



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 781
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

Helena Volzer, Attorney

SUMMARY

- Beginning January 1, 2023, prohibits the following:
 - Operating a motor vehicle that has a bed capable of being raised unless the vehicle is equipped with an automatic internal alarm that emits an audible sound when the bed is in a raised position;
 - A motor vehicle manufacturer from manufacturing or selling any motor vehicle in Ohio without such an alarm; and
 - Disabling the alarm, except for purposes of repair, maintenance, replacement, or other similar purpose.
- Specifies that a reckless violation of any of the prohibitions is a fourth degree felony and that the court must impose a \$10,000 fine on the offender (in addition to any other possible penalties).
- Names the bill the “Daniel Ripepi Act.”

DETAILED ANALYSIS

Raised truck beds

The bill creates three new criminal offenses related to an alarm that alerts a driver when a vehicle bed is in a raised position (e.g., on a dump truck). Specifically, beginning January 1, 2023, the bill prohibits all of the following:

- Operating a motor vehicle that has a bed capable of being raised unless the vehicle is equipped with an automatic internal alarm that emits an audible sound when the bed is in a raised position;
- As a motor vehicle manufacturer, manufacturing or selling any motor vehicle in Ohio without such an automatic internal alarm; and

- Disabling the alarm (except for purposes of repair, maintenance, replacement, or other similar purposes).¹

A reckless violation of any of the prohibitions is a felony of the fourth degree, punishable by a definite prison term between six and 18 months incarceration or community control sanctions as determined by the court.² The bill additionally requires a sentencing court to impose a fine of \$10,000.³

In Ohio, a person acts recklessly or is reckless with respect to the circumstances when they “disregard a substantial and unjustifiable risk that the person’s conduct is likely to cause a certain result or is likely to be of a certain nature” or when they “disregard a substantial and unjustifiable risk that such circumstances are likely to exist” and do so “with heedless indifference to the consequences.”⁴ A reckless mental state is a lesser degree of culpability than purposeful or knowingly. Thus, any purposeful or knowing violation is also punishable under the bill’s provisions.

Other considerations

The bill establishes higher standards for motor vehicle operation and manufacturing than what is currently required under federal law. The Occupational Safety and Health Administration (OSHA) and the National Highway Traffic Safety Administration (NHTSA) typically enforce regulations pertaining to certain aspects of vehicle operation and manufacturing. OSHA has specific regulations concerning the hydraulic lifts and supports for raised beds on trucks.⁵ The NHTSA requires that wheelchair lifts on school busses be connected to an internal audible alarm or a visible flashing alarm to be activated if the door is not fully closed when the vehicle ignition is activated.⁶ However, neither agency requires any sort of alarm indicating that the bed of a motor vehicle is being raised. Thus, it appears that the enforcement of the new offenses created by the bill would be conducted by local law enforcement.

The bill is named after Daniel Ripepi, a Cleveland resident. Mr. Ripepi passed away on September 24, 2020, when a highway sign fell onto his car after it was struck by a dump truck. The truck was driving with the bed fully raised, which hit the sign above the road and caused it to collapse.⁷

¹ R.C. 4513.21(B).

² R.C. 2929.14(A)(4), not in the bill.

³ R.C. 4513.21(C).

⁴ R.C. 2901.22(C), not in the bill.

⁵ 29 Code of Federal Regulations (C.F.R.) 1926.

⁶ 49 C.F.R. § 571.206.

⁷ See “City of Cleveland expresses condolences for Daniel Ripepi, killed in Interstate 480 accident” at <https://www.cleveland.com/metro/2020/09/city-of-cleveland-saddened-by-passing-of-daniel-ripepi-says-a-ripepi-sons-funerals-homes-a-well-respected-business-in-northeast-ohio.html> (last visited November 4, 2020).

HISTORY

Action	Date
Introduced	10-26-20