

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 27

Representative Patton

Cosponsors: Representatives Leland, Carruthers, Davis, Grendell, Lanese

A BILL

To amend sections 4513.31 and 4513.99 of the
Revised Code to increase the criminal penalties
associated with failing to secure a load on a
vehicle.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4513.31 and 4513.99 of the
Revised Code be amended to read as follows:

Sec. 4513.31. (A) ~~No vehicle shall be driven or moved on
any highway unless the vehicle is so constructed, loaded, or
covered as to prevent~~ (1) Except as otherwise provided in
divisions (A) (2) and (D) of this section, no person operating a
vehicle shall negligently fail to prevent any of its load from
dropping, sifting, leaking, or otherwise escaping therefrom,
except that sand on or in the vehicle to drop, sift, leak, or
otherwise escape onto any highway.

(2) Division (A) (1) of this section does not apply to a
person moving or driving a vehicle that is dropping or
sprinkling either of the following on the highway:

(a) Sand or other substance may be dropped for the purpose

of securing traction, ~~or water;~~ 19

(b) Water or other substance may be sprinkled on a roadway 20
in for the purpose of cleaning or maintaining the 21
roadwayhighway. 22

(B) (1) Except for a farm vehicle used to transport 23
agricultural produce or agricultural production materials or a 24
rubbish vehicle in the process of acquiring its loadas otherwise 25
provided in division (B) (3) of this section, no person shall 26
negligently fail to cover a vehicle loaded with any material 27
described in division (B) (2) of this section so as to prevent 28
the load or any part of the load from spilling onto a highway 29
when the vehicle is driven or moved by the person on the 30
highway. 31

(2) Division (B) (1) of this section applies when the 32
vehicle is loaded with garbage, swill, cans, bottles, waste 33
paper, ashes, refuse, trash, rubbish, waste, wire, paper, 34
cartons, boxes, glass, solid waste, or any other material of an 35
unsanitary nature that is susceptible to blowing or bouncing 36
from a moving vehicle shall be driven or moved on any highway 37
unless the load is covered with a sufficient cover to prevent 38
the load or any part of the load from spilling onto the highway. 39

(3) Division (B) (1) of this section does not apply to a 40
person moving or driving any of the following vehicles on any 41
highway: 42

(a) A farm vehicle used to transport agricultural produce 43
or agricultural production materials; 44

(b) A rubbish vehicle in the process of acquiring its 45
load. 46

(C) ~~Whoever~~ (1) Except as provided in divisions (C) (2) and 47

(D) of this section, whoever violates this section shall be- 48
punished as provided in section 4513.99 of the Revised Code is 49
guilty of a minor misdemeanor. Notwithstanding the fine 50
specified in division (A) (2) (a) of section 2929.28 of the 51
Revised Code, the court shall impose upon the offender a fine of 52
five hundred dollars. 53

(2) Whoever violates this section and, as a proximate 54
result of the violation, causes physical harm to a person or 55
property is guilty of a third degree misdemeanor. 56
Notwithstanding the fine specified in division (A) (2) (a) of 57
section 2929.28 of the Revised Code, and in addition to any 58
other penalty that may be imposed, the court shall impose upon 59
the offender a fine of two thousand five hundred dollars. 60

(D) This section does not apply to a person operating a 61
commercial motor vehicle. As used in this section, "commercial 62
motor vehicle" has the same meaning as in 49 C.F.R. 390.5. 63

Sec. 4513.99. (A) Any violation of section 4513.10, 64
4513.182, 4513.20, 4513.201, 4513.202, 4513.25, 4513.26, 65
4513.27, 4513.29, 4513.30, ~~4513.31~~, 4513.32, or 4513.34 of the 66
Revised Code shall be punished under division (B) of this 67
section. 68

(B) Whoever violates the sections of this chapter that are 69
specifically required to be punished under this division, or any 70
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 71
of the Revised Code for which violation no penalty is otherwise 72
provided, is guilty of a minor misdemeanor. 73

Section 2. That existing sections 4513.31 and 4513.99 of 74
the Revised Code are hereby repealed. 75