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**CODIFIED ORDINANCES OF MAGNETIC SPRINGS**

**PART THREE - TRAFFIC CODE**

**PART FIVE - GENERAL OFFENSES CODE**

**Complete to February 1, 1992**

**CODIFIED ORDINANCES OF MAGNETIC SPRINGS**

**PART THREE - TRAFFIC CODE**

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## PART THREE - TRAFFIC CODE

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CHAPTER 301  
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**301.06 BUSINESS DISTRICT.**  
"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.  
(ORC 4511.01(NN))

**301.07 COMMERCIAL TRACTOR.**  
"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

**301.08 CONTROLLED-ACCESS HIGHWAY.**  
"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.  
(ORC 4511.01(CC))

**301.09 CROSSWALK.**

"Crosswalk" means:  
(a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;  
(b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;  
(c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.  
(ORC 4511.01(LL))

**301.10 DRIVER OR OPERATOR.**

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

**301.11 EMERGENCY VEHICLE.**

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Highway Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

- (b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (c) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.
- (ORC 4511.01(KK))

### 301.18 LANED STREET OR HIGHWAY.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(ORC 4511.01(GG))

### 301.19 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter" or "motorcycle" without regard to weight or brake horsepower.

(ORC 4511.01(C))

### 301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products.

(ORC 4511.01(B))

### 301.21 PARK OR PARKING.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

### 301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (ORC 4511.01(X))

### 301.23 PERSON.

"Person" means every natural person, firm, copartnership, association or corporation. (ORC 4511.01(W))

### 301.29 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (ORC 4511.01(SS))

### 301.30 RAILROAD TRAIN.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

### 301.31 RESIDENCE DISTRICT.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business. (ORC 4511.01(OO))

### 301.32 RIGHT OF WAY.

"Right of way" means either of the following, as the context requires:

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another vehicle or pedestrian approaching from a different direction into its or his path;
- (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

### 301.33 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

### 301.34 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(MM))

### 301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function. (ORC 4511.01(F))

**301.45 TRAFFIC.** "Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any street or highway for purposes of travel. (ORC 4511.01(TT))

**301.46 TRAFFIC CONTROL DEVICES.** "Traffic control devices" means all flaggers, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways. (ORC 4511.01(QQ))

**301.47 TRAFFIC CONTROL SIGNAL.** "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction. (ORC 4511.01(RR))

**301.48 TRAILER.** "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed greater than twenty-five miles per hour. (ORC 4511.01(M))

**301.49 TRUCK.** "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

**301.50 URBAN DISTRICT.** "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PF))

**301.51 VEHICLE.** "Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. (ORC 4511.01(A))

**301.52 WHEELCHAIR, MOTORIZED.** "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. (ORC 4511.01(EE))

# CHAPTER 303 Enforcement, Impounding and Penalty

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| 303.01 | Compliance with lawful order of police officer; fleeing.     | 303.081 | Impounding vehicles on private residential or agricultural property.                              |
| 303.02 | Traffic direction in emergencies; obedience to school guard. | 303.082 | Private tow-away zones.                                                                           |
| 303.03 | Officer may remove ignition key.                             | 303.083 | Release of vehicle; records; charges.                                                             |
| 303.04 | Road workers, motor vehicles and equipment excepted.         | 303.09  | Leaving junk and other vehicles on private or public property without permission or notification. |
| 303.05 | Application to persons riding, driving animals upon roadway. | 303.10  | Leaving junk vehicles on private property with permission of owner.                               |
| 303.06 | Freeway use prohibited by pedestrians, bicycles and animals. | 303.11  | Providing false information to police officer.                                                    |
| 303.07 | Application to drivers of government vehicles.               | 303.99  | General Traffic Code penalties.                                                                   |
| 303.08 | Impounding of vehicles; redemption.                          |         |                                                                                                   |

## CROSS REFERENCES

See sectional histories for similar State law  
Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62  
et seq.  
Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.  
Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34  
State point system suspension - see Ohio R.C. 4507.40  
Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06  
Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13  
Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15  
Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

## 303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.  
(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring his motor vehicle to a stop. (ORC 2921.331)  
(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)



**303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND****ANIMALS.**

No person, unless otherwise directed by a police officer, shall:

- (a) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (b) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(ORC 4511.051)

**303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.**

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

**303.08 IMPOUNDING OF VEHICLES; REDEMPTION.**

- (a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.

**303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR****AGRICULTURAL PROPERTY.**

(a) The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Chief of Police. When ordering a motor vehicle into storage pursuant to subsection (a) hereof, the Chief of Police shall, whenever possible, arrange for the removal of such motor vehicle by a private tow truck operator or towing company. Subject to Section 303.083(a), the owner of a motor vehicle that has been removed pursuant to subsection (a) hereof may recover the vehicle only in accordance with Section 303.083(c).

(b) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.

(c) As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(d) Any person who registers a complaint that is the basis of a Police Chief's order for the removal and storage of a motor vehicle under this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies himself as the owner or operator of the motor vehicle and requests information pertaining to its location. (ORC 4513.60)

**303.082 PRIVATE TOW-AWAY ZONES.**

(a) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

(1) The owner posts on his property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property and that contains at least all of the following information:

(f) No person shall remove or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section other than in accordance with subsection (b) hereof. (ORC 4513.60)

### 303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

(a) Release Prior to Removal. If the owner or operator of a motor vehicle that has been ordered into storage pursuant to Section 303.081 or of a vehicle that is being removed under authority of Section 303.082 arrives after the motor vehicle or vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of motor vehicles under Section 303.081 or of vehicles under Section 303.082 whichever is applicable, that normally is assessed by the person who has prepared the motor vehicle or vehicle for removal, in order to obtain release of the motor vehicle or vehicle. Upon payment of that fee, the motor vehicle or vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

- (1) If the motor vehicle was ordered into storage pursuant to Section 303.081, it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;
- (2) If the vehicle was being removed under authority of Section 303.082, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(b) Records. The Chief of Police shall maintain a record of motor vehicles that he orders into storage pursuant to Section 303.081 and of vehicles removed from private property in his jurisdiction that is established as a private tow-away zone of which he has received notice under Section 303.082. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies himself as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.

