



# Ohio Legislative Service Commission

## Bill Analysis

Dennis M. Papp

### S.B. 39

131st General Assembly  
(As Introduced)

**Sens.** Beagle, LaRose, Bacon

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## BILL SUMMARY

- Increases the penalty for failing to yield the right-of-way to a pedestrian who is crossing a roadway within a crosswalk, in specified circumstances, when the crosswalk is located in a school zone.

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## CONTENT AND OPERATION

### Failure to yield to a pedestrian crossing a roadway within a crosswalk located in a school zone

The bill increases the penalty for failing to yield the right-of-way to a pedestrian who is crossing a roadway within a crosswalk, in circumstances specified under an existing failure-to-yield prohibition (see below), when the crosswalk is located in a "school zone" (see **COMMENT**). It adds a new provision that expressly prohibits conduct of that nature and links the increased penalty to that prohibition.

Under the bill, the penalty for failing to yield the right-of-way in the specified circumstances when the crosswalk is located in a school zone is a third degree misdemeanor. And if at the time of the offense, the offender was driving under a suspension imposed under any Revised Code provision, the court, in addition to any other sanctions it imposes, must impose a Class 7 suspension (six months) of the offender's driver's or commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege.<sup>1</sup>

Currently, the penalty for failing to yield the right-of-way in the specified circumstances, regardless of the location of the crosswalk, generally is a minor

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<sup>1</sup> R.C. 4511.46(E)(2).

misdemeanor, but it is a fourth degree misdemeanor if, within one year of the offense, the offender previously was convicted of one predicate motor vehicle or traffic offense, and it is a third degree misdemeanor if, within one year of the offense, the offender previously was convicted of two or more such predicate offenses. The bill retains this penalty for failing to yield the right-of-way in the specified circumstances when the crosswalk is located other than within a school zone.<sup>2</sup>

The bill restructures, but does not substantively change, the existing failure-to-yield prohibition. That law prohibits a driver of a vehicle, trackless trolley, or streetcar from failing to yield the right-of-way to a pedestrian, by slowing down or stopping if need be to so yield or if required by R.C. 4511.132, if traffic control signals are not in place, not in operation, or not clearly assigning the right-of-way, and if the pedestrian is crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or is approaching so closely from the opposite half of the roadway so as to be in danger. The prohibition does not apply with respect to a pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing is provided – a pedestrian in those circumstances must yield the right-of-way to traffic upon the roadway. The failure-to-yield prohibition that the bill adds expressly prohibits a driver of a vehicle, trackless trolley, or streetcar from failing to comply with the existing failure to yield provision section if the crosswalk is located within a school zone.<sup>3</sup>

The bill specifies that the existing failure-to-yield prohibition it restructures, the failure-to-yield prohibition it adds, an existing prohibition it does not change that prohibits a pedestrian from suddenly leaving a curb or other place of safety and walking or running into the path of a vehicle, trackless trolley, or streetcar in specified circumstances, and an existing prohibition it does not change that prohibits the driver of a vehicle, trackless trolley, or streetcar from overtaking and passing a stopped vehicle in specified circumstances are strict liability offenses and that R.C. 2901.20 does not apply.<sup>4</sup> R.C. 2901.20, not in the bill, requires that all new criminal offenses enacted on or after March 23, 2015, specify a culpable mental state for the offense – those that do not are declared to be void.

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<sup>2</sup> R.C. 4511.46(E)(1).

<sup>3</sup> R.C. 4511.46(A)(1) and (2) and, by reference, R.C. 4511.48(B), which is not in the bill.

<sup>4</sup> R.C. 4511.46(F); the referenced existing pedestrian and passing prohibitions are located in R.C. 4511.46(B) and (D).

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## COMMENT

The bill does not define the term "school zone" as used in its provisions, and no other Revised Code section defines the term for application in R.C. 4511.46.

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## HISTORY

ACTION	DATE
Introduced	02-09-15

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