) of this section;
(4) At a speed exceeding 70 miles per hour upon a freeway as provided in division (b)(14) of this section;
(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to R.C. § 4511.21(I)(2) or (L)(2).

(e) Pursuant to Ohio 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 or established pursuant to, this section or Ohio R.C. 4511.21 declares is prima facie lawful at the time and place of such 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 Ohio R.C. 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (d) 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 or established pursuant to this section or Ohio R.C. 4511.21 by the Director or local authorities, and of the limitation in division (d) 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 this section, or a limit declared or established pursuant to this section or Ohio R.C. 4511.21 has occurred, it shall enter judgment of conviction under such division and dismiss the charge under division (d) 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), or a limit declared or established pursuant to this section or Ohio R.C. 4511.21, it shall then consider whether the evidence supports a conviction under division (d) of this section.

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

(h) Whenever, in accordance with Ohio 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 such signs. It is prima facie unlawful for any person to exceed the speed limits posted upon such signs.

(i) As used in this section:
  (1) "Commercial bus" means 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.

(4) "Outerbelt." A portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

(5) "Rural." Outside urbanized areas, as designated in accordance with 23 U.S.C. § 101, and outside of a business or urban district.
(ORC 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, Ohio 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, Ohio 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, Ohio 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 an hour in a business district of the municipality, faster than 50 miles an hour in other portions of the municipality, or faster than 35 miles an 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 Ohio 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.
(ORC 4511.21(P))

434.04 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 Ohio 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 Ohio 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 Ohio 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 Ohio R.C. 4510.036.

(e) As used in this section:

(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 Ohio R.C. 4511.90.
(ORC 4511.211(A) - (E))

(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, Ohio 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, Ohio R.C. 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the third degree.
(ORC 4511.211(F))

434.05 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 such 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 Ohio 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.
(ORC 4511.22)

434.06 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 such bridge or structure, when such 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 such 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 such structure can withstand, and shall cause or permit suitable signs stating such 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 such signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to such 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.
(ORC 4511.23)

434.07 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima facie speed limitations set forth in Ohio 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.
(ORC 4511.24)

434.08 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 trailer without being in control of it, a minor misdemeanor.
(ORC 4511.202)

434.09 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 Ohio 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 such 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.
(ORC 4511.251)

434.10 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 Ohio R.C. 4511.19(A) or of a substantially equivalent municipal ordinance;

B. As the proximate result of committing a violation of Ohio R.C. 1547.11(A) or of a substantially equivalent municipal ordinance;

C. As the proximate result of committing a violation of Ohio 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 Ohio 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 Ohio R.C. Title 45 that is a minor misdemeanor.

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

(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 cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 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 Ohio 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 Ohio 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 Ohio 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 or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 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 Ohio 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 Ohio 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 Ohio 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 Ohio 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 Ohio 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 Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio 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) As used in this section:

A. "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

B. "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.

C. "Motor vehicle" has the same meaning as in Ohio R.C. 4501.01.

D. "Reckless operation offense" means a violation of Ohio R.C. 4511.20 or a municipal ordinance substantially equivalent to Ohio R.C. 4511.20.

E. "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

F. "Traffic-related homicide, manslaughter, or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a

violation of Ohio 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" means a violation of Ohio R.C. 2903.01 or Ohio R.C. 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of Ohio 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 Ohio 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.

(ORC 2903.06)

Statutory reference:

Aggravated vehicular assault, felony, see Ohio R.C. 2903.08
Trial court to suspend driver's license, see Ohio R.C. 4510.05

434.11 OPERATION RESTRICTED FOR MINI-TRUCKS AND LOW-SPEED, UNDER-SPEED, OR UTILITY VEHICLES.

(a) (1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than 35 miles per hour.

(2) No person shall operate an under-speed or utility vehicle or a mini-truck upon any street or highway except as follows:

A. Upon a street or highway having an established speed limit not greater than 35 miles per hour and only upon such streets or highways where the municipality has granted permission for such operation in accordance with division (e) of this section;

B. A state park or political subdivision employee or volunteer operating a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the operation or maintenance of state or political subdivision park facilities.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than 45 miles per hour.

(b) This section does not prohibit either of the following:

(1) A person operating a low-speed, under-speed, or utility vehicle or a mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than 35 miles per hour;

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than 45 miles per hour.

(c) Nothing in this section shall prevent the municipality from adopting more stringent local ordinances, resolutions, or regulations governing the operation of a low-speed vehicle or a mini-truck, or a motor-driven cycle or motor scooter.

(d) 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 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. § 4511.214)

(e) By ordinance or resolution, the municipality may authorize the operation of under-speed or utility vehicles or mini-trucks on a public street or highway under its jurisdiction. The municipality shall do all of the following:

(1) Limit the operation of those vehicles to streets and highways having an established speed limit not greater than 35 miles per hour;
(2) Require the vehicle owner who wishes to operate an under-speed or utility vehicle or a mini-truck on the public streets or highways to submit the vehicle to an inspection conducted by a local law enforcement agency that complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02;
(3) Permit the operation on public streets or highways of only those vehicles that successfully pass the required vehicle inspection, are registered in accordance with R.C. Chapter 4503, and are titled in accordance with R.C. Chapter 4505;
(4) Notify the Director of Public Safety, in a manner the Director determines, of the authorization for the operation of under-speed or utility vehicles or mini-trucks.

(f) The municipality may establish additional requirements for the operation of under-speed or utility vehicles or mini-trucks on its streets and highways.
(R.C. § 4511.215)

(g) (1) Except as provided in this division (g) and divisions (e) and (f) of this section, no person shall operate a mini-truck within this municipality.
(2) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation

tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one farm field to another.

(3) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(4) Whoever violates this division (g) shall be penalized as provided in division (d) of this section.
(R.C. § 4519.401)

(h) This section will take effect on January 1, 2017.

434.99 PENALTY.

(***Editor's note:*** *See Sections 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.
436.035 Driving with probationary license.
436.04 Certain acts prohibited.
436.05 Owner or operator allowing another to drive.
436.06 Display of license.
436.07 Driving under suspension or revocation or without proof of financial responsibility or in violation of license restrictions. (Repealed)
436.071 Driving under suspension or in violation of license restriction.
436.072 Operating motor vehicle or motorcycle without valid license.
436.073 Driving under OVI suspension.
436.074 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
436.075 Failure to reinstate license.
436.08 Operation or sale without certificate of title.
436.09 Display of license plates; registration; obstructions.
436.10 Use of illegal license plates; transfer of registration.
436.11 Stopping after accident upon streets; collision with unattended vehicle.
436.12 Stopping after accident upon property other than streets.
436.13 Vehicle accident resulting in damage to realty.
436.14 Removal of vehicles after accidents.
436.99 Penalty.

CROSS REFERENCES

See section histories for similar State law
Motor vehicle licensing law - see Ohio R.C. Ch. 4503
Driver's license law - see Ohio R.C. Ch. 4507
Power of trial court of record to suspend license for certain violations - see Ohio R.C. 4507.16, 4507.34
Employment of a minor to operate a taxicab prohibited - see Ohio R.C. 4507.321
State point system suspension - see Ohio R.C. 4507.021
State accident reports - see Ohio R.C. 4509.01, 4509.06, 4509.74, 5502.11
Suspension of driver's license - see TRAF. 408.03; GEN. OFF. 698.07
Glass removal from street after accident - see TRAF. 412.01
Licensing requirements of snowmobile, off-highway and all-purpose vehicle operator - see TRAF. 446.05
Snowmobile, off-highway and all-purpose vehicle accident reports - see TRAF. 446.06

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 Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506. Except as otherwise provided in this division, whoever violates this division is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 698.02, § 698.03, R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding § 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(1)C. and R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
(ORC 4507.02(A))

(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) No person having a valid driver's or commercial driver's license shall be required to have a motorcycle operator's endorsement to operate a motorcycle having three wheels with a motor of not more than 50 cubic centimeters piston displacement.

(5) 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 such duty, is exempt from the license requirements of Ohio 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 such person was a licensee under such sections at the time the person commenced the person's active duty or service. This section does not prevent such a person or the person's spouse or dependent from making an application, as provided in Ohio R.C. 4507.10(C), for the renewal of a driver's license or motorcycle operator's endorsement or as provided in Ohio R.C. 4506.14 for the

renewal of a commercial driver's license during the period of the person's active duty or service.