(c) Removal and Storage Charges. The owner of a motor vehicle that is ordered into storage pursuant to Section 303.081 or of a vehicle that is removed under authority of Section 303.082 may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed seventy dollars (\$70.00), and storage, in an amount not to exceed eight dollars (\$8.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred dollars (\$100.00), and the storage charge shall not exceed twelve dollars (\$12.00) per twenty-four-hour period, if the vehicle has a laden gross vehicle weight in excess of 15,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle or vehicle shall also be required for reclamation of the vehicle. If a motor vehicle that is ordered into storage pursuant to Section 303.081 remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply. (ORC 4513.60)

**303.11 PROVIDING FALSE INFORMATION TO POLICE OFFICER.**  
 No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.  
 (ORC 4513.361)

**303.99 GENERAL TRAFFIC CODE PENALTIES.**

(a) Misdemeanor Classifications.  
 (1) General classification. Whoever violates any provision of this Traffic Code, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree.  
 (ORC 4511.99, 4513.99)

(2) Compliance with order of police officer: fleeing. Whoever violates Section 303.01 is guilty of failure to comply with an order or signal of a police officer. A violation of Section 303.01(a) is a misdemeanor of the first degree. A violation of Section 303.01(b) is a misdemeanor of the first degree, unless the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:  
 A. In committing the offense, the offender was fleeing immediately after the commission of a felony;  
 B. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;  
 C. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.  
 (ORC 2921.331)

(3) Junk motor vehicles. Whoever violates Section 303.09 is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such junk motor vehicle, less any money accruing to the Municipality from such disposal.  
 (4) Providing false information. Whoever violates Section 303.11 is guilty of a misdemeanor of the first degree.  
 (ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

| Classification of Misdemeanor | Maximum Term of Imprisonment | Maximum Fine |
|-------------------------------|------------------------------|--------------|
| First degree                  | 6 months                     | \$1,000.00   |
| Second degree                 | 90 days                      | 750.00       |
| Third degree                  | 60 days                      | 500.00       |
| Fourth degree                 | 30 days                      | 250.00       |
| Minor (ORC 2929.21)           | No imprisonment              | 100.00       |

# CHAPTER 305 Traffic Control

|        |                                                    |        |                                                                                            |
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| 305.01 | Authority to regulate local traffic.               | 305.04 | Violations subject to misdemeanor classification.                                          |
| 305.02 | Conformity with State manual.                      | 305.05 | Owner may establish non-liability for local traffic offenses by proof of lease of vehicle. |
| 305.03 | Permit required for traffic signal on State route. |        |                                                                                            |

## CROSS REFERENCES

See sectional history for similar State law  
 Power to designate highway as included in a freeway, expressway or thruway - see Ohio R.C. 4511.011  
 Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)  
 Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11  
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(A), 4511.23  
 Power to erect stop signs at grade crossings - see Ohio R.C. 4511.61  
 Designation of through streets and erection of stop or yield signs - see Ohio R.C. 4511.65; TRAF. 313.02  
 Traffic control devices defined - see TRAF. 301.46

## 305.01 AUTHORITY TO REGULATE LOCAL TRAFFIC.

The provisions of the State Traffic Code as contained in Ohio R.C. Chapters 4511 and 4513 do not prevent the Municipality from enacting local traffic regulations covering the following activities with respect to the streets and highways under local jurisdiction and within the reasonable exercise of the police power by the Municipality:

- Regulating the stopping, standing or parking of vehicles;
- Regulating traffic by means of police officers or traffic control devices;
- Regulating or prohibiting processions or assemblages on streets or highways;
- Designating particular streets as one-way streets and requiring that all vehicles on the one-way streets be moved in one specific direction;
- Regulating the speed of vehicles in public parks;
- Designating any street or highway as a through street or highway and requiring that all vehicles stop before entering or crossing a through street or highway, or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection;

TITLE THREE - Streets and Traffic Control Devices  
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CHAPTER 311  
Street Obstructions and Special Uses

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| 311.01 | Placing injurious material | 311.03 | Toy vehicles on streets. |
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CROSS REFERENCES

See sectional history for similar State law  
Power to regulate processions or assemblages - see Ohio R.C.  
4511.07(C)  
Dropping, sifting and leaking loads - see TRAF. 339.08

311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN  
STREET.

- (a) No person shall place or knowingly drop upon any part of a street, highway or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such street, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.
- (b) Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.
- (c) Any person authorized to remove a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.
- (d) No person shall place any obstruction in or upon a street without proper authority.

## CHAPTER 313 Traffic Control Devices

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| 313.01 | Obedience to traffic control devices.               | 313.07 | Unauthorized signs and signals, hiding from view, advertising.            |
| 313.02 | Through streets; stop and yield right-of-way signs. | 313.08 | Alteration, injury, removal of traffic control devices.                   |
| 313.03 | Traffic control signal terms and lights.            | 313.09 | Driver's duties upon approaching ambiguous or non-working traffic signal. |
| 313.04 | Lane-use control signals over individual lanes.     | 313.10 | Unlawful purchase, possession or sale.                                    |
| 313.05 | Pedestrian control signals.                         | 313.99 | Penalty.                                                                  |
| 313.06 | Flashing traffic signals.                           |        |                                                                           |

### CROSS REFERENCES

See sectional histories for similar State law  
 Designation of through streets or stop intersections - see  
 Ohio R.C. 4511.07(F), 4511.65  
 Uniform system of traffic control devices - see Ohio R.C. 4511.09,  
 4511.11(D)  
 Placing and maintaining local traffic control devices - see Ohio  
 R.C. 4511.10, 4511.11  
 Traffic control devices defined - TRAF. 301.46

### 313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.  
 No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place. (ORC 4511.12)

### 313.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(a) All State routes are hereby designated as through streets or highways, provided that stop signs, yield signs or traffic control signals shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more State routes that are through streets or highways intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation, except as otherwise provided in this section.

- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady Yellow Indication:
- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Steady Red Indication:
- (1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsections (c)(2) and (3) hereof.
- (2) Unless a sign is in place prohibiting a right turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (c)(1) hereof. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless a sign is in place prohibiting a left turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal on a one-way street that intersects another one-way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one-way street after stopping as required by subsection (c)(1) hereof, and yielding the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.



**313.06 FLASHING TRAFFIC SIGNALS.**

Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic signal it shall require obedience as follows:

- (a) Flashing Red Stop Signal: Operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (b) Flashing Yellow Caution Signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. 4511.61 and 4511.62. (ORC 4511.15)

**313.07 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.**

- (a) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices, or the erection upon private property of traffic control devices by the owner of real property in accordance with Ohio R.C. 4511.211 and 4511.432.

- (b) Every such prohibited sign, signal, marking or device is a public nuisance, and the Police Chief is authorized to remove it or cause it to be removed. (ORC 4511.16)

**313.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.**

No person without lawful authority, shall do any of the following:

- (a) Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;
- (b) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;
- (c) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover. (ORC 4511.17)

**313.99 PENALTY.**

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)  
 Except as otherwise provided in this section, whoever violates Section 313.08(a) or (c) or 313.10 is guilty of a misdemeanor of the third degree. If a violation of Section 313.08(a) or (c) creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. A violation of Section 313.08(a) or (c) that causes serious physical harm to property that is owned, leased or controlled by a State or local authority is a felony of the fourth degree and shall be prosecuted under appropriate State law.  
 (ORC 4511.99)

## TITLE FIVE - Vehicles

Chap. 331. Operation Generally.  
 Chap. 333. DUI; Willful Misconduct; Speed.  
 Chap. 335. Licensing; Accidents.  
 Chap. 337. Safety and Equipment.  
 Chap. 339. Commercial and Heavy Vehicles.  
 Chap. 341. Drivers of Commercial Cars or Tractors.

