

## CHAPTER 70: GENERAL PROVISIONS

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#### **Cross-reference:**

*Jurisdiction in traffic violations, see § 33.01*  
*Streets and sidewalks, general regulations, see Chapter 94*  
*Unauthorized use of a motor vehicle, see § 131.09*  
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#### **Statutory reference:**

*Local traffic regulations, scope and authority, see R.C. § 4511.07*  
*Notice of arrest of certain commercial drivers, see R.C. § 5577.14*  
*Uniform application and precedence of state traffic laws, see R.C. § 4511.06*

### **GENERAL PROVISIONS**

#### **§ 70.01 DEFINITIONS.**

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this Title, Chapter 95, and the penal laws of the municipality. For the purpose of this Title and Chapter 95, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGRICULTURAL TRACTOR.** Every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

**ALLEY.** A street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an "alley" by the Legislative Authority of the municipality in which the street or highway is located.

**ARTERIAL STREET.** Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

**BICYCLE.** Every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having two tandem wheels, or one wheel in the front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than 14 inches in diameter.

**BUS.** Every motor vehicle designed for carrying more than nine passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every

motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

**BUSINESS DISTRICT.** The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50% or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where 50% 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 the territory is indicated by official traffic-control devices.

**CHAUFFEURED LIMOUSINE.** A motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in an chauffeured limousine at a fixed rate per hour or trip. The term does not include any vehicle that is used exclusively in the business of funeral directing. (R.C. § 4501.01(LL))

**CHILD DAY-CARE CENTER.** Has the same meaning as set forth in R.C. § 5104.01.

**COMMERCIAL TRACTOR.** 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 the other vehicles, or the load thereon, or both.

**CONTROLLED-ACCESS HIGHWAY.** 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 certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.

**CROSSWALK.**

(1) 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;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding the foregoing provisions of this definition, there shall not be a crosswalk where the Legislative Authority has placed signs indicating no crossing.

**DRIVER.** Any person who drives or is in actual physical control of a vehicle.

**EMERGENCY VEHICLE.** Emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

**EXPLOSIVES.** Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, friction, concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

**EXPRESSWAY.** A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.

**FLAMMABLE LIQUID.** Any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.

**FREEWAY.** A divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.

**FUNERAL ESCORT VEHICLE.** Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

**GROSS WEIGHT.** The weight of a vehicle plus the weight of any load thereon.

**HIGHWAY.** The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

**INTERSECTION.**

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of

the divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

**LANED HIGHWAY.** A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

**LOCAL AUTHORITIES.** Every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

**MOTOR VEHICLE.** Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, 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, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.

**MOTORCYCLE.** Every motor vehicle other than a tractor having a seat or 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.

**MOTORIZED BICYCLE.** Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower, and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface.

**MOTORIZED WHEELCHAIR.** Any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

**MULTI-WHEEL AGRICULTURAL TRACTOR.** A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads

independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

**OPERATE.** To cause or have caused movement of a vehicle.

**OPERATOR.** Any person who drives or is in actual physical control of a vehicle.

**PARKED or PARKING.** The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

**PEDESTRIAN.** Any natural person afoot.

**PERSON.** Every natural person, firm, partnership, association or corporation.

**POLE TRAILER.** Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**POLICE OFFICER.** Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

**PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.** Any of the following:

(1) A violation of R.C. § 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(2) A violation of R.C. § 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), or (3) of this definition.

**PRIVATE ROAD OR DRIVEWAY.** Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

**PUBLIC SAFETY VEHICLE.** Any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital;

(6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

**RAILROAD.** A carrier of persons or property operating upon rails placed principally on a private right-of-way.

**RAILROAD SIGN OR SIGNAL.** 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.

**RAILROAD TRAIN.** A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

**RESIDENCE DISTRICT.** 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.

**RIDESHARING ARRANGEMENT.** Includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes arrangements known as carpools, vanpools, and buspools.

**RIGHT-OF-WAY.** Either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;

(2) 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.

**ROAD SERVICE VEHICLE.** Means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

**ROADWAY.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term means any roadway separately, but not all the roadways collectively.

**RURAL MAIL DELIVERY VEHICLE.** Every vehicle used to deliver United States mail on a rural mail delivery route.

**SAFETY ZONE.** 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 so as to be plainly visible at all times.

**SCHOOL BUS.** 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 the term does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within such limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to

the transportation of children to and from a school session or a school function, and the term does not include a van or bus used by a licensed child day-care center or Type A Family Day-Care Home to transport children from the child day-care center or Type A Family Day-Care Home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

**SEMITRAILER.** Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

**SIDEWALK.** That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

**STANDING.** When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

**STATE HIGHWAY.** A highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

**STATE ROUTE.** Every highway which is designated with an official state route number and so marked.

**STOP.** When required, means a complete cessation of movement.

**STOP INTERSECTION.** Any intersection at one or more entrances of which stop signs are erected.

**STOPPING.** When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

**STREET.** The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

**THROUGH HIGHWAY.** Every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

**THRUWAY.** A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any highway for purposes of travel.

**TRAFFIC-CONTROL DEVICES.** All flagpersons, 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.

**TRAFFIC-CONTROL SIGNAL.** 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.

**TRAILER.** 