

**As Recommended to Senate Criminal Justice Committee**

**131st General Assembly**

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**Sub. H. B. No. 110**

**Representative Hill**

**Cosponsors: Representatives Blessing, Brown, Rezabek, Rogers, Dever, Antonio, Baker, Boose, Buchy, Duffey, Green, Grossman, Hambley, Johnson, T., Kraus, Landis, Manning, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ruhl, Schaffer, Slaby, Smith, K., Stinziano, Young, Speaker Rosenberger**

**Senator Eklund**

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**A BILL**

To amend sections 4549.02 and 4549.021 and to enact 1  
section 4765.44 of the Revised Code to increase 2  
the penalty for failure to stop after a traffic 3  
accident that results in the death of a person 4  
or serious physical harm to a person, to name 5  
those penalty changes Brandon's Law, and to 6  
require emergency medical service personnel to 7  
report the administration of naloxone on request 8  
of a law enforcement agency. 9

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

**Section 1.** That sections 4549.02 and 4549.021 be amended 10  
and section 4765.44 of the Revised Code be enacted to read as 11  
follows: 12

**Sec. 4549.02.** (A) (1) In the case of a motor vehicle 13  
accident ~~to~~ or collision with persons or property ~~upon any of~~ 14  
~~the~~ on a public roads or highways, due to the driving or 15

~~operation thereon of any motor vehicle, the person driving or~~ 16  
~~operating road or highway, the operator of~~ the motor vehicle, 17  
having knowledge of the accident or collision, immediately shall 18  
stop the ~~driver's or operator's~~ motor vehicle at the scene of 19  
the accident or collision. The operator ~~and~~ shall remain at the 20  
scene of the accident or collision until the ~~driver or operator~~ 21  
has given the ~~driver's or operator's~~ name and address and, if 22  
the ~~driver or operator~~ is not the owner, the name and address of 23  
the owner of that motor vehicle, together with the registered 24  
number of that motor vehicle, to ~~any~~ all of the following: 25

(a) Any person injured in the accident or collision ~~or to~~ 26  
~~the;~~ 27

(b) The operator, occupant, owner, or attendant of any 28  
motor vehicle damaged in the accident or collision, ~~or to any;~~ 29

(c) The police officer at the scene of the accident or 30  
collision. 31

(2) In the event ~~the an~~ injured person is unable to 32  
comprehend and record the information required to be given ~~by~~ 33  
under division (A) (1) of this section, the other driver operator 34  
involved in the accident or collision ~~forthwith~~ shall notify the 35  
nearest police authority concerning the location of the accident 36  
or collision, and the ~~driver's operator's~~ name, address, and the 37  
registered number of the motor vehicle the ~~driver operator~~ was 38  
operating, ~~and then~~. The operator shall remain at the scene of 39  
the accident or collision until a police officer arrives, unless 40  
removed from the scene by an emergency vehicle operated by a 41  
political subdivision or an ambulance. 42

(3) If the accident or collision is with an unoccupied or 43  
unattended motor vehicle, the operator who collides with the 44

motor vehicle shall securely attach the information required to 45  
be given in this section, in writing, to a conspicuous place in 46  
or on the unoccupied or unattended motor vehicle. 47

(B) (1) Whoever violates division (A) of this section is 48  
guilty of failure to stop after an accident~~7~~. Except as 49  
otherwise provided in division (B) (2) or (3) of this section, 50  
failure to stop after an accident is a misdemeanor of the first 51  
degree. ~~If~~ 52

(2) If the accident or collision results in serious 53  
physical harm to a person, failure to stop after an accident is 54  
whichever of the following is applicable: 55

(a) Except as otherwise provided in division (B) (2) (b) of 56  
this section, a felony of the fifth degree; 57

(b) If the offender knew that the accident or collision 58  
resulted in serious physical harm to a person, a felony of the 59  
fourth degree. ~~If~~ 60

(3) If the accident or collision results in the death of a 61  
person, failure to stop after an accident is whichever of the 62  
following is applicable: 63

(a) Except as provided in division (B) (3) (b) of this 64  
section, a felony of the third degree; 65

(b) If the offender knew that the accident or collision 66  
resulted in the death of a person, a felony of the second 67  
degree. ~~The~~ 68

(4) In all cases, the court, in addition to any other 69  
penalties provided by law, shall impose upon the offender a 70  
class five suspension of the offender's driver's license, 71  
commercial driver's license, temporary instruction permit, 72

probationary license, or nonresident operating privilege from 73  
the range specified in division (A) (5) of section 4510.02 of the 74  
Revised Code. No judge shall suspend the first six months of 75  
suspension of an offender's license, permit, or privilege 76  
required by this division. 77

The offender shall provide the court with proof of 78  
financial responsibility as defined in section 4509.01 of the 79  
Revised Code. If the offender fails to provide that proof of 80  
financial responsibility, then, in addition to any other 81  
penalties provided by law, the court may order restitution 82  
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 83  
amount not exceeding five thousand dollars for any economic loss 84  
arising from an accident or collision that was the direct and 85  
proximate result of the offender's operation of the motor 86  
vehicle before, during, or after committing the offense charged 87  
under this section. 88