# CHAPTER 331

## Operation Generally

|        |                                                               |        |                                                                           |
|--------|---------------------------------------------------------------|--------|---------------------------------------------------------------------------|
| 331.01 | Driving upon right side of roadway; exceptions.               | 331.22 | Driving onto roadway from place other than roadway: duty to yield.        |
| 331.02 | Passing to right when proceeding in opposite directions.      | 331.23 | Driving onto roadway from place other than roadway: stopping at sidewalk. |
| 331.03 | Overtaking, passing to left; driver's duties.                 | 331.24 | Right of way of funeral procession.                                       |
| 331.04 | Overtaking and passing upon right.                            | 331.25 | Driver's view and control to be unobstructed by load or persons.          |
| 331.05 | Overtaking, passing to left of center.                        | 331.26 | Driving upon street posted as closed for repair.                          |
| 331.06 | Additional restrictions on driving upon left side of roadway. | 331.27 | Following and parking near emergency or safety vehicles.                  |
| 331.07 | Hazardous or no passing zones.                                | 331.28 | Driving over fire hose.                                                   |
| 331.08 | Driving in marked lanes or continuous lines of traffic.       | 331.29 | Driving through safety zone.                                              |
| 331.09 | Following too closely.                                        | 331.30 | One-way streets and rotary traffic islands.                               |
| 331.10 | Turning at intersections.                                     | 331.31 | Driving upon divided roadways.                                            |
| 331.11 | Turning into private drive-way, alley or building.            | 331.32 | Entering and exiting controlled-access highway.                           |
| 331.12 | "U" turns restricted.                                         | 331.33 | Obstructing intersection, crosswalk or grade crossing.                    |
| 331.13 | Starting and backing vehicles.                                | 331.34 | Failure to control; weaving; full time and attention.                     |
| 331.14 | Signals before changing course, turning or stopping.          | 331.35 | Occupying a moving trailer or manufactured home.                          |
| 331.15 | Hand and arm signals.                                         | 331.36 | Squealing tires, "peeling", cracking exhaust noises.                      |
| 331.16 | Right of way at intersections.                                | 331.37 | Driving upon sidewalks, street lawns or curbs.                            |
| 331.17 | Right of way when turning left.                               |        |                                                                           |
| 331.18 | Operation of vehicle at yield signs.                          |        |                                                                           |
| 331.19 | Operation of vehicle at stop signs.                           |        |                                                                           |
| 331.20 | Emergency or public safety vehicles at stop signals or signs. |        |                                                                           |
| 331.21 | Right of way of public safety vehicle.                        |        |                                                                           |

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a) (2) hereof.

Subsection (c) hereof shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(ORC 4511.25)

### 331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(ORC 4511.26)

### 331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

- (a) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (c) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
  - (b) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and he shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
  - (c) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.
- (ORC 4511.27)

### 331.04 OVERTAKING AND PASSING UPON RIGHT.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - (1) When the vehicle overtaken is making or about to make a left turn;
  - (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway. (ORC 4511.28)

### 331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

- (a) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
- (c) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.
- (d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (ORC 4511.33)

### 331.09 FOLLOWING TOO CLOSELY.

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the street. (ORC 4511.34)

### 331.10 TURNING AT INTERSECTIONS.

The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

- (a) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

**331.13 STARTING AND BACKING VEHICLES.**

No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle. (ORC 4511.38)

**331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.**

No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (ORC 4511.39)

**331.15 HAND AND ARM SIGNALS.**

All signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left turn: Hand and arm extended horizontally;

(b) Right turn: Hand and arm extended upward;

(c) Stop or decrease speed: Hand and arm extended downward.

(ORC 4511.40)

**331.21 RIGHT OF WAY OF PUBLIC SAFETY VEHICLE.**

Upon the approach of a public safety vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way, immediately drive to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in such position until the public safety vehicle has passed, except when otherwise directed by a police officer.

This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the street. (ORC 4511.45)

**331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.**

Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed. (ORC 4511.44)

**331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.**

Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (ORC 4511.431)

**331.24 RIGHT OF WAY OF FUNERAL PROCESSION.**

As used in this section "funeral procession" means two or more vehicles accompanying the body of a deceased person in the daytime when each of such vehicles has its headlights lighted and is displaying a purple and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

**331.31 DRIVING UPON DIVIDED ROADWAYS.**

Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer. (ORC 4511.35)

**331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.**

No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

**331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.**

No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed. (ORC 4511.712)

**331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.**

(a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

**331.35 OCCUPYING A MOVING TRAILER OR MANUFACTURED HOME.**

No person shall occupy any travel trailer or nonself-propelled manufactured home while it is being used as a conveyance upon a street or highway. (ORC 4511.701)

**331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.**

No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

**331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.**

(a) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)



(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children or persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities on their residence side of the highway.

(e) No school bus driver shall start his bus until after any child or person attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities who may have alighted therefrom has reached a place of safety on his residence side of the road. (ORC 4511.75)

### 331.39 DRIVING ACROSS GRADE CROSSING.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, he shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
- (2) A crossing gate is lowered;
- (3) A human flagman gives or continues to give a signal of the approach or passage of a train;
- (4) A train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the train, by reason of its speed or nearness to the crossing, is an immediate hazard;
- (5) An approaching train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. (ORC 4511.62)

### 331.40 STOPPING AT GRADE CROSSING.

(a) The operator of any motor vehicle carrying passengers for hire, or of any school bus, or of any vehicle carrying explosives or flammable liquids as a cargo, or such part of a cargo as to constitute a hazard, before crossing at grade any track of a railroad, shall stop such vehicle, and while so stopped he shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section and upon proceeding, the operator of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the operator shall not shift gears while crossing the tracks.

This subsection (a) does not apply at street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the Ohio Public Utilities Commission has authorized and approved the crossing of such tracks without making the stop required by this subsection (a). (ORC 4511.63)

CHAPTER 333  
DUI; Willful Misconduct; Speed

|        |                                                                  |        |                                                            |
|--------|------------------------------------------------------------------|--------|------------------------------------------------------------|
| 333.01 | Driving or physical control while under the influence; evidence. | 333.05 | Speed limitations over bridges.                            |
| 333.02 | Operation in willful or wanton disregard of safety.              | 333.06 | Speed exceptions for emergency or safety vehicles.         |
| 333.03 | Maximum speed limits; assured clear distance ahead.              | 333.07 | Drag racing prohibited.                                    |
| 333.04 | Stopping vehicle; slow speed; posted minimum speeds.             | 333.08 | Operation without reasonable control.                      |
|        |                                                                  | 333.09 | Reckless operation on streets, public or private property. |
|        |                                                                  | 333.99 | Penalty.                                                   |

CROSS REFERENCES

See sectional histories for similar State law  
 Drug of abuse defined - see Ohio R.C. 3719.011(A)  
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)  
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23  
 Failure to control vehicle - see TRAF. 331.34  
 Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE; EVIDENCE.