(6) Whoever violates division (b)(3) of this section is guilty of a misdemeanor of the first degree.
(ORC 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 Ohio R.C. 4507.01 to 4507.39, inclusive, upon condition that such nonresident may be required at any time or place to prove lawful possession or their right to operate such motor vehicle, and to establish proper identity.
(ORC 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.
(ORC 4507.02(A)(2))

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4507.99)

436.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT.

(a) No holder of a temporary instruction permit issued under Ohio 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 Ohio 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 Ohio 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 Ohio 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 purposed of vehicular travel or parking between the hours of 1:00 a.m. and 5:00 a.m. if, at the time of

such 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 and 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 Ohio R.C. 4511.19(A).

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.05(F), (I))

436.035 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. Except as otherwise provided in division (c)(2) of this section, 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 travel or 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) Any person who is subject to the operating restrictions established under division (c)(1) of this section as a result of a first moving violation may petition

the court for occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the period of time specified in that division. The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in division (c)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this division shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this division are terminated upon the subsequent conviction, plea or adjudication.

(3) 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) As used in this section:
(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" means 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 Ohio 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 Ohio R.C. 4513.263.

(i) Whoever violates divisions (a)(1), (a)(4), (c)(3), or (d) of this section is guilty of a minor misdemeanor.
(ORC 4507.071(B) - (J))

436.04 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 Ohio 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.
(ORC 4507.30)

436.05 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 Ohio 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 Ohio R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio 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 Ohio 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, and shall be punished as provided in divisions (c) to (h) of this section.

(1) Except as provided in division (c)(2) of this section, whoever violates division (a)(1), (a)(2), or (a)(3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 698.02, § 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding § 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) A. If, within three years of a violation of division (a)(1), (a)(2), or (a)(3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (a)(1), (a)(2), or (a)(3) of this section, R.C. § 4511.203(A)(1), (A)(2), or (A)(3), or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

B. Whoever violates division (a)(4) or (a)(5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under this Code or R.C. Chapter 2929, the court may 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 may order one of the following:

A. Except as otherwise provided in division (c)(3)B. or (c)(3)B. of this section, the court may order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under R.C. § 4503.233.

B. If the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4511.203, or a substantially equivalent municipal ordinance, the court may order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under R.C. § 4503.233.

C. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 4511.203, or a substantially equivalent municipal ordinance, the court may order the criminal

forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under R.C. § 4503.234.

(4) If title to a motor vehicle that is subject to an order for criminal forfeiture under division (c)(3)C. 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 automobile dealers 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)(3)A. or (c)(3)B. 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)(3)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 Ohio 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.
(ORC 4511.203)

436.06 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 Ohio 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) (1) Except as provided in division (b)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 698.02, § 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding § 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 4507.35, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
(ORC 4507.35)

436.07 DRIVING UNDER SUSPENSION OR REVOCATION OR WITHOUT PROOF OF FINANCIAL RESPONSIBILITY OR IN VIOLATION OF LICENSE RESTRICTIONS. (REPEALED)

(***Editor's note**: Section 436.07 was repealed as part of the 2003 updating and revision of these Codified Ordinances because substantially identical State law (Ohio R.C. 4507.02(B) - (H)) was repealed by the Ohio General Assembly. See Sections 436.071 through 436.075 for current provisions.)*

436.071 DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION.

(a) Driving under Suspension or in Violation of License Restriction.

(1) Except as provided in division (a)(2) of this section, division (b) of this section, § 436.11 and in R.C. §§ 4510.111 and 4510.16, 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 Ohio 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.

(2) 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 Ohio R.C. 4506.10(D) or 4507.14.

(3) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a)(1) or (a)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (a)(1) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (a)(2) of this section. The person charged with a violation of division (a)(1) or (a)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) A. Whoever violates division (a)(1) or (a)(2) of this section is guilty of 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 license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

B. 1. Except as provided in division (a)(4)B.2. or (a)(4)B.3. 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 and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 30 days in accordance with R.C. § 4503.233.

2. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or

of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with R.C. § 4503.233.

3. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section, or any combination of three or more violations of this section or R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(5) Any order for immobilization and impoundment under this section shall be issued and enforced under R.C. §§ 4503.233 and 4507.02, as applicable. 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.

(6) 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.

(7) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 698.02(f) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.
(ORC 4510.11)

(b) Driving under Suspension in Violation of Other Provisions.

(1) 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 whose driver's or commercial driver's license has been suspended pursuant to R.C. § 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22, or 4510.33, or a substantially equivalent municipal ordinance.

(2) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (b)(1) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (b)(1) of this section. The person charged with a violation of division (b)(1) of this section may offer evidence to rebut this prima facie evidence.

(3) Whoever violates division (b)(1) of this section is guilty of driving under suspension and shall be punished as provided in division (b)(3) of this section.

A. Except as otherwise provided in division (b)(3)B. of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to § 698.02, § 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding § 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

B. If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of division (b)(1) of this section, or any combination of two or more violations of division (b)(1) of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(R.C. § 4510.111)

(c) Repeat Traffic Offender; Point System Suspension. Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under R.C. § 4510.037 and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a

minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.
(R.C. § 4510.037(J))

(d) It is an affirmative defense to any prosecution brought under this division (a) of 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.
(ORC 4510.04)

436.072 OPERATING MOTOR VEHICLE OR MOTORCYCLE WITHOUT VALID LICENSE.

(a) (1) No person, except those expressly exempted under Ohio 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 Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.

(2) No person, except a person expressly exempted under Ohio 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 Ohio 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 Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a)(1) or (a)(2) of this section may be admitted into evidence as prima facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of division (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of division (a)(2) of this section. The person charged with a violation of division (a)(1) or (a)(2) of this section may offer evidence to rebut this prima facie evidence.

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

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this division, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 698.02, § 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding § 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as

otherwise provided in this division, the offense is a minor misdemeanor. If within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d) 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 Ohio R.C. 4510.12, this section, or a substantially equivalent municipal ordinance.

(e) If the offender is sentenced under division (c)(2) of this section, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio 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 may 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 Ohio R.C. 4510.02(A)(7).
(ORC 4510.12)

436.073 DRIVING UNDER OVI SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI 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 OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in division (b)(2) or (3) of this section, driving under OVI 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 two hundred fifty dollars ($250.00) and not more than one thousand dollars ($1,000.00);
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 Ohio 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 OVI 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 10 consecutive days. Notwithstanding the jail terms provided in Ohio 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 10-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 Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars ($500.00) and not more than two thousand five hundred dollars ($2,500.00);
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 Ohio 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 OVI 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 Ohio 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 Ohio R.C. Chapter 2929., a fine of not less than five hundred dollars ($500.00) and not more than two thousand five hundred dollars ($2,500.00);
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 Ohio 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 Ohio R.C. 4503.234(B)(2) or (3) applies, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine so imposed shall be distributed in accordance with division Ohio 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 (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), (2), or (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 Ohio 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 Ohio R.C. 4510.02 (A)(7).

(1) When permitted as specified in Ohio 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 Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in Ohio 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 Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio 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 Ohio R.C. Chapter 4507 during the period of the suspension.

(f) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 698.02(f) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced.

(g) 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 Ohio R.C. 2929.01.

(2) "Equivalent offense" means 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 Ohio R.C. 2929.01.

(4) "Mandatory jail term" means the mandatory term in jail of 3, 10, or 30 consecutive days that must be imposed under division (b)(1), (2), or (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.

(ORC 4510.14)

(h) 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.
(ORC 4510.04)

Statutory reference:

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

436.074 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW SUSPENSION OR CANCELLATION; DRIVING UNDER A NONPAYMENT OF JUDGMENT SUSPENSION.

(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 Ohio 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 Ohio 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 Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(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 if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to R.C. § 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) or (b) of this section may be admitted into evidence as prima facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (b) of this section. The person charged with a violation of division (a) or (b) of this section may offer evidence to rebut this prima facie evidence.

(d) Whoever violates division (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in this division (d). Whoever violates division (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in this division (d).

(1) Except as otherwise provided in this division (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 698.02, § 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding

§ 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
(ORC 4510.16)

(e) (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 Ohio 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 Ohio R.C. 4509.101(A)(1) as shown by proof of financial responsibility that was in effect at the time of that request.

