



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 27
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

Helena Volzer, Attorney

SUMMARY

- Increases the criminal penalty for failing to secure a load on a vehicle from a standard minor misdemeanor with a fine of up to \$150 to the following:
 - If no physical harm is caused by the violation, a minor misdemeanor punishable by a \$500 fine; or
 - If physical harm to a person or property is caused by the violation, a third degree misdemeanor, punishable by a \$2,500 fine and any other penalty that may be imposed for a 3rd degree misdemeanor.

DETAILED ANALYSIS

Failure to secure a load on a moving vehicle

The bill increases the criminal penalty for failing to secure a load on a vehicle when driving or moving on any highway. Specifically, current law prohibits the following activities:

1. Driving or moving a vehicle 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. There is an exception for vehicles dropping substances to clean or maintain the roadway.¹
2. Driving or moving a vehicle loaded with waste-type material or material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle on any highway unless the load is covered with a sufficient cover to

¹ R.C. 4513.31(A).

prevent the load or any part of the load from spilling onto the highway. There is an exception for farm vehicles and garbage trucks.²

Current law provides that a violation of either prohibition is a minor misdemeanor, which is punishable by a fine of up to \$150.³

The bill increases the base penalty for failing to secure a load to a minor misdemeanor with a \$500 fine. And, if physical harm to a person or property is proximately caused by the violation, the offense is a 3rd degree misdemeanor.⁴ A 3rd degree misdemeanor is generally punishable by up to 60 days in jail and a fine of up to \$500.⁵ However, the bill specifies that the court must impose a \$2,500 fine in addition to any other penalty that may be imposed for the 3rd degree misdemeanor.⁶ The table below illustrates the criminal penalty changes.

Criminal penalties	
Current law	Bill
Minor misdemeanor punishable by up to a \$150 fine	<p>If no physical harm is caused to person or to property:</p> <ul style="list-style-type: none"> Minor misdemeanor punishable by a \$500 fine. <p>If physical harm is caused to person or to property:</p> <ul style="list-style-type: none"> 3rd degree misdemeanor punishable by a fine of \$2,500 and any other penalty that may be imposed, including a jail term of up to 60 days.

HISTORY

Action	Date
Introduced	02-03-21

H0027-I-134/ec

² R.C. 4513.31(B).

³ R.C. 4513.99 and 2929.28(A)(2), not in the bill.

⁴ R.C. 4513.31(C).

⁵ R.C. 2929.28 and 2929.24, not in the bill.

⁶ R.C. 4513.31(C)(2).