- (a) Operation Generally. No person shall operate any vehicle within the Municipality, if any of the following apply:
- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
  - (2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his blood;
  - (3) The person has a concentration of ten-hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his breath;
  - (4) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his urine. (ORC 4511.19)

- (b) Operation by Minors. No person under eighteen years of age shall operate any vehicle within this Municipality, if any of the following apply:
- (1) The person has a concentration of at least two-hundredths of one percent (0.02%) but less than ten-hundredths of one percent (0.10%) by weight of alcohol in his blood;
  - (2) The person has a concentration of at least two-hundredths (0.02) of one gram but less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath;
  - (3) The person has a concentration of at least twenty-eight one-thousandths (0.028) of one gram but less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of his urine.

If there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of his breath or less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of his urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

Upon the request of the person who was tested, the results of the chemical test shall be made available to him, his attorney or agent, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse or a qualified technician or chemist of his own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a police officer.

Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from a person.

(ORC 4511.19)

### 333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon. (ORC 4511.201)

### 333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE

#### AHEAD.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when a sign giving notice of the existence of the school is erected as provided in this section; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian

Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(8) hereof.
- (8) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and are eligible for such speed in accordance with criteria issued by the Federal Highway Administration, for any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus, except fifty-five miles per hour for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus.

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed either of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(d) No person shall operate a motor vehicle upon a street or highway as follows:

- (1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in subsection (b)(8) hereof;
- (2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in subsection (b)(8) hereof except as otherwise provided in subsection (d)(3) hereof;
- (3) If a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in subsection (b)(8) hereof, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that subsection.

Alteration of prima-facie limits on State routes by Council shall not be effective until the alteration has been approved by the Director. The Director may withdraw his approval of any altered prima-facie speed limits whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the Municipality. (ORC 4511.21)

(k) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

- (l) As used in this section:
- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
  - (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
  - (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. (ORC 4511.21)

**333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.**

- (a) No person shall stop or operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.
- (b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law. (ORC 4511.22)

**333.05 SPEED LIMITATIONS OVER BRIDGES.**

- (a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.
- (b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure. (ORC 4511.23)

## 333.99 PENALTY.

(a) General Classification: Speeding Exceptions. Whoever violates any provision of this chapter, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for a violation of Section 333.03 upon a finding that he operated a motor vehicle faster than thirty-five miles an hour in a business district, or faster than fifty miles an hour in other portions, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree. (ORC 4511.99)

(b) Driving Under the Influence. Whoever violates Section 333.01(a) or (b), in addition to the license suspension or revocation provided in Ohio R.C. 4507.16, shall be punished as provided in paragraph (1), (2), (3) or (4) below:

(1) If, within five years of the offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, or of Ohio R.C. 2903.06 or 2903.07 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this paragraph, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this paragraph, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with

- (3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to two violations of Ohio R.C. 4511.19, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, or of Ohio R.C. 2903.06 or 2903.07 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, except as provided in this paragraph, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (8) hereof, the court may sentence the offender to a term of imprisonment of fifteen consecutive days followed immediately by not less than fifty-five consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(3). The fifteen consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than twenty-five hundred dollars (\$2,500).
- In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from that court's indigent drivers alcohol treatment fund.
- (4) If, within five years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4511.19, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse or alcohol and a drug of abuse, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, or of Ohio R.C. 2903.06 or 2903.07 or a municipal ordinance that is substantially similar to Ohio R.C. 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of sixty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than seven hundred fifty dollars (\$750.00) nor more than ten thousand dollars (\$10,000).

Notwithstanding any section of the Ohio Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by paragraph (1) hereof, shall suspend the three consecutive days of imprisonment required to be imposed by paragraph (1) hereof or place an offender who is sentenced pursuant to paragraph (1) hereof in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to paragraph (1) hereof.

(7) No court shall sentence an offender to an alcohol treatment program pursuant to paragraph (1) to (4) hereof unless the treatment program complies with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the State Director of Alcohol and Drug Addiction Services.

(8) No court shall impose the alternative sentence of a term of imprisonment of five consecutive days followed immediately by not less than eighteen consecutive days of electronically monitored house arrest permitted to be imposed by paragraph (2) hereof, or the alternative sentence of a term of imprisonment of fifteen consecutive days followed immediately by not less than fifty-five consecutive days of electronically monitored house arrest permitted to be imposed pursuant to paragraph (3) hereof, unless both of the following conditions apply:

A. The offense for which the offender is sentenced occurs prior to July 1, 1993;

B. Within sixty days of the date of sentencing, the court issues a written finding, entered into the record, that due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon him, the offender will not be able to commence serving his term of imprisonment within the sixty-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of a term of imprisonment and a term of electronically monitored house arrest permitted to be imposed by paragraph (2) or (3) hereof.

(9) As used in this section, "three consecutive days" means seventy-two consecutive hours. (ORC 4511.991)

(c) Physical Control: Drag Racing. Whoever violates Section 333.01(d) or (e) or 333.07 is guilty of a misdemeanor of the first degree. (ORC 4511.99)



# CHAPTER 335 Licensing; Accidents

|        |                                                                          |
|--------|--------------------------------------------------------------------------|
| 335.01 | Driver's license or commercial driver's license required.                |
| 335.02 | Possession of more than one license prohibited.                          |
| 335.03 | Driving with temporary instruction permit without licensed driver.       |
| 335.04 | Certain acts prohibited.                                                 |
| 335.05 | Owner or operator allowing another to drive.                             |
| 335.06 | Display of license.                                                      |
| 335.07 | Driving under suspension, revocation or restriction.                     |
| 335.08 | Operation or sale without certificate of title.                          |
| 335.09 | Display of license plates; expired or unlawful plates.                   |
| 335.10 | License plates to be unobstructed.                                       |
| 335.11 | Use of illegal license plates; transfer of registration.                 |
| 335.12 | Stopping after accident upon streets; collision with unattended vehicle. |
| 335.13 | Stopping after accident upon property other than street.                 |
| 335.14 | Vehicle accident resulting in damage to realty.                          |
| 335.99 | Penalty.                                                                 |

## CROSS REFERENCES

See sectional histories for similar State law  
 Deposit of driver's license as bond - see Ohio R.C. 2937.221  
 Motor vehicle licensing law - see Ohio R.C. Ch. 4503  
 Driver's license law - see Ohio R.C. Ch. 4507  
 Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34  
 State point system suspension - see Ohio R.C. 4507.40  
 State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11  
 Motorized bicycle operator's license - see Ohio R.C. 4511.521  
 Glass removal from street after accident - see TRAF. 311.01

## 335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE

### REQUIRED.

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.