(ORC 4510.04)

Statutory reference:

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

436.075 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) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) of this section may be admitted into evidence as prima facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of division (a) of this section. The person charged with a violation of division (a) of this section may offer evidence to rebut this prima facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license, and shall be punished as follows:

(1) Except as provided in division (c)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to

§ 698.02, § 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 698.02(d) or R.C. § 2929.26; notwithstanding § 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000; and, notwithstanding § 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of a violation of division (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of

this section, R.C. § 4510.21 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3) In all cases, 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).
(ORC 4510.21)

(d) 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.
(ORC 4510.04)

436.08 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 Ohio 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 Ohio 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 Ohio R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in Ohio 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 Ohio R.C. Chapter 4505;

(6) Except as otherwise provided in Ohio 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 Ohio 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 two hundred dollars ($200.00), imprisoned not more than 90 days, or both.
(ORC 4505.18)

436.09 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 Ohio 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 or moped, motor-driven cycle or motor scooter, cab-enclosed motorcycle, 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 its visibility.

(2) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio 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.
(ORC 4503.21(A))

(b) Except as otherwise provided by Ohio 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.
(ORC 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.
(ORC 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.
(ORC 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 such 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 such vehicle are fastened in such a manner, and not covered, obscured or concealed by any part or accessory of such vehicle, to be readable in their entirety from left to right.
(Adopting Ordinance)

(h) No person shall willfully allow a motor vehicle with expired, fictitious or unlawful license plates or without license plates to be parked in the open on his or her property for more than ten days after receipt of a notice as provided in this section. The fact that a motor vehicle with expired, fictitious or unlawful license plates is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that such a motor vehicle continues to be so left constitutes a separate offense.
(Ord. 1998-69. Passed 9-23-98.)

(i) (1) Whoever violates division (a) of this section is guilty of a minor misdemeanor.
(ORC 4503.21(B))

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree.
(ORC 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.
(ORC 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.
(ORC 4549.12(B))

436.10 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(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 Ohio R.C. 4503.12(A)(4).

(b) A person who fails to comply with the transfer of registration provisions of Ohio 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), (2), or (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.
(ORC 4549.08)

436.11 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.

(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) (1) Whoever violates division (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision 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 Ohio 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.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 698.02(f) or R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.
(ORC 4549.02)

436.12 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 such 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) (1) 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 accident or collision 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 Ohio 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.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 698.02(f) or R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.
(ORC 4549.021)

436.13 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) (1) 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.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 698.02(f) or R.C. § 2929.28 in an amount not exceeding $5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.
(ORC 4549.03)

436.14 REMOVAL OF VEHICLES AFTER ACCIDENTS.

(a) If a motor vehicle accident occurs on any highway, public street or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street or other property or is otherwise endangering public safety, the Chief of Police or the Chief of the Fire Department, or a duly authorized subordinate acting on behalf of such an official, without consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident, may remove the motor vehicle if the motor vehicle is unoccupied, cargo or personal property from the portion of the highway, public street or property ordinarily used for vehicular travel on the highway, public street or other property open to the public for purposes of vehicular travel.

(b) (1) Except as provided in division (b)(2) or (b)(3) of this section, the Chief of Police, any police officer, the Chief of the Fire Department, any firefighter, or a duly authorized subordinate acting on behalf of such an official, who authorizes or participates in the removal of any unoccupied motor vehicle, cargo or personal property as authorized by division (a) of this section is not liable in civil

damages for any injury, death or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo or personal property. Except as provided in division (b)(2) or (b)(3) of this section, if the Chief of Police or Chief of the Fire Department, or a duly authorized subordinate acting on behalf of such an official, authorizes, employs or arranges to have a private tow truck operator or towing company remove any unoccupied motor vehicle, cargo or personal property as authorized by division (a) of this section, that private tow truck operator or towing company is not liable in civil damages for any injury, death or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo or personal property. Further, the Chief of Police or Chief of the Fire Department, or a duly authorized subordinate acting on behalf of such an official, is not liable in civil damages for any injury, death or loss to person or property that results from the private tow truck operator or towing company's removal of that unoccupied motor vehicle, cargo or personal property.

(2) Division (b)(1) of this section does not apply to any person or entity involved in the removal of an unoccupied motor vehicle, cargo or personal property pursuant to division (a) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway.

(3) Division (b)(1) of this section does not apply to a private tow truck operator or towing company that was not authorized, employed or arranged by the Chief of Police or Chief of the Fire Department, or a duly authorized subordinate acting on behalf of such an official, or to a private tow truck operator or towing company that was authorized, employed or arranged by the Chief of Police or Chief of the Fire Department, or a duly authorized subordinate acting on behalf of such an official, to perform the removal of the unoccupied motor vehicle, cargo or personal property and the private tow truck operator or towing company performed the removal in a reckless or willful manner.

(c) As used in this section, "hazardous material" has the same meaning as in R.C. § 2305.232.
(R.C. § 4513.66)

436.99 PENALTY.

(***Editor's note:*** *See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.*)

CHAPTER 438
Safety and Equipment

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CROSS REFERENCES

See section histories for similar State law
Warning devices for commercial vehicles disabled upon freeways - see Ohio R.C. 4513.28
Collector's vehicles - see Ohio R.C. 4513.38, 4513.41
Use of stop and turn signals - see TRAF. 432.13

Wheel protectors for commercial vehicles - see TRAF. 440.03
Vehicles transporting explosives - see TRAF. 440.04
Towing requirements - see TRAF. 440.05
Occupying travel trailers while in motion - see TRAF. 440.08
Bicycle equipment - see TRAF. 444.05
Snowmobile, off-highway motorcycle and all-purpose vehicle equipment - see TRAF. 446.02
Improperly handling firearms in a motor vehicle - see GEN. OFF. 678.04

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) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.02(A), (H))

438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this state shall display lighted lights and illuminating devices as required by R.C. §§ 4513.04 through 4513.37 during all of the following times:

(1) The time from sunset to sunrise;
(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles and substantial objects on the highway are not discernible at a distance of 1,000 feet ahead;
(3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

(b) Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under R.C. § 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this state using only parking lights as illumination.

(c) Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices

shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

(d) Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that a violation of division (a)(3) 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 division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(f) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.03)

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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.04)

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.

(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 such 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 such registration plate.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.05)

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 Ohio 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 such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to 50 feet from such vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.06)

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 such regulations, and such equipment shall be lighted at all times mentioned in Ohio 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) Such equipment shall be in addition to all other lights specifically required by Ohio 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.07)

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.
(ORC 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 Ohio 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 such load a red flag or cloth not less than 16 inches square.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.09)

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 Ohio R.C. 4513.03 or a substantially equivalent municipal ordinance, such 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 such 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 such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.
(ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 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 Ohio R.C. 4513.02(G), not specifically required to be equipped with lamps or other lighting devices by Ohio R.C. 4513.03 through 4513.10, or any substantially equivalent municipal ordinances, shall, at the times specified in Ohio 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 such 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 Ohio 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 emblem (SMV). 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 Ohio 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 Ohio 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 Ohio 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 Ohio 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.
(ORC 4513.11)

(j) <u>Lights and Reflector Requirements for Multi-wheel Agricultural Tractors or Farm Machinery.</u>

(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 Ohio 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 Ohio 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 Ohio 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 Ohio 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.
(ORC 4513.111)

(k) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. §§ 4513.11(I), 4513.111(E))

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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.12)

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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.13)

438.13 TWO LIGHTS DISPLAYED.

(a) At all times mentioned in Ohio 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 such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.14)

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 Ohio 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, such 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.15)

438.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

(a) Any motor vehicle may be operated under the conditions specified in Ohio 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 Ohio R.C. 4513.14 or a substantially equivalent municipal ordinance, provided that such vehicle shall not be operated at a speed in excess of 20 miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.16)

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, rural mail delivery vehicles, vehicles as

provided in Ohio R.C. 4513.182 or a substantially equivalent municipal ordinance, highway 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 such 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 Ohio 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 Ohio R.C. 4513.11 or a substantially equivalent municipal ordinance.

(d) Except a person operating a public safety vehicle, as defined in Ohio 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.

(f) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.17)

438.165 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.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.171)

438.17 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 — 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.
(ORC 4513.182)

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

438.18 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in Ohio 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.19)

438.19 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 such 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 Ohio 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.

