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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 82  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Click and Johnson

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### SUMMARY

#### Traffic offenses in construction zones

- Imposes additional penalties on a person who commits specified traffic offenses in a construction zone, as follows:
  - First time offender: completion of a driving safety course, developed by the Director of Public Safety, within 30 days of the conviction for the underlying offense;
  - Second time offender within five years: completion of the driving safety course and subject to a 90-day driver's license suspension; and
  - Third time or more offender within five years: completion of the driving safety course and subject to a one-year driver's license suspension.
- Imposes an additional \$400 fine on an offender who does not complete the driving safety course within the required 30 days.
- Authorizes a law enforcement agency to investigate any report of a violation that occurs in a construction zone.
- Creates parameters for signage, construction worker presence, speed monitoring devices, and video cameras in construction zones for enforcement of the bill's provisions.

#### Distracted driving offenses

- Adds the following offenses to the Distracted Driving Law:
  - Failure to reasonably control a motor vehicle, trackless trolley, streetcar, agricultural tractor, or farm machinery; and
  - Knowingly causing harm to traffic control devices, freshly applied pavement markings, or manhole covers.

- Thus, imposes an additional fine of up to \$100 on an offender if the offender commits those offenses while distracted and the distracting activity was a contributing factor to the offense.

### **Reckless driving offenses**

- Increases the penalty for reckless operation of a vehicle from a minor misdemeanor to a first degree misdemeanor if the offense occurs in a construction zone.

### **ODOT's use of video cameras**

- Allows the Department of Transportation (ODOT) to install video cameras in a construction zone to monitor and record the flow of traffic.
- Requires ODOT to allow a law enforcement agency investigating a possible traffic violation in a construction zone to obtain a copy of any video or image captured by the video camera at the time of the alleged violation.
- Allows ODOT to cooperate with a local jurisdiction, at the request of that local jurisdiction, to assist in installing video cameras in a construction zone.

### **Speed monitoring devices used by private contractors**

- Allows a private contractor performing construction to install speed monitoring devices in a construction zone after consultation with the Department of Transportation or the applicable local authority.

### **Work zone safety instruction in driver's education**

- Requires the rules adopted by the Director of Public Safety governing classroom and online driver education courses to include instruction on the dangers of and requirements related to driving a motor vehicle in a construction zone.

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## **DETAILED ANALYSIS**

### **Traffic offenses in a construction zone**

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

- For a first offense, mandatory completion of a driving safety course within 30 days after the conviction;
- For a second offense within five years, a 90-day driver's license suspension and mandatory completion of a driving safety course within 30 days after the conviction; and

- For a third or subsequent offense within five years, a one-year driver's license suspension and mandatory completion of a safe driving course within 30 days after the conviction.<sup>1</sup>

If an offender fails to complete the mandatory driving safety course within the required 30 days, the court must impose an additional fine of \$400. The driving safety courses required by the bill must be approved by the Department of Public Safety (DPS) Director and listed on DPS's website.<sup>2</sup>

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

1. Signs are erected as required under current law; and
2. The underlying violation occurs when a construction worker *is present in the construction zone* (regardless of the time of actual work within the construction zone).<sup>3</sup>

### **Law enforcement investigation**

The bill allows a law enforcement agency that receives a report that a general traffic violation has occurred in a construction zone to conduct an investigation to attempt to determine or confirm the following:

- The license plate number, the color, and the make and model of the vehicle used in the alleged violation;
- The date, approximate time, and location of the alleged violation; and
- The identity of the operator of the vehicle at the time of the alleged violation.

The law enforcement agency may request and use any sufficiently clear image or video captured by a video camera installed in accordance with the bill's provisions (see below) to determine or confirm the information obtained from the investigation. Any images or video obtained by a law enforcement agency is prima facie evidence and is admissible in a criminal or traffic prosecution.<sup>4</sup>

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<sup>1</sup> R.C. 4511.993(B).

<sup>2</sup> R.C. 4511.993(D) and (E).

<sup>3</sup> R.C. 4511.993(C).

<sup>4</sup> R.C. 4511.993(F).

## **Distracted driving offenses**

The bill adds the following offenses to the Distracted Driving Law:

1. Failure to reasonably control a motor vehicle, trackless trolley, streetcar, agricultural tractor, or farm machinery; and
2. Knowingly causing harm to traffic control devices, freshly applied pavement markings, or manhole covers.

Thus, the bill imposes an additional fine of up to \$100 on an offender if the offender commits those offenses while distracted and the distracting activity was a contributing factor to the offense.<sup>5</sup>

## **Reckless operation**

The bill increases the penalty for a person who commits a reckless operation offense in a construction zone by making it a first degree misdemeanor. Under current law, the base penalty for the offense is a minor misdemeanor.<sup>6</sup>

## **ODOT's use of video cameras**

The bill allows the Department of Transportation (ODOT) to install video cameras in a construction zone to monitor and record the flow of traffic. The bill also allows ODOT to cooperate with a local jurisdiction, at the request of that local jurisdiction, to assist the local jurisdiction with installing video cameras in a construction zone. ODOT must allow a law enforcement agency investigating a possible traffic violation in a construction zone to obtain a copy of any video or image captured by the video camera at the time of the alleged violation.<sup>7</sup>

## **Speed monitoring devices used by private contractors**

The bill allows a private contractor that performs construction work in a construction zone to install speed monitoring devices that conform to the Department's Manual of Uniform Traffic Control Devices. However, the private contractor must first consult with ODOT or the local authority with jurisdiction over the construction zone prior to installation. Speed monitoring devices are stationary machines placed near the roadway that display the speed of passing traffic and typically include flashing lights. These devices are not used by law enforcement when issuing traffic citations.<sup>8</sup>

## **Work zone safety instruction in driver's education**

The bill requires rules adopted by the Director of Public Safety governing classroom and online driver education courses to include instruction on the dangers of and requirements related to driving a motor vehicle in a construction zone. Current law requires a person who is under the

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<sup>5</sup> R.C. 4511.17(B).