- (b) Lend to a person not entitled thereto, or knowingly permit him to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license issued to the person so lending or permitting the use thereof;
- (c) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license issued to the person so displaying the same;
- (d) Fail to surrender to the Registrar of Motor Vehicles, upon his demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license issued to the person so displaying the same;
- (e) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious. (ORC 4507.30)

### 335.05 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or whose act of driving such vehicle would violate Ohio R.C. 4507.01 to 4507.39, inclusive. (ORC 4507.33)

### 335.06 DISPLAY OF LICENSE.

The operator of a motor vehicle shall display his license, or furnish satisfactory proof that he has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved. When a demand is properly made and the operator has his license on or about his person, he shall not refuse to display such license. Failure to furnish satisfactory evidence that such person is licensed under Ohio R.C. 4507.01 to 4507.30 when such person does not have his license on or about his person shall be prima-facie evidence of his not having obtained such license. (ORC 4507.35)

### 335.07 DRIVING UNDER SUSPENSION, REVOCATION OR

#### RESTRICTION.

- (a) (1) No person whose driver's or commercial driver's license or permit or nonresident's operating privilege has been suspended or revoked pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by him to be operated by another person in the Municipality, during the period of the suspension or revocation, except as specifically authorized by Ohio R.C. Chapter 4509.
- (2) No person shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license imposed under Ohio R.C. 4506.10(D) or 4507.14.

(b) No person, whose driver's or commercial driver's license or permit has been suspended pursuant to Ohio R.C. 4511.191 or Ohio R.C. 4507.16(B), shall operate any motor vehicle within this Municipality until he has paid the license reinstatement fee required pursuant to Ohio R.C. 4511.191(J) and the license or permit has been returned to the person.

(f) Except as otherwise provided in Ohio R.C. Chapter 4517 sell at wholesale a motor vehicle ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all the title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and Subchapter IV of the "Motor Vehicle Information And Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition. (ORC 4505.18)

### 335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of such motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Highway Safety, except those persons expressly exempted by Ohio R.C. Chapter 4503 (Motor Vehicle Licensing Law) and except that a manufacturer of motor vehicles or dealer therein, the holder of an intrastate permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, trailer or semitrailer shall display on the rear only. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the plate only on the front of a semitractor and on the rear of all other vehicles. Such number plates shall be securely fastened so as not to swing, and shall not be covered by any material which obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of such motor vehicle, shall fail to display such temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display such windshield sticker in plain view on the rear window of the motor vehicle. Such temporary license placard or windshield sticker shall not be covered by any material which obstructs its visibility. (ORC 4503.21)

(b) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(c) No person shall park or operate upon the public streets or highways a motor vehicle acquired from a former owner who has registered the same in Ohio, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(d) No person who is the owner of a motor vehicle and a resident of Ohio shall park or operate such motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12)

(e) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. (ORC 4549.02)

### 335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public streets or highways, due to the driving or operation thereof of any motor vehicle, the person so driving, or operating such motor vehicle, having knowledge of such accident or collision, shall stop, and upon request of the person injured or damaged, or any other person, shall give such person his name and address, and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and, if available, exhibit his driver's or commercial driver's license.

If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall, within twenty-four hours after such accident or collision, forward to the police offices the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of the accident or collision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. (ORC 4549.021)

### 335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public street or highway, shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of his name and his address, and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his driver's or commercial driver's license.

If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within twenty-four hours after such accident, forward to the police offices the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known. (ORC 4549.03)

the offender to a term of imprisonment of fifteen consecutive days followed immediately by not less than fifty-five consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(3). The fifteen consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500), and the court shall suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of the offender.

D. In addition, the court shall, in addition to or independent of all other penalties provided by law, order the immobilization of the vehicle that the offender was operating at the time of the violation. The period of immobilization ordered by a court under this paragraph shall be as follows:

1. If the offender has not been convicted of or pleaded guilty to a violation of Section 335.07(c)(2) or Ohio R.C. 4507.02(D)(2), the period of immobilization shall be for thirty days;
2. If the offender has been convicted of or pleaded guilty to one violation of Section 335.07(c)(2) or Ohio R.C. 4507.02(D)(2), the period of immobilization shall be for sixty days;
3. If the offender has been convicted of or pleaded guilty to two or more violations of Section 335.07(c)(2) or Ohio R.C. 4507.02(D)(2), the period of immobilization shall be for ninety days.

Any vehicle ordered immobilized under this paragraph shall be immobilized at the residence of the owner of the vehicle or at the location where the owner regularly parks the vehicle.

E. No court shall impose the alternative sentence of not less than thirty consecutive days of electronically monitored house arrest permitted to be imposed by paragraph (2)A. hereof, the alternative sentence of a term of not less than ninety consecutive days of electronically monitored house arrest permitted to be imposed by paragraph (2)B. hereof, or the alternative sentence of a term of imprisonment of fifteen consecutive days followed immediately by not less than fifty-five consecutive days of electronically monitored house arrest permitted to be imposed pursuant to paragraph (2)C. hereof, unless both of the following conditions apply:

# CHAPTER 337 Safety and Equipment

|        |                                                                           |        |                                                                  |
|--------|---------------------------------------------------------------------------|--------|------------------------------------------------------------------|
| 337.01 | Driving unsafe vehicles.                                                  | 337.17 | Focus and aim of headlights.                                     |
| 337.02 | Lighted lights; measurement of distances and heights.                     | 337.18 | Motor vehicle and motorcycle brakes.                             |
| 337.03 | Headlights on motor vehicles and motorcycles.                             | 337.19 | Horn, siren and theft alarm signal.                              |
| 337.04 | Tail light; illumination of rear license plate.                           | 337.20 | Muffler; muffler cutout; excessive smoke, gas or noise.          |
| 337.05 | Rear red reflectors.                                                      | 337.21 | Rear-view mirror; clear view to front, both sides and rear.      |
| 337.07 | Obscured lights on vehicles in combination.                               | 337.22 | Sign or poster upon windshield; windshield wiper.                |
| 337.08 | Red light or red flag on extended loads.                                  | 337.23 | Limited load extension on left side of passenger vehicle.        |
| 337.09 | Lights on parked or stopped vehicles.                                     | 337.24 | Motor vehicle stop lights.                                       |
| 337.10 | Lights on slow-moving vehicles; emblem required.                          | 337.25 | Air cleaner required.                                            |
| 337.11 | Spotlight and auxiliary lights.                                           | 337.26 | Child restraint system usage; exceptions, dismissal and penalty. |
| 337.12 | Cowl, fender and back-up lights.                                          | 337.27 | Drivers and passengers required to wear seat belts; penalty.     |
| 337.13 | Display of lighted lights.                                                | 337.28 | Use of sunscreening, nontransparent and reflective materials.    |
| 337.14 | Use of headlight beams.                                                   | 337.29 | Bumper heights.                                                  |
| 337.15 | Lights of less intensity on slow-moving vehicles.                         | 337.99 | Penalty.                                                         |
| 337.16 | Number of lights; imitations on flashing, oscillating or rotating lights. |        |                                                                  |

## CROSS REFERENCES

See sectional histories for similar State law  
Warning devices for commercial vehicles disabled upon freeways - see Ohio R.C. 4513.28  
Slow moving vehicle emblem - see OAC Ch. 4501.13  
Motorized bicycle lights and equipment - see Ohio R.C. 4511.521  
Vehicle lighting - see OAC 4501-15  
Use of stop and turn signals - see TRAF. 331.14  
Wheel protectors for commercial vehicles - see TRAF. 339.05  
Vehicles transporting explosives - see TRAF. 339.06  
Towing requirements - see TRAF. 339.07  
Use of studded tires and chains - see TRAF. 339.11  
Bicycle equipment - see TRAF. 373.05 et seq.