(ORC 4513.20)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

438.20 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. Such equipment shall not be used except when such 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 such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.21)

438.21 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 such vehicle, or equipped in any way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.22)

438.22 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 such 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.23)

438.23 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) (1) 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 such 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.

(2) Division (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B. It does not conceal the vehicle identification number.

(3) Division (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B. It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(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.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.24)

438.24 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 Ohio 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 Ohio R.C. 4513.241 or of any rule adopted under that section.

(c) (1) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the requirements of Ohio R.C. 4513.241 or of any rule adopted under that section.

(2) No manufacturer, remanufacturer, or distributor, as defined in R.C. § 4517.01, shall provide to a motor vehicle dealer licensed under R.C. Chapter 4517 or to any other person, a 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 #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 Ohio 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 Ohio R.C. 3323.01.

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

(h) (1) This section does not apply to a motor vehicle used by a law enforcement agency under either of the following circumstances:

A. The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

B. The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.

(2) As used in this division, "law enforcement agency" means a police department, the office of a sheriff, the State Highway Patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.
(ORC 4513.241(C) - (J))

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

(2) Whoever violates division (c)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3) A. Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

B. In addition to any other penalty imposed under this section, whoever violates division (b) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

C. In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (b) of this section and the offender is a motor vehicle repair operator registered under R.C. Chapter 4775 or a motor vehicle dealer licensed under R.C. Chapter 4517, whoever violates division (b) of this section is subject to a registration or license suspension, as applicable, for a period of not more than 180 days.
(ORC 4513.241(K))

Statutory reference:

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

438.25 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.
(ORC 4513.30)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

438.26 MOTOR VEHICLE STOP LIGHTS.

(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. Such 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) Such 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 Ohio R.C. 4513.19.

(4) Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.071)

438.27 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" means the manufacturer's gross vehicle weight rating established for that vehicle.

(2) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.

(3) "Multipurpose passenger vehicle" means 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" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(5) "Truck" means 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 Ohio R.C. Chapter 119, shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper height have 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 Ohio 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 Ohio 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 Ohio 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) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.021)

Statutory reference:

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

438.28 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.

438.29 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 Ohio 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 less than eight years of age and less than four feet nine inches in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01 or a vehicle that is regulated under R.C. § 5104.015, 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 on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than 15 years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio 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 Ohio R.C. 4513.263.

(e) 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) or (d) 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 division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

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

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat 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.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle 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 child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) (1) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat or occupant restraining device as required by this section that occurred at the same time, on the same day and at the same location is deemed to be a single violation of this section:

A. Except as otherwise provided in division (j)(1)B. of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than $25 nor more than $75.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b), (c) or (d) 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 (j)(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(I).

(R.C. § 4511.81(A) - (H), (K), (L))

438.30 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" means 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 Ohio R.C. 4501.01.

(3) "Occupant restraining device" means 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" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(5) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71, and as asbestos claim, as defined in Ohio 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 Ohio 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 Ohio R.C. 4511.81 or a substantially equivalent municipal ordinance to be secured in a child restraint device or booster seat. 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 Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio 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 Ohio 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 Ohio 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 thirty dollars ($30.00).

(2) Whoever violates division (b)(2) of this section shall be subject to the penalty set forth in Section 408.02.

(3) Whoever violates division (b)(3) of this section shall be fined twenty dollars ($20.00).

(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.
(ORC 4513.263)

438.31 IGNITION INTERLOCK DEVICES. (REPEALED)

(***Editor's note***: *Section 438.31 was repealed as part of the 2003 updating and revision of these Codified Ordinances because substantially identical State law (Ohio R.C. 4511.83(A), (B), (E)) was repealed by the Ohio General Assembly.*)

438.32 OPERATION OF RADIOS OR OTHER SOUND-MAKING DEVICES OR INSTRUMENTS.

(a) No person operating or occupying a motor vehicle within the Village shall operate, or amplify the sound produced by, a radio, tape player or other sound-making device or instrument, from within the motor vehicle, so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle.

(b) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of emergency procedures.

(c) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by State law.

(d) As used in this section, "plainly audible" means any sound produced by a radio, tape player or other mechanical or electronic sound-making device or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable sound-making device, that can be clearly heard outside the vehicle by a person using his or her normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.

(e) Any law enforcement personnel who hears a sound that is plainly audible shall be entitled to measure the sound according to the following standards:

(1) The primary means of detection shall be by means of the officer's ordinary auditory senses as long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.

(2) The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he or she can readily identify the offending motor vehicle and the distance involved.

(3) The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass, reverberating-type sound is sufficient to constitute a plainly audible sound.

(f) The motor vehicle from which the sound is produced must be located (stopped, standing or moving) within the Village. Parking lots and driveways are included.

(g) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. If the offender persists in generating or permitting to be generated unreasonable noise after reasonable warning or request to desist, such offender is guilty of a misdemeanor of the fourth degree. The penalty shall be as provided in Section 408.01. In addition, for any violation of this section, the sound equipment is hereby deemed contraband and is subject to seizure and forfeiture pursuant to Ohio R.C. 2933.41 through 2933.43 and Section 608.16 of the General Offenses Code.
(Ord. 1996-49. Passed 8-28-96.)

438.33 AIR BAGS.

(a) As used in this section:

(1) "Air bag." Has the same meaning as in 49 C.F.R. § 579.4, as amended.

(2) "Counterfeit air bag." An air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer, without the authorization of the motor vehicle manufacturer.

(3) "Nonfunctional air bag." Any of the following:

A. A replacement air bag that has been previously deployed or damaged;

B. A replacement air bag that has an electrical fault that is detected by the air bag diagnostic system of a vehicle after the air bag is installed;

C. A counterfeit air bag, air bag cover, or some other object that is installed in a vehicle to deceive an owner or operator of the vehicle into believing that a functional air bag has been installed.

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

(c) No person shall knowingly manufacture, import, sell, or offer for sale any of the following:

(1) A counterfeit air bag;

(2) A nonfunctional air bag;
(3) Any other object that is intended to be installed in a motor vehicle to fulfill the function of an air bag and that is not in conformance with Federal Motor Vehicle Safety Standard Number 208 for the make, model, and model year of the vehicle in which the object is intended to be installed.

(d) No person shall knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of a vehicle to inaccurately indicate that the vehicle is equipped with a functional air bag.

(e) (1) Whoever violates division (b) or (d) 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, or if the violation results in serious physical harm to an individual, the person is guilty of a felony to be prosecuted under appropriate state law.
(2) A violation of division (c) of this section is a felony to be prosecuted under appropriate state law.
(3) Each manufacture, importation, installation, reinstallation, sale, or offer for sale in violation of this section shall constitute a separate and distinct violation.
(R.C. § 4549.20)

438.99 PENALTY.

(***Editor's note:*** *See Sections 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 REFERENCES

See section histories for similar State law
Display of certificates of registration - see Ohio R.C. 4549.18
Arrest notice of drivers - see Ohio R.C. 5577.14
Impounding - see TRAF. 410.08
Riding in cargo storage areas - see TRAF. 416.06
Stopping at grade crossings - see TRAF. 432.34, 432.35
Slow-moving equipment at grade crossings - see TRAF. 432.35
Fatigued or ill drivers - see TRAF. 442.09
Truck loading zones - see TRAF. 452.10
Bus stops and taxicab stands - see TRAF. 452.11
Loading zones at Northfield Plaza Shopping Center - see TRAF. 452.18

440.01 LOAD LIMITS.

(a) State Regulations.

(1) A. The municipality, with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:

1. At a size or weight of vehicle or load exceeding the maximum specified in R.C. §§ 5577.01 to 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 to 4513.37.
2. Upon any highway under the jurisdiction of municipality except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application.

3. For regional trips at distances of 150 miles or less from a facility stated on the application as the applicant's point of origin.
4. Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the municipality in accordance with this section.

B. In circumstances where a person is not eligible to receive a permit under division (a)(1)A. of this section, 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 Ohio R.C. 5577.01 through 5577.09, or otherwise not in conformity with Ohio R.C. 4513.01 through 4513.37, upon any highway under its jurisdiction.

(2) Notwithstanding Ohio R.C. 715.22 and 723.01, the holder of a special permit issued by the Director of Transportation under Ohio 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) A. The application for a permit issued under this section 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.