**Sec. 4549.021.** (A) (1) In the case of a motor vehicle 89  
accident or collision resulting in injury or damage to persons 90  
or property ~~upon~~ on any public or private property other than 91  
~~public roads or highways, due to the driving or operation~~ 92  
~~thereon of any motor vehicle, the person driving or operating a~~ 93  
public road or highway, the operator of the motor vehicle, 94  
having knowledge of the accident or collision, shall stop, ~~and,~~ 95  
~~upon~~ at the scene of the accident or collision. Upon request of 96  
~~the~~ any person who is injured or damaged, or any other person, 97  
the operator shall give that person the ~~driver's or operator's~~ 98  
name and address, and, if the ~~driver or operator~~ is not the 99  
owner, the name and address of the owner of that motor vehicle, 100  
together with the registered number of that motor vehicle, and, 101  
if available, exhibit the ~~driver's or operator's~~ driver's or 102  
commercial driver's license. 103

~~(2) If the owner or person in charge of the damaged~~ 104  
~~property is not furnished such information, the driver operator~~ 105  
of the motor vehicle involved in the accident or collision does 106  
not provide the information specified in division (A) (1) of this 107  
section, the operator shall give that information, within 108  
twenty-four hours after the accident or collision, ~~shall forward~~ 109  
to the police department of the city or village in which the 110  
accident or collision occurred, or if it occurred outside the 111  
corporate limits of a city or village, to the sheriff of the 112  
county in which the accident or collision occurred ~~the same~~ 113  
~~information required to be given to the owner or person in~~ 114  
~~control of the damaged property and give the date, time, and~~ 115  
~~location of the accident or collision.~~ 116

(3) If the accident or collision is with an unoccupied or 117  
unattended motor vehicle, the operator who collides with the 118  
motor vehicle shall securely attach the information required ~~to~~ 119  
~~be given in under division (A) (1) of this~~ section, in writing, 120  
to a conspicuous place in or on the unoccupied or unattended 121  
motor vehicle. 122

(B) (1) Whoever violates division (A) of this section is 123  
guilty of failure to stop after a nonpublic road accident, ~~7.~~ 124  
Except as otherwise provided in division (B) (2) or (3) of this 125  
section, failure to stop after a nonpublic road accident is a 126  
misdemeanor of the first degree. ~~If~~ 127

(2) If the accident or collision results in serious 128  
physical harm to a person, failure to stop after a nonpublic 129  
road accident is whichever of the following is applicable: 130

(a) Except as otherwise provided in division (B) (2) (b) of 131  
this section, a felony of the fifth degree; 132

(b) If the offender knew that the accident or collision 133  
resulted in serious physical harm to a person, a felony of the 134  
fourth degree. If- 135

(3) If the accident or collision results in the death of a 136  
person, failure to stop after a nonpublic road accident is 137  
whichever of the following is applicable: 138

(a) Except as provided in division (B)(3)(b) of this 139  
section, a felony of the third degree; 140

(b) If the offender knew that the accident or collision 141  
resulted in the death of a person, a felony of the second 142  
degree. The- 143

(4) In all cases, the court, in addition to any other 144  
penalties provided by law, shall impose upon the offender a 145  
class five suspension of the offender's driver's license, 146  
commercial driver's license, temporary instruction permit, 147  
probationary license, or nonresident operating privilege from 148  
the range specified in division (A)(5) of section 4510.02 of the 149  
Revised Code. No judge shall suspend the first six months of 150  
suspension of an offender's license, permit, or privilege 151  
required by this division. 152

The offender shall provide the court with proof of 153  
financial responsibility as defined in section 4509.01 of the 154  
Revised Code. If the offender fails to provide that proof of 155  
financial responsibility, then, in addition to any other 156  
penalties provided by law, the court may order restitution 157  
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 158  
amount not exceeding five thousand dollars for any economic loss 159  
arising from an accident or collision that was the direct and 160  
proximate result of the offender's operation of the motor 161

vehicle before, during, or after committing the offense charged 162  
under this section. 163

Sec. 4765.44. (A) As used in this section, "law 164  
enforcement agency" has the same meaning as in section 2925.61 165  
of the Revised Code. 166

(B) Upon request of a law enforcement agency, emergency 167  
medical service personnel and any firefighter or volunteer 168  
firefighter acting within the course of the firefighting 169  
profession shall disclose the name and address, if known, of an 170  
individual to whom the emergency medical services personnel, 171  
firefighter, or volunteer firefighter administered naloxone due 172  
to an actual or suspected drug overdose, unless the emergency 173  
medical services personnel, firefighter, or volunteer 174  
firefighter reasonably believes that the law enforcement agency 175  
making the request does not have jurisdiction over the place 176  
where the naloxone was administered. 177

**Section 2.** That existing sections 4549.02 and 4549.021 of 178  
the Revised Code are hereby repealed. 179

**Section 3.** The amendments to sections 4549.02 and 4549.021 180  
of the Revised Code made in this act shall be known as Brandon's 181  
Law. 182