**337.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.**  
 (a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.  
 (b) Every motorcycle shall be equipped with at least one and not more than two headlights. (ORC 4513.04)

**337.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.**  
 (a) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate. (ORC 4513.05)

**337.05 REAR RED REFLECTORS.**

Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in Section 337.06 or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to fifty feet from such vehicle. (ORC 4513.06)

**337.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.**

Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any street, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in Section 337.02 except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.  
 Such equipment shall be in addition to all other lights specifically required by Section 337.02 to Section 337.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section. (ORC 4513.07)

designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles an hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Highway Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

As used in this subsection (b), "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent or operate any farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.

(e) Any farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof may, in addition to the use of the slow-moving vehicle emblem, be equipped with a red flashing light which shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (1) With a slow-moving vehicle emblem complying with subsection (b) hereof;
- (2) With alternate reflective material complying with rules adopted under this subsection (f);
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Highway Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlights. (ORC 4513.11)



(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, which projects a beam of light of an intensity greater than 300 candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, Ohio Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment which is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment which is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles. (ORC 4513.17)

### 337.17 FOCUS AND AIM OF HEADLIGHTS.

No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations. (ORC 4513.19)

### 337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

The following requirements govern as to brake equipment on vehicles:

(a) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be

- (h) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

| From a speed of 20 miles per hour |                 |
|-----------------------------------|-----------------|
| Stopping distance                 | Deceleration in |
| in feet                           | feet per second |
| Brakes on all wheels              | 30              |
| Brakes not on all four wheels     | 40              |
|                                   | 14              |
|                                   | 10.7            |

- (i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.  
(ORC 4513.20)

### 337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

- (a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

- (b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Highway Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (ORC 4513.21)

- (c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

### 337.20 MUFFLER, MUFFLER CUTOUT, EXCESSIVE SMOKE, GAS OR NOISE.

- (a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

**337.25 AIR CLEANER REQUIRED.**

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

**337.26 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS, DISMISSAL****AND PENALTY.**

(a) When any child who is less than four years of age or weighs less than forty pounds is being transported in a motor vehicle, other than a taxicab, that is owned by such child's parent or legal guardian and is registered in this State, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets Federal motor safety standards.

(b) When any child who is less than one year of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Section 301.27, that is registered in this State but is not owned by such child's parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets Federal motor vehicle safety standards.

(c) When any child who is one year of age or older but is less than four years of age or weighs less than forty pounds is being transported in a motor vehicle, other than a taxicab, that is registered in this State but is not owned by such child's parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets Federal motor vehicle safety standards, if such a system is available. If such a child restraint system is not available, the operator of the motor vehicle shall have the child properly secured in a lap belt, or if a lap belt is not available, in a seat belt.

(d) When any child who is less than four years of age or weighs less than forty pounds is being transported in a motor vehicle, other than a taxicab, that is registered in this State and is owned, leased or otherwise under the control of a nursery school, kindergarten or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets Federal motor vehicle safety standards.

(j) If a person who is not a resident of this State is charged with a violation of subsection (a), (b), (c) or (d) hereof and does not prove to the court, by a preponderance of the evidence, that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose the fine levied by subsection (i) hereof. (ORC 4511.81)

(k) Whoever violates subsection (a), (b), (c) or (d) hereof shall be fined not less nor more than thirty-five dollars (\$35.00) on a first offense, unless the fine is waived in accordance with subsection (h) hereof; on a second offense, that person shall be fined not less nor more than thirty-five dollars (\$35.00), except that if that person fails to prove timely acquisition of a child restraint system as provided by subsection (i) hereof, that person shall be fined not less nor more than seventy dollars (\$70.00).

(l) Whoever violates subsection (a), (b), (c) or (d) hereof and fails to prove that his use or nonuse of a child restraint system was in accordance with the law of the state of which he is a resident shall be fined not less nor more than thirty-five dollars (\$35.00). (ORC 4511.99)

### 337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS; PENALTY.

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.

(b) No person shall do either of the following:

- (1) Operate an automobile on any street or highway unless he is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless he is wearing all of the available elements of the device, as properly adjusted;

- (2) The defendant fails to prove by a preponderance of the evidence, that he has viewed a seat belt education program film or videotape in accordance with this section and is convicted of the offense.
- (1) (g) Subject to subsection (g)(2) hereof, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device or to ensure that each passenger of an automobile being operated by the person is wearing all of the available elements of such a device, in violation of subsection (b) hereof, shall not be considered or used as evidence of negligence or contributory negligence, shall not diminish recovery for damages in any civil action involving the person arising from the ownership, maintenance or operation of an automobile, shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section, and shall not be admissible as evidence in any civil or criminal action involving the person other than a prosecution for a violation of subsection (b) hereof.
- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available element of such a device or was not wearing such a device as properly adjusted, then, consistent with the rules of evidence, the fact that such occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
- A. It seeks to recover damages for injury or death to such occupant;
- B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car;
- C. The claim for relief against the defendant in question is that the injury or death sustained by such occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (3) As used in subsection (g)(2) hereof, "tort action" means a civil action for damages for injury, death or loss to person or property. "Tort action" includes a product liability claim that is subject to Ohio R.C. 2307.71 to 2307.80, but does not include a civil action for damages for a breach of a contract or another agreement between persons. (ORC 4513.263)

(f) All motor vehicles, beginning with the 1990 model year, shall be equipped with labels identifying sunscreening material. All suncreening material shall indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label shall be legible and shall be placed in the lower left-hand corner of the vehicle window when viewed from the outside.  
(OAC 4501-41-03)

(g) Exemptions. The provisions of this section do not apply to:

- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
- (2) The windows to the rear of the driver in limousines as defined in Rule 4501-41-02 of the Ohio Administrative Code if the limousines are operated for hire;
- (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
- (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205".  
(OAC 4501-41-05)

(h) follows:

- Definitions. As used in this section, certain terms are defined as follows:
- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
  - (2) "Sunscreening material" means products or materials, including film, glazing and perforated suncreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
  - (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
  - (4) "Windshield" means the front exterior viewing device of a motor vehicle.
  - (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.

- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
- (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
- (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
- (5) Nothing contained in this section shall be construed to prohibit either of the following:  
 A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;  
 B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
- (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
- (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.  
 (OAC 4501-43-03)
- (c) Specifications.
- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.