B. For the purposes of this section and of rules adopted by the Director under Ohio R.C. 4513.34, milk transported in bulk by vehicle is deemed a nondivisible load.

C. For purposes of this section and of rules adopted by the Director under R.C. § 4513.34, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The Director shall adopt rules

establishing requirements for an aluminum coil permit that are substantially similar to the requirements for a steel coil permit under O.A.C. Chapter 5501:2-1.

(4) The Municipality shall issue a special regional heavy hauling permit under division (a)(1)A. of this section upon application and payment of the applicable fee. However, the Municipality may issue or withhold a special permit specified in division (a)(1)B. of this section. 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 issued under this section 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.

(6) The Director of Transportation may debar an applicant from applying for a special permit under this section upon a finding based on a reasonable belief that the applicant has done any of the actions specified in R.C. § 4513.34(F).

(7) Notice and procedures for debarment shall be as provided in R.C. § 4513.34(G).

(8) A. No person shall violate the terms of a permit issued under this section that relate to gross load limits.

B. No person shall violate the terms of a permit issued under this section that relate to axle load by more than 2,000 pounds per axle or group of axles.

C. No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

(9) A permit issued by the municipality under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the conditions and limitations specified on the permit. Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit. However, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer.

(ORC 4513.34)

(b) Whoever violates division (a) of this section is guilty of a minor misdemeanor. (ORC 4513.99)

(c) Local Streets. No person shall operate a vehicle exceeding a size as specified Ohio R.C. 5577.01 through 5577.09, or otherwise not in conformity with Ohio 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 such operation is necessary to load or unload property, to go to or from the usual place of storage of such 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 such 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 such roads and the load resistance of such roads as determined by the County Engineer. County roads shall be posted with signs indicating such 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 such 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.

(3) For each such permit, the Police Chief shall charge twenty-five dollars ($25.00), and for each hour of time or any part thereof spent by the Police Department in supervising the movement of such vehicle, the applicant shall pay the sum of fifty dollars ($50.00).

(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 such permit and denial of request for any future permit. Such violation shall also subject the violator to the penalties prescribed by Sections 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 in excess of:

(1) 104 inches for passenger bus type vehicles operated exclusively within the Municipality.

(2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of 22 feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Director of Transportation.

(3) 132 inches for traction engines.

(4) 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) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions of state highways as the Director designates.

(c) No such vehicle shall have a length in excess of:

(1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54.

(2) 45 feet for all other passenger bus type vehicles.

(3) 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 such state highways or portions of state highways as the Director designates.

(4) 28.5 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 such state highways or portions of state highways as the Director designates.

(5) A. 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. 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) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in division (c)(3) and (4), and in division (e) below.

(7) 45 feet for recreational vehicles.

(8) 50 feet for all other vehicles, except trailers and semitrailers, with or without load.

(d) No such vehicle shall have a height in excess of 13.5 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 such 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 of any state highway 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.

(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 such bus or combination, non-property carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading, 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 such 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.

(2) 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 Ohio R.C. Chapter 119.

(3) This section does not require the Municipality or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such 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 Ohio R.C. 4501.01.
(ORC 5577.05)

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

(j) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree.
(ORC 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 such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such 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. Such 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 such 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 center line of the rearmost axle.
(ORC 5577.11)

(b) Whoever violates this section shall be fined not more than twenty-five dollars ($25.00).
(ORC 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 such 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 Section 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 such vehicle. (ORC 4513.29)

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

(2) When one vehicle is towing another and the connection consists only of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(3) In addition to such 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 Ohio 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.
(ORC 4513.32)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

(c) Exception to Size and Weight Restrictions.

(1) The size and weight provisions of this chapter and Ohio R.C. Chapter 5577 do not apply to a person who is engaged in the initial towing or removal or 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 Ohio 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 Ohio R.C. Chapter 5577.

(3) No court shall impose any penalty prescribed in Ohio R.C. 5577.99, or any substantially equivalent municipal ordinance, or the civil liability established in Ohio R.C. 5577.12 upon a person towing or removing a vehicle in the manner described in division (c)(1) of this section.
(ORC 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.
(ORC 4513.31)

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

(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.
(ORC 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 such chains are being used, or the immediate vicinity thereof.
(ORC 5589.081)

(f) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 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.
(ORC 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 such 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 such 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 Ohio 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 Ohio 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) The operator of a chauffeured limousine may provide transportation to passengers who arrange for the transportation through an intermediary, including a digital dispatching service. Notwithstanding any law to the contrary, when providing transportation arranged through an intermediary, the operator of a chauffeured limousine may establish the fare and method of fare calculation, so long as the method of fare calculation is provided to the passenger upon request.

(c) 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 Ohio R.C. 4503.24 and is in compliance with Ohio R.C. 4509.80.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4511.85)

440.99 PENALTY.

(***Editor's note:*** *See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.*)

Whoever violates the weight provisions of this chapter shall be fined two hundred fifty dollars ($250.00) plus court costs, or imprisoned not more than thirty days, or both.
(Ord. 1996-15. Passed 3-27-96; Ord. 2013-123. Passed 10-23-13.)

CHAPTER 442
Drivers of Commercial Vehicles

442.01 Definitions.
442.02 Use of actual gross weight in lieu of rating.
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442.04 Physical qualification to operate commercial motor vehicles.
442.05 Criminal offenses.
442.06 Application of 49 C.F.R. 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 REFERENCES

See section histories for similar State law
Warning devices when disabled on freeways - see Ohio R.C. 4513.28
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Arrest notice of drivers - see Ohio R.C. 5577.14
Driving under the influence, generally - see TRAF. 434.01
Stopping after accidents, generally - see TRAF. 436.11, 436.12
Load limits - see TRAF. 440.01
Route and load information - see TRAF. 440.09

442.01 DEFINITIONS.

As used in this chapter:

(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) 100 milliliters of whole blood, blood serum, or blood plasma;
  (2) 210 liters of breath;
  (3) 100 milliliters of urine.

(b) "Commercial driver's license." A license issued in accordance with Ohio 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 Ohio 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." Means 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) "Downgrade." Any of the following, as applicable:
(1) A change in the commercial driver's license holder's self-certified status as described in R.C. § 4506.10(A)(2);

(2) A change to a lesser class of vehicle;
(3) Removal of commercial driver's license privileges from the individual's driver's license.

(i) "Drive." To drive, operate or be in physical control of a motor vehicle.

(j) "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.

(k) "Driver's license." A license issued by the Bureau of Motor Vehicles that authorizes an individual to drive.

(l) "Drug of abuse." Any controlled substance, dangerous drug as defined in Ohio 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.

(m) "Electronic device." Includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.

(n) "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.

(o) "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.

(p) "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.

(q) "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 carrier, as defined in R.C. § 4923.01.

(r) "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.

(s) "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.

(t) "Foreign jurisdiction." Any jurisdiction other than a state.

(u) "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.

(v) "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.

(w) "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.

(x) "Medical variance." One of the following received by a driver from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. part 381, subpart C or 49 C.F.R. § 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. § 391.49.

(y) "Motor vehicle." A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(z) "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.

(aa) "Peace officer." Has the same meaning as in Ohio R.C. 2935.01.

(bb) "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.

(cc) "Public safety vehicle." Has the same meaning as in Ohio R.C. 4511.01(E)(1) and (E)(3).

(dd) "Recreational vehicle." Includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.

(ee) "Residence." Any person's residence determined in accordance with standards prescribed in the rules adopted by the Registrar.

(ff) "School bus." Has the same meaning as in Ohio R.C. 4511.01.

(gg) "Serious traffic violation." Any of the following:

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of R.C. § 4506.03;

(2) A violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution prohibiting

texting while driving, or any other substantially similar law of another state or political subdivision of another state;

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

A. A single charge of any speed in excess of the posted speed limit by 15 miles per hour or more;

B. 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;

C. 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;

D. 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;

E. 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;

F. 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;

G. 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.

(hh) "State." A state of the United States and includes the District of Columbia.

(ii) "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.

(jj) "Tester." Means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09(B).

(kk) "Texting." Manually entering alphanumeric text into, or reading text from, an electronic device. "Texting" includes short message service (SMS), e-mail, instant messaging, a command or request to access a world wide web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. "Texting" does not include the following:
(1) Reading, selecting, or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone call or using voice commands to initiate or receive a telephone call;
(2) Inputting, selecting, or reading information on a global positioning system or navigation system.