<sup>6</sup> R.C. 4511.20.

<sup>7</sup> R.C. 5517.07(B).

<sup>8</sup> R.C. 5517.07(A)(2).

age of 18 to complete either classroom or online driver education courses to be eligible for a driver's license.<sup>9</sup>

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## HISTORY

Action	Date
Introduced	02-11-25

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<sup>9</sup> R.C. 4508.02(C)(3).

## APPENDIX A

General Traffic Offenses	
Description	Citation
Proceeding through red light or stop sign when driving an emergency or public safety vehicle	R.C. 4511.03
Disobeying a traffic control device	R.C. 4511.12
Failing to comply with the requirements for proceeding through an intersection with a malfunctioning traffic control signal	R.C. 4511.132
Tampering with traffic control devices	R.C. 4511.17
Reckless operation	R.C. 4511.20
Operating a vehicle without reasonable control	R.C. 4511.202
Reasonable control of a vehicle	R.C. 4511.204
Use of EWCD while driving by a person under 18	R.C. 4511.205
Speeding	R.C. 4511.21
Speeding on a private road or driveway	R.C. 4511.211
Failing to comply with requirements for passing certain stationary vehicles that are displaying flashing, oscillating, or rotating lights	R.C. 4511.213
Operating a vehicle at an unreasonably slow speed	R.C. 4511.22
Operating a vehicle on an elevated structure (e.g., a bridge) at a speed greater than the posted maximum speed	R.C. 4511.23
Operating a vehicle on the wrong side of the road, unless an exception applies	R.C. 4511.25
Street racing	R.C. 4511.251
Failing to give half of the roadway to a vehicle proceeding in the opposite direction	R.C. 4511.26
Violating the requirements for passing a vehicle proceeding in the same direction	R.C. 4511.27, 4511.28, and 4511.29

General Traffic Offenses	
Description	Citation
Driving left-of-center where prohibited	R.C. 4511.30 and 4511.31
Driving the wrong direction on a one-way road or through a rotary traffic island	R.C. 4511.32
Failing to comply with lane requirements	R.C. 4511.33
Following another vehicle more closely than is reasonable, or violating a specified requirement for following another vehicle	R.C. 4511.34
On a divided highway, operating a vehicle other than on the right side or operating over, across, or within the dividing space	R.C. 4511.35
Failing to comply with the law governing turning at an intersection or any traffic control device that indicates how to turn at an intersection	R.C. 4511.36
Proceeding in the wrong direction, upon a curve or near the crest of a grade, if the vehicle cannot be seen within 500 feet by any driver	R.C. 4511.37
Starting a vehicle before movement may be made with reasonable safety; backing up either on a freeway or without exercising vigilance	R.C. 4511.38
Turning or changing lanes without exercising due care; failing to use a turn or stop signal	R.C. 4511.39
Failing to comply with the provisions of law governing vehicle right-of-way	R.C. 4511.41 and 4511.42
Failing to abide by a stop sign or yield sign	R.C. 4511.43
Failing to stop before crossing a sidewalk or entering a street from an alley, building, private road, or driveway	R.C. 4511.431
Failing to yield the right-of-way before entering or crossing a highway	R.C. 4511.44
Failing to yield the right-of-way to a pedestrian on a sidewalk	R.C. 4511.441
Failing to yield the right-of-way to a funeral procession, or failing to display a pennant while operating a vehicle in a funeral procession	R.C. 4511.451
Failing to yield the right-of-way to a pedestrian where the right-of-way is unclear	R.C. 4511.46

General Traffic Offenses	
Description	Citation
Failing to yield the right-of-way to a blind pedestrian who either is guided by a guide dog, or is carrying a predominately white or metallic cane	R.C. 4511.47
Permitting a person on a bicycle, coaster, roller skates, sled, or other toy vehicle to attach to a vehicle	R.C. 4511.54
Failing to comply with requirements for operating a vehicle near a streetcar	R.C. 4511.57, 4511.58, and 4511.59
Driving through a safety zone	R.C. 4511.60
Failing to stop for a railroad-grade crossing or failing to exercise due care before proceeding across such a grade crossing	R.C. 4511.61
Failing to comply with requirements for moving certain equipment with a low operating speed across a railroad-grade crossing	R.C. 4511.64
Driving upon, along, or across a highway that is closed and posted with appropriate signs	R.C. 4511.71
Driving a vehicle on a sidewalk	R.C. 4511.711
Obstructing an intersection, crosswalk, or railroad-grade crossing	R.C. 4511.712
Failing to comply with provisions for following a public safety or emergency vehicle or parking near a fire truck	R.C. 4511.72
Driving over an unprotected fire hose	R.C. 4511.73