# CHAPTER 339 Commercial and Heavy Vehicles

|        |                                                                         |        |                                                            |
|--------|-------------------------------------------------------------------------|--------|------------------------------------------------------------|
| 339.01 | Oversize or overweight vehicle operation on State routes; State permit. | 339.07 | Towing requirements.                                       |
| 339.02 | Use of local streets; local permit and conditions.                      | 339.08 | Loads dropping or leaking; removal required; tracking mud. |
| 339.03 | Maximum width, height and length.                                       | 339.09 | Shifting load; loose loads.                                |
| 339.04 | Route and load information.                                             | 339.10 | Vehicles with spikes, lugs and chains.                     |
| 339.05 | Wheel protectors.                                                       | 339.11 | Use of studded tires and chains.                           |
| 339.06 | Vehicles transporting explosives.                                       | 339.99 | Penalty.                                                   |

## CROSS REFERENCES

See sectional histories for similar State law  
 Weighing vehicle; removal of excess load – see Ohio R.C. 4513.33  
 Arrest notice of driver – see Ohio R.C. 5577.14  
 Slower moving vehicles to be driven in right-hand lane – see  
 TRAF. 331.01(b)  
 Fatigued or ill drivers – see TRAF. 341.02

## 339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer. No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in Section 339.02.  
 (ORC 4513.34)



- (a) No such vehicle shall have a width in excess of:
- (1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
  - (2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
  - (3) 132 inches for traction engines;
  - (4) 102 inches, including load, for all other vehicles, except that the Director may, by journal entry, prohibit the operation of 102-inch vehicles on such State highways or portions thereof as the Director designates.
- (b) No such vehicle shall have a length in excess of:
- (1) 48 feet for passenger bus type vehicles operated exclusively within municipal corporations;
  - (2) 40 feet for all other passenger bus type vehicles;
  - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State routes or portions thereof as the Director designates;
  - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State routes or portions thereof as the Director designates;
  - (5) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (b)(3) and (4) and in subsection (d) hereof;
  - (6) 40 feet for all other vehicles except trailers and semitrailers, with or without load.

- (c) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

- (d) Any automobile transporter or boat transporter shall be allowed a length of sixty-five feet and any stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may, by journal entry, prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion thereof that the Director designates.

The lengths prescribed in subsections (b)(2) to (6) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Ohio Director of Transportation.

**339.06 VEHICLES TRANSPORTING EXPLOSIVES.**

Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

- (a) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.
- (b) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle.

(ORC 4513.29)

**339.07 TOWING REQUIREMENTS.**

- (a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

- (b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

- (c) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle. In case of a loaded pole trailer, the connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

- (d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby, and only one such unit may be towed or drawn at one time, unless the towing vehicle is an agricultural tractor, as defined in Section 301.02. (ORC 4513.32)

**339.11 USE OF STUDDED TIRES AND CHAINS.**

(a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meaning as given those terms in Chapter 301.

(b) No person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(c) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof. (ORC 5589.081)

**339.99 PENALTY.**

(EDITOR'S NOTE: See Section 303.99 for misdemeanor or classifications and penalties.)

# CHAPTER 341 Drivers of Commercial Cars or Tractors

|        |                                                         |        |                                                  |
|--------|---------------------------------------------------------|--------|--------------------------------------------------|
| 341.01 | Definitions.                                            | 341.03 | Driver's consecutive service and off-duty hours. |
| 341.02 | Permitting or driving while fatigued or ill prohibited. | 341.99 | Penalty.                                         |

## CROSS REFERENCES

See sectional histories for similar State law  
Warning devices when disabled on freeways - see Ohio R.C. 4513.28  
Hours of service of truck drivers - see Ohio R.C. 4921.30, 4923.16  
Arrest notice of driver - see Ohio R.C. 5577.14  
Load limits - see TRAF. Ch. 339

## 341.01 DEFINITIONS.

As used in this chapter of the Traffic Code:

- (a) "Commercial car" means any motor vehicle having motor power designed and used for carrying merchandise or freight, or used as a commercial tractor.
- (b) "Commercial tractor," except as defined in Section 301.02, means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such other motor vehicle or its load, or both.
- (c) "Owner" includes any person, firm or corporation other than a manufacturer or dealer having title to a motor vehicle.  
(ORC 4501.01)

## 341.02 PERMITTING OR DRIVING WHILE FATIGUED OR ILL

### PROHIBITED.

- (a) No person shall drive a commercial motor vehicle as defined in Ohio R.C. 4506.01 or a commercial car or commercial tractor, as defined herein, while his ability or alertness is so impaired by fatigue, illness or other causes that it is unsafe for him to drive such vehicle. No driver shall use any drug which would adversely affect his ability or alertness.

TITLE SEVEN - Parking  
 Chap. 351. Parking Generally.  
 Chap. 353. Parking Meters.

CHAPTER 351  
 Parking Generally

|        |                                                                                  |        |                                                                                 |
|--------|----------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------|
| 351.01 | Police may remove unattended vehicle which obstructs traffic.                    | 351.07 | Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels. |
| 351.02 | Registered owner prima-facie liable for unlawful parking.                        | 351.08 | Opening vehicle door on traffic side.                                           |
| 351.03 | Prohibited standing or parking places.                                           | 351.09 | Truck loading zones.                                                            |
| 351.04 | Parking near curb; handicapped locations on public and private lots and garages. | 351.10 | Bus stops and taxicab stands.                                                   |
| 351.05 | Manner of angle parking.                                                         | 351.11 | Parking in alleys and narrow streets; exceptions.                               |
| 351.06 | Selling, washing or repairing vehicle upon roadway.                              | 351.12 | Prohibition against parking on streets or highways.                             |
|        |                                                                                  | 351.13 | Parking on posted private property.                                             |
|        |                                                                                  | 351.99 | Penalty.                                                                        |

CROSS REFERENCES

See sectional histories for similar State law  
 Owner nonliability, lease defense - see Ohio R.C. 4511.071  
 Police may remove ignition key from unattended vehicle - see TRAF. 303.03  
 Parking near stopped fire apparatus - see TRAF. 331.27  
 Lights on parked or stopped vehicles - see TRAF. 337.09

351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (ORC 4511.67)

(c) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.

(d) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e) Special parking locations and privileges for handicapped persons shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of accessibility and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet.

(f) No person shall stop, stand or park any motor vehicle at special parking locations provided for handicapped persons under this section or at special parking garages or other parking areas and designated in accordance with subsection (e) hereof, unless the motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(g) When a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard. (ORC 4511.69)

(h) (1) As used in this section, "handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition. (ORC 4503.44)

(2) "Special handicapped license plates" and "parking card" mean any license plates or parking card issued under Ohio R.C. 4503.44, and also mean any substantially similar license plates or parking card issued by a state, district, county or sovereignty with which the Ohio Director of Highway Safety has entered into a reciprocity agreement as authorized by Ohio R.C. 5502.03, during the time the agreement is in effect. (ORC 4511.69)

### 351.05 MANNER OF ANGLE PARKING.

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

(c) The operator of a bus shall enter a bus stop on a public street in a position with the right front wheel of such vehicle not further than eight inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

### 351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal. Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty minutes.

### 351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway. This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (ORC 4511.66)

# CHAPTER 353 Parking Meters

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## CROSS REFERENCES Off-street parking facilities - see Ohio R.C. 717.05 et seq. Registered owner prima-facie liable for unlawful parking - see TRAF. 351.02

### 353.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

(a) "Parking meter" means a mechanical device installed for the regulation of parking by lawful authority. Each parking meter shall contain a slot for the deposit of lawful coin of the United States and a receptacle for receiving and storing such coin. Each parking meter shall display brief directions as to its operation and the value of lawful coin required to be deposited. Each parking meter shall contain a timing mechanism which shall indicate either a balance of legal parking time or overtime parking by an appropriate signal at the expiration of such lawful time.