(ll) "Texting while driving." Texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

(mm) "United States." Means the 50 states and the District of Columbia.

(nn) "Upgrade." A change in the class of vehicles, endorsements, or self-certified status as described in R.C. § 4506.10(A)(2) that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter or R.C. Chapter 4506.

(oo) "Vehicle." Has the same meaning as in Ohio 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 of combination of vehicles is not determinable, or if the manufacturer of the vehicle has not specified a gross vehicle weight rating.
(ORC 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 Ohio 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.
(ORC 4506.04(A), (B))

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

(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 Ohio R.C. 4507.19 apply.
(ORC 4506.04(C))
(3) Whoever violates division (c) of this section is guilty of a misdemeanor of the first degree.
(ORC 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.
(1) Prior to January 30, 2012, 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.

(2) Beginning on January 30, 2012, any person applying for a commercial driver's license, renewing of a commercial driver's license, or transferring a commercial driver's license from out of state shall self-certify to the Registrar for purposes of 49 C.F.R. § 383.71 one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

A. 1. If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the Registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

2. If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate;

B. 1. If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

2. If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(3) Notwithstanding the expiration date on a person's commercial driver's license, every commercial driver's license holder shall provide the Registrar with the certification required by this section, on or after January 30, 2012, but prior to January 30, 2014.

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

442.05 CRIMINAL OFFENSES.

(a) No person who holds a commercial driver's license or operates a motor vehicle for which a commercial driver's license is required shall do any of the following:

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of 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) Drive a motor vehicle in violation of R.C. § 4511.19 or a municipal O.V.I. ordinance as defined in R.C. § 4511.181;
(7) Use a vehicle in the commission of a felony;
(8) Refuse to submit to a test under R.C. § 4506.17 or R.C. § 4511.191, or any substantially similar municipal ordinance;
(9) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, cancelled or disqualified;
(10) 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;
(11) Fail to stop after an accident in violation of R.C. §§ 4549.02 to 4549.03, or any substantially similar municipal ordinance;
(12) 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;
(13) 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.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.15)

Statutory reference:

Alcohol or controlled substance testing, disqualification of drivers, see Ohio R.C. 4506.17
Disqualification of drivers for violations, see Ohio R.C. 4506.16

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

(a) The provisions of 49 C.F.R. 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. (ORC 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 Ohio 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.
(ORC 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 Ohio 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 Ohio 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 Ohio 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 .048% or more by blood serum or blood plasma, or an alcohol concentration of .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 Ohio 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 this subchapter or Ohio R.C. Chapter 4506.
(ORC 4506.23)

442.09 PERMITTING OR DRIVING WHILE FATIGUED OR ILL PROHIBITED.

(a) No person shall drive a commercial motor vehicle, as defined in Ohio R.C. 4506.01, or a commercial car or commercial tractor, as defined in Ohio 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 such vehicle. No driver shall use any drug which would adversely affect the driver's ability or alertness.

(b) No owner, as defined in Ohio R.C. 4501.01, of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in division (a) of this section to drive such 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 Ohio R.C. 4511.79, or Ohio 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.
(ORC 4511.79)

442.99 PENALTY.

(***Editor's note:*** *See Sections 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.
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CROSS REFERENCES

See section histories for similar State law
Bicycle regulations to be consistent with State law - see Ohio R.C. 4511.07(A)(8)
Bicycle defined - see TRAF. 402.05
Motorcycle defined - see TRAF. 402.23
Impounding - see TRAF. 410.09
Bicycles prohibited on freeways - see TRAF. 412.05
Operation of vehicles on bicycle paths - see TRAF. 432.41
Motorcycle operator's license required - see TRAF. 436.01
Motorcycle headlight - see TRAF. 438.03
Motorcycle brakes - see TRAF. 438.19
Off-highway motorcycles - see TRAF. Ch. 446

444.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code which 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 Ohio 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 Ohio R.C. 4511.19, or a substantially equivalent municipal ordinance.
(ORC 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 Ohio 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 such 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 such 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. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

(c) (1) Except as provided in division (c)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in division (c)(2) of this section, 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 United States Department of Transportation-approved 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 rules adopted 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.

(2) Division (c)(1) of this section does not apply to a person operating a cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.

(3) A. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to R.C. § 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.

B. No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to R.C. § 4507.05 in any of the following circumstances:

1. At any time when lighted lights are required by R.C. § 4513.03(A)(1);
2. While carrying a passenger;
3. On any limited access highway or heavily congested roadway.

(d) 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.

(e) Except as otherwise provided in this division, whoever violates division (b) or (c)(1) or (c)(3) 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) or (c)(1) or (c)(3) 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) or (c)(1) or (c)(3) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.53)

444.03 ATTACHING BICYCLES, MOTORCYCLES TO OTHER VEHICLES.

(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.
(ORC 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.
(ORC 4511.55)

444.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES.

(a) Every bicycle when in use at the times specified in Ohio 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.
(ORC 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 such 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 person is riding a bicycle upon a sidewalk or street, such 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.

(b) No person shall ride a bicycle across or through any intersection involving a through street. Such intersections are to be crossed by walking the bicycle across or through the intersection.

(c) 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.

(d) When a bicycle is operated on the street, the operator shall give hand signals before turning, changing lanes or stopping. Such signals shall conform with Ohio R.C. 4511.40, or a substantially equivalent municipal ordinance.

(e) 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.

(f) No person shall operate a bicycle at a speed greater than is reasonable and proper under the conditions then existing.

(g) 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 such sidewalk area. Upon entering the street, such operator shall yield the right-of-way to all vehicles approaching on such street.

(h) 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.

(a) 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.
(Adopting Ordinance)

(b) Any parent or guardian who permits a child who is less than five years of age, unaccompanied by an adult, to ride a bicycle or wagon or to play in the traveled portion of

any street or road, is hereby determined to be creating a nuisance in that he or she, by permitting the use of the street or road by a child for this purpose, is imposing an undue hardship for the user of the street or road in a motor vehicle because of the use of the street or road by the child.
(Ord. 1969-50. Passed 7-2-69.)

444.10 SUSPENSION OF RIDING PRIVILEGES.

In addition to the penalties provided in Sections 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.

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 Ohio R.C. Chapter 4506 or a driver's license issued under Ohio 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 Ohio 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 Ohio 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.
(ORC 4511.521)
Statutory reference:
Suspension of probationary motorized bicycle license by the State, see Ohio R.C. 4510.34

444.99 PENALTY.
(***Editor's note:*** *See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.*)

CHAPTER 445
Skateboards and Rollerblades

445.01 Definitions.
445.02 Code application; prohibited conduct.
445.99 Penalty.

445.01 DEFINITIONS.

As used in this chapter:

(a) "Rollerblades" means any type of shoe or boot mounted on or containing wheels or rollers that allows a person to skate.

(b) "Skateboard" means, without limitation, any instrument or device consisting basically of a board or platform mounted on wheels or rollers, whether powered by gravity, muscle power, or mechanical or motorized means, and which is not equipped with a positive, mechanical means of steering such instrument or device.

(c) "Street", "highway" or "roadway" means a State, County or Village owned road that is open to the use of the public as a thoroughfare for purposes of vehicular travel. (Ord. 2004-63. Passed 11-10-04.)

445.02 CODE APPLICATION; PROHIBITED CONDUCT.

(a) No person shall operate a skateboard or use rollerblades on any street or highway or any property used by the public for the purposes of vehicular travel or parking, except that a skateboard may operate or rollerblades may be utilized while crossing a street or highway at a designated crosswalk.

(b) Use on Sidewalks; Reckless Operation. Persons shall be allowed to operate skateboards or utilize rollerblades on sidewalks directly adjacent to public roadways as long as such persons are exercising the utmost care with reference to any pedestrians, vehicles or bicycles; and are not operating or utilizing the devices in a reckless manner or at a speed greater than is reasonable or prudent under the conditions then existing. Every person operating a skateboard or utilizing rollerblades along, over or upon any sidewalk, shall keep to the right, go in single file at a slow speed and exercise the utmost care with reference to any pedestrians or bicycles on such sidewalk.