(b) "Parking meter space" means a space within a parking meter area, which is designated for the parking of a single vehicle by marked lines on the curb or paved surface area adjacent to a parking meter. Posted notice on the meter or on signs shall indicate the maximum consecutive parking time limit during which a vehicle may be legally parked in a particular parking meter space and the days and hours when the requirement to deposit lawful coin shall apply.

### 353.02 PARKING WITHIN MARKED LINES OF METER SPACE.

No person shall park a vehicle in a parking meter space in such a way that the vehicle shall not be entirely within the limits of the space so designated by marked lines.



TITLE NINE - Pedestrians, Bicycles and Motorcycles  
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 Chap. 373. Bicycles and Motorcycles.  
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CHAPTER 371  
 Pedestrians

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CROSS REFERENCES

See sectional histories for similar State law  
 Pedestrian defined - see TRAF. 301.22  
 Pedestrian prohibited on freeways - see TRAF. 303.06  
 Obedience to traffic control devices - see TRAF.  
 313.01, 313.03  
 Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

### 371.05 WALKING ALONG HIGHWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Section 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway. (ORC 4511.50)

### 371.06 USE OF HIGHWAY FOR SOLICITING; RIDING ON OUTSIDE OF VEHICLES.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver or a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of his vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

- (1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;
- (2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

## CHAPTER 373 Bicycles and Motorcycles

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### CROSS REFERENCES

See sectional histories for similar State law  
 Motorcycle protective equipment - see OAC Ch. 4501-17  
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 Bicycle defined - see TRAF. 301.04  
 Motorcycle defined - see TRAF. 301.19  
 Bicycles prohibited on freeways - see TRAF. 303.06  
 Motorcycle operator's license required - see TRAF. 335.01(a)  
 Motorcycle headlight - see TRAF. 337.03  
 Motorcycle brakes - see TRAF. 337.18(b)

**373.01 CODE APPLICATION TO BICYCLES.**  
 The provisions of this Traffic Code which are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles. (ORC 4511.52)  
 The provisions of this Traffic Code shall apply to bicycles except those which by their nature are not applicable.

### 373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C. 4519.01.

(b) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

**373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.**

(a) Every bicycle when in use at the times specified in Section 337.02 shall be equipped with the following:

- (1) A lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front;
- (2) A red reflector on the rear of a type approved by the Ohio Director of Highway Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;
- (3) A lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector;
- (4) An essentially colorless reflector on the front of a type approved by the Director;
- (5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Director.

(b) Every bicycle shall be equipped with an adequate brake when used on a street or highway. (ORC 4511.56(A), (C))

**373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.**

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction. (ORC 4511.55(A))

**373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.**

No person shall operate a bicycle:

- (a) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
- (b) Without exercising reasonable and ordinary control over such bicycle;
- (c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
- (d) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
- (e) At a speed greater than is reasonable and prudent under the conditions then existing.

**373.09 PARKING OF BICYCLE.**

No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

# CHAPTER 375 Snowmobiles and All Purpose Vehicles

|        |                                         |        |                                     |
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## CROSS REFERENCES

See sectional histories for similar State law  
 Lights, brakes and muffler - see OAC Ch. 4501.29  
 Power of trial court of record to impound registration  
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 Power to regulate; municipal licensing prohibited - see  
 Ohio R.C. 4519.48  
 Street or highway defined - see TRAF. 301.42  
 Required usage of helmets and safety glasses - see  
 TRAF. 373.02(f)

## 375.01 DEFINITIONS.

- As used in this chapter:
- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))
- (b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes, but excluding any self-propelled vehicle not principally used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.20 of this Traffic Code. (ORC 4519.01(B))
- (c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

- (b) Upon any property owned or leased by the Municipality except in areas designated for such purposes;
- (c) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (d) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
- (e) On tracks or right of way of any operating railroad;
- (f) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;
- (g) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;
- (h) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by Section 375.02. (ORC 4519.40)

#### 375.04 PERMITTED OPERATION.

Snowmobiles and all purpose vehicles being used for winter travel may be operated as follows:

- (a) To make a crossing of a highway, other than a freeway or limited access highway, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the County or Township road systems whenever the local authority having jurisdiction over such highway so permits;
- (c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile or all purpose vehicle is intended and authorized to be operated. (ORC 4519.41)

#### 375.05 LICENSING REQUIREMENTS OF OPERATOR.

- (a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, shall operate a snowmobile or all purpose vehicle on any street or highway, on any portion of the right of way thereof, or on any public land or waters. This subsection shall not be construed to permit the holder of such a license to operate a snowmobile or all purpose vehicle in violation of Section 375.03.

- (b) No person who is less than sixteen years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older. (ORC 4519.44)

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| STREET (Cont.)         | expressway                        | 313.07         |
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|                        | load, dropping on                 | 311.01         |
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|                        | parades; assembly on              | 311.02         |
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|                        | through                           | 313.02         |
|                        | stop, yield signs                 | 311.03         |
|                        | toy vehicles                      | 331.37         |
| STREET LAWN            | driving over                      | 351.03(a)      |
|                        | parking on prohibited             | 337.28         |
| SUNSCREENING MATERIALS |                                   | 313.08         |
| TAMPERING              | traffic control device            | 331.20         |
| TAXICAB                | stands, parking in                | 351.10         |
| THEFT                  | vehicle alarm signal              | 337.19         |
|                        | THROUGH STREET (see STREET)       | 337.28         |
| TINTED WINDOWS         |                                   | 331.36         |
|                        | peeling                           | 339.11         |
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| TOWING                 | requirements                      | 339.07         |
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|                        | streets, on                       | 311.03         |
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|                        | government vehicles               | 303.07         |
|                        | penalty for violation             | 303.99         |
|                        | road workers, equipment           | 303.04         |
|                        | excepted                          | 303.04         |
|                        | violation                         | 305.04         |
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|                        | ambiguous                         | 313.09         |
|                        | avoiding                          | 331.41         |
|                        | center line, painted              | 313.08         |
|                        | conformity with State             | 305.02         |
|                        | Manual                            | 305.01         |
|                        | Council powers                    | 301.46         |
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|                        | flashing signal                   | 313.07         |
|                        | hidden                            | 313.04         |
|                        | lane of traffic,                  | 313.03         |
|                        | direction                         | 313.09         |
|                        | lights, description               | 313.01         |
|                        | non-working                       | 313.05         |
|                        | obedience required                | 313.10         |
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|                        | pedestrian control signal         | 313.08         |
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|                        | posting required                  | 313.02         |
|                        | purchase, possession, sale        | 313.02         |
|                        | removal, injury                   | 313.02         |
|                        | signal terms                      | 313.02         |
|                        | stop sign or signal               | 313.02         |
|                        | emergency vehicle                 | 313.02         |
|                        | operation at                      | 313.02         |
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