(c) The owner of private property may prohibit the operation of a skateboard or the use of rollerblades on such property if such owner posts on his or her property a sign that is at least 12 inches by 18 inches in size, that is visible from the entrance or paved areas of the property and contains at least a notice that the property is private property and that the operation of skateboards or rollerblades thereon is prohibited. If an owner of private property posts upon the property in a conspicuous manner the prohibition of operating a skateboard or utilizing rollerblades on the property, no person shall operate a skateboard or utilize rollerblades on the property without the owner's consent.

(d) Any skateboard or rollerblades operated or utilized by any person in violation of the provisions of this section may be seized by a member of the Police Department and be impounded by the Police Department for a period of seven days. In the event that the skateboard so impounded is not claimed by the owner or operator of the same or by the parent or guardian of such owner or operator within 60 days of the date of impoundment, it shall be sold by the Chief of Police and the proceeds of such sale shall be disposed of in the manner provided by law.
(Ord. 2004-63. Passed 11-10-04.)

445.99 PENALTY.

Whoever violates any of the provisions of Section 445.02 shall be guilty of a minor misdemeanor and be fined not more than one hundred fifty dollars ($150.00) in addition to the remedies provided in Section 445.02(d) of this chapter.
(Ord. 2004-63. Passed 11-10-04.)

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 REFERENCES

See section histories for similar State law
Power of court to impound registration certificates for certain violations - see Ohio R.C. 4519.47
Street or highway defined - see TRAF. 402.48
Operation on bicycle paths - see TRAF. 432.41
Bicycles and motorcycles generally - see TRAF. Ch. 444
Required usage of helmets and safety glasses - see TRAF. 444.02

446.01 DEFINITIONS.

As used in this chapter:

(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 Ohio R.C. 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Ohio R.C. Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Ohio 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 Ohio R.C. 4501.01.

(d) "Electronic dealer." A dealer whom the Registrar of Motor Vehicles designates under Ohio 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 Ohio R.C. 5511.02.
(g) "Mini-truck." A vehicle that has four wheels, is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2,200 pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.
(h) "Off-highway motorcycle." Every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway.
(i) "Operator." Any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle, or all-purpose vehicle.
(j) "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.
(k) "Snowmobile." Any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.
(l) "Street" or "highway." Have the same meaning as in Ohio R.C. 4511.01.
(ORC 4519.01)

446.02 EQUIPMENT.

(a) In addition to any rules or regulations promulgated by the Ohio Director of Public Safety pursuant to Ohio R.C. 4519.20 and Ohio 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 such 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, such 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.
(ORC 4519.20(A), (B))

(c) Except as otherwise provided in this division, whoever violates division (b) of this section shall be fined not more than fifty dollars ($50.00). If the offender within the preceding year previously has committed a violation of division (b) of this section or of Ohio R.C. 4519.20(B), whoever violates division (b) of this section shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00), imprisoned not more than three days, or both.
(ORC 4519.20(C))

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 Section 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 such 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 Ohio R.C. 4519.20 or a substantially equivalent municipal ordinance.

(b) Whoever violates this section shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or imprisoned not less than 3 nor more than 30 days, or both.
(ORC 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 Ohio 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 such 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 Ohio R.C. 4519.40(A)(1) or a substantially equivalent municipal ordinance, when the terrain permits such 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.

(ORC 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 Ohio R.C. Chapter 4506 or Ohio R.C. Chapter 4507 or a valid, current driver's license issued by another jurisdiction, 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 such operation on State controlled land under its jurisdiction when such person is less than 16 years of age 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 fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or imprisoned not less than 3 nor more than 30 days, or both.
(ORC 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 one hundred dollars ($100.00) 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 Ohio 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.
(ORC 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 Ohio R.C. Chapter 4519 shall be required.
(ORC 4519.48)

446.08 REGISTRATION OF VEHICLES.

(a) (1) 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 Ohio R.C. 4519.03 and 4519.04.

(2) Except as provided in R.C. § 4511.215 or a substantially equivalent municipal ordinance, no registration is required for a mini-truck that is operated within this state. A mini-truck may be operated only in accordance with R.C. § 4511.215 and R.C. § 4519.401, or any substantially equivalent municipal ordinance. This division (a)(2) shall take effect on January 1, 2017.

(b) (1) No registration is required for a snowmobile or off-highway motorcycle that is operated exclusively upon lands owned by the owner of the snowmobile or off-highway motorcycle, or on lands to which the owner of the snowmobile or off-highway motorcycle has a contractual right.

(2) No registration is required for an all-purpose vehicle that is used primarily for agricultural purposes when the owner qualifies for the current agricultural use valuation tax credit, unless it is to be used on any public land, trail, or right-of-way.

(3) Any all-purpose vehicle exempted from registration under division (b)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate R.C. § 4519.41.

(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 Ohio 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 Ohio R.C. Chapter 4519 shall comply with Ohio 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 Ohio R.C. Chapter 1547 and Ohio R.C. Chapter 1548 relative to the operation of watercraft.

(f) Whoever violates division (a) of this section shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).
(ORC 4519.02)

Statutory reference:

Destruction or disposal of vehicle; transfer of ownership; change of address; loss of certificate, see Ohio R.C. 4519.05
Registration of emergency vehicles, see Ohio R.C. 4519.08
Registration procedure, see Ohio R.C. 4519.03
Temporary license placards and fees, see Ohio R.C. 4519.10
Temporary operating permit for certain nonresidents, see Ohio 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:

(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 Ohio 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 Ohio R.C. Chapter 4519.

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in Ohio 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 Ohio 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 two hundred dollars ($200.00), or imprisoned not more than 90 days, or both.
(ORC 4519.66)

446.99 PENALTY.

(***Editor's note:*** *See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.*)

TITLE EIGHT - Parking
Chap. 452. Parking Generally.

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, etc.
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 Night parking.
452.14 Through traffic prohibited on Village Hall parking lot.
452.15 Fire lanes.
452.16 Parking between front property line and curb of street.
452.17 Snow emergencies.
452.18 Loading zones at Northfield Plaza Shopping Center.
452.19 Parking in shopping center, store and school areas.
452.20 Registered owner prima facie liable for unlawful parking.
452.21 Waiver.
452.99 Penalty.

CROSS REFERENCES

See section histories for similar State law
Parking defined - see TRAF. 402.26
Stop defined - see TRAF. 402.45
Stopping and standing defined - see TRAF. 402.47
Police may remove ignition key from unattended vehicle - see TRAF. 404.01
Impounding; redemption - see TRAF. Ch. 410
Parking near stopped fire apparatus - see TRAF. 432.27
Lights on parked or stopped vehicles - see TRAF. 438.09
Parking of bicycles; locks - see TRAF. 444.08
Storage of junk vehicles - see GEN. OFF. 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 such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such 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 such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such 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.
(ORC 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 Ohio R.C. 4511.66 or a substantially equivalent municipal ordinance, such officer may move such 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 such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.
(ORC 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;
(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 such 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. (ORC 4511.68)
(17) On a tree lawn or off the driveway portion of residential property.

(b) Whoever violates paragraph (a)(1), (2), (12) or (14) hereof shall be fined ten dollars ($10.00) for each violation. Whoever violates paragraph (a)(4) hereof shall be fined fifty dollars ($50.00) for each violation. Whoever violates paragraph (a)(16) hereof shall be fined fifty dollars ($50.00) plus court costs for each violation, which may be paid by waiver. The fines provided for herein may be paid by waiver without court costs, unless otherwise specified. (Ord. 1996-47. Passed 8-28-96; Ord. 1998-70. Passed 9-23-98.)

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 such 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) (1) A. Except as provided in division (c)(1)B. of this section, 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.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in this division (c)(2) of this section irrespective of whether or not the space is metered.

(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 such 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 bottom edge of the sign shall measure not less than 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 Ohio 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) As used in this section:

(1) "Handicapped person" means 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 Ohio R.C. 4503.44.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio 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 B. of this section is guilty of a misdemeanor and shall be punished as provided in division (k)(2)A. and 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 B. of this section shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00). An offender who violates division (f)(1)A. or B. of this section shall be fined not more than one hundred dollars ($100.00) 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 B. be sentenced to any term of imprisonment.

C. An arrest or conviction for a violation of division (f)(1)A. or 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 twenty-five dollars ($25.00) for each parking location that is not properly marked or whose markings are not properly maintained.
(ORC 4511.69)

452.05 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(a) Impounding Abandoned Motor Vehicle on Public Property; Notice; Disposition.

(1) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that has come into the possession of the Police Chief as a result of the Police Chief's duties or that has been left 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 Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately. The Police Chief shall designate the place of storage of any motor vehicle so ordered removed.

(2) The Police Chief immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, and if known, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified mail with return receipt requested, that the motor vehicle 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 motor vehicle 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 or memorandum certificate of title to the motor vehicle. If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of $25, in addition to any expenses or charged incurred in the removal and storage of the vehicle.

(3) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62, the Police Chief, without charge to any party, 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 R.C. § 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of R.C. § 4513.61 have been complied with. The Police Chief shall retain the original of the affidavit for his or her records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(4) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(R.C. § 4513.61)

(b) Abandonment of Junk Motor Vehicle Prohibited.

(1) A. 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.

B. For purposes of this division (b)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

C. 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.

(2) Whoever violates this division (b) 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.
(ORC 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.
(ORC 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 ninety dollars ($90.00), and a storage charge, in an amount not to exceed twelve dollars ($12.00) per 24-hour period; except that the charge for towing shall not exceed one hundred fifty dollars ($150.00), and the storage charge shall not exceed twenty dollars ($20.00) 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 (3) of this section do not affect or limit the operation of Ohio 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 Ohio 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 Ohio 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 Ohio 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 of the removal, 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 Ohio 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 Ohio 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 Ohio 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 ninety dollars ($90.00), and storage, in an amount not to exceed twelve dollars ($12.00) per 24-hour period; except that the charge for towing shall not exceed one hundred fifty dollars ($150.00), and the storage charge shall not exceed twenty dollars ($20.00) 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 Ohio R.C. 4513.60(A) remains unclaimed by the owner for 30 days, the procedures established by Ohio 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 Ohio R.C. 4513.60 through 4513.65.

(h) Whoever violates division (c)(3) or (g) of this section is guilty of a minor misdemeanor.
(ORC 4513.60)

452.07 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, ETC.

(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.
(ORC 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.
(ORC 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 such vehicle for sale; or

(b) Washing, greasing or repairing such 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 such 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 such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) No operator of a bus shall stop, stand or park such 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 such 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 such 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 NIGHT PARKING.

(a) No person shall park a vehicle, unattended, on any street or highway within the Municipality, between 2:00 a.m. and 5:00 a.m., unless the vehicle is disabled and to an extent that it is impossible to avoid temporarily leaving such vehicle in such position.

(b) Whoever violates this section shall be fined ten dollars ($10.00) for each violation, which fine may be paid by waiver without court costs.
(Ord. 1988-63. Passed 8-10-88.)

452.14 THROUGH TRAFFIC PROHIBITED ON VILLAGE HALL PARKING LOT.

(a) Through traffic through the Village Hall parking lot is hereby prohibited, and the installation of appropriate signs designating such prohibition is hereby authorized.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 408.01.
(Ord. 1977-88. Passed 8-24-77.)

452.15 FIRE LANES.

(a) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any fire lane in the Municipality.
(Ord. 1979-69. Passed 3-3-78.)

(b) Whoever violates this section shall be fined fifty dollars ($50.00) for each violation, which fine may be paid by waiver without court costs.
(Ord. 1988-63. Passed 8-10-88.)

452.16 PARKING BETWEEN FRONT PROPERTY LINE AND CURB OF STREET.

(a) No person shall park a vehicle within the area between a sidewalk and the curb of a street, or, where no sidewalk exists, between the front property line and the curb of a street.
(Ord. 1980-116. Passed 8-27-80.)

(b) Whoever violates this section shall be fined ten dollars ($10.00) for each violation, which fine may be paid by waiver without court costs.
(Ord. 1988-63. Passed 8-10-88.)

452.17 SNOW EMERGENCIES.

(a) Whenever, during any period of twenty-four hours or less, snow falls within the Municipality to a depth of two inches or more, an emergency is declared to exist.

(b) After such emergency has been declared, no person shall, during the period of the emergency, park, or cause or permit to remain parked, his or her motor vehicle on the streets within the Municipality.
(Ord. 1981-15. Passed 1-14-81.)

(c) Any motor vehicle found parked on any of the streets of the Municipality during the time of a snow emergency ban shall be removed at the order of the police officer on duty, and such unlawful parking shall subject the owner or operator thereof to the fines and costs provided herein.
(Ord. 1985-20. Passed 3-27-85.)

(d) Whoever violates this section shall be fined twenty-five dollars ($25.00) for each offense, which fine may be paid by waiver without court costs.
(Ord. 1988-63. Passed 8-10-88.)

(e) Snow emergency ban signs shall be erected at appropriate places within the Municipality. Such signs shall contain the following information:

Snow Emergency Ban

No parking on any Village street when snow exceeds 2 inches.

C.O. Sec. 452.17
(Ord. 1985-20. Passed 3-27-85.)

452.18 LOADING ZONES AT NORTHFIELD PLAZA SHOPPING CENTER.

(a) There are hereby created three vehicle loading and unloading zones in the Northfield Plaza Shopping Center: one between the seventh and eighth canopy posts, one between the twenty-first and twenty-second canopy posts and one between the twenty-eighth and twenty-ninth canopy posts. (For reference purposes, the number one canopy post is at the extreme southern end of the Plaza and the post positions increase numerically moving in a northerly direction.)

(b) There is hereby created a vehicle loading and unloading zone in front of the business located at 10229 Northfield Road, between the first and second canopy posts. (For reference purposes, the number one canopy post is at the extreme northerly end of the business location and the post positions increase numerically moving in a southerly direction.)

(c) The sign specifications shall conform to those required by the Ohio Bureau of Motor Vehicles, and the costs for furnishing, installing and maintaining the same shall be borne by the owners of the real estate and/or proprietors of the businesses affected thereby.

(d) No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a vehicle loading and unloading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading materials exceed five minutes.

(e) Whoever violates this section shall be fined twelve dollars ($12.00), which fine may be paid by waiver without court costs.
(Ord. 1983-90. Passed 8-10-83.)

452.19 PARKING IN SHOPPING CENTER, STORE AND SCHOOL AREAS.

(a) No person shall stand or park a motor vehicle with a gross vehicle weight in excess of 8,000 pounds, including, but not limited to, a truck or tractor-trailer, at any time in the following areas, unless in compliance with the direction of a police officer, or unless then engaged in business on the premises or loading or unloading merchandise:

(1) In any driveway serving a building which houses more than two families; or
(2) In any area reserved for public parking in any shopping center, store area or restaurant, or on the premises of any gasoline service station; or
(3) In any driveway, parking area or other public ground of the Lee Eaton School.

(b) No person shall place or park a motor vehicle, for the purpose of displaying it for sale to the public, at any time in the following areas, unless such person is then engaged in business on the premises:

(1) In any driveway or lot serving a building which houses more than two families; or
(2) In any area reserved for public parking in any shopping center, store area or restaurant, or on the premises of any gasoline service station not currently granted a permitted use to sell used automobiles; or
(3) In any driveway, parking area or other public ground of any public property.

(c) Where individual parking spaces are designated and marked by lines in any area reserved for public parking in or near any shopping center, store area, restaurant, school area, public parking lot or any driveway or lot serving a building that houses more than two families, no person shall park any vehicle except entirely within an individual marked parking space.

(d) Whoever violates divisions (a) or (b) of this section shall be fined not more than fifty dollars ($50.00) for each violation, which fine may be paid by waiver without court costs. Whoever violates division (c) of this section shall be fined not more than ten dollars ($10.00) for each violation, which fine may be paid by waiver without court costs.
(Ord. 1991-89. Passed 10-23-91; Ord. 2002-55. Passed 7-24-02.)

452.20 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 such fact, from the Registrar shall be proof of such ownership.

452.21 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 such sum within fourteen days after the issuance of the traffic ticket. Such 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 such 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.
(Ord. 1991-81. Passed 9-25-91.)

452.99 PENALTY.

(***Editor's note:*** *See Sections 408.01 and 408.02 for general Traffic Code penalty if no specific penalty is provided.*)

Unless a different penalty is specifically designated elsewhere in this Traffic Code, whoever violates any parking ordinance or restriction within the Municipality shall be fined ten dollars ($10.00) for each offense, which fine may be paid by waiver without court costs.
(Ord. 1988-63. Passed 8-10-88; Ord. 2000-83. Passed 8-9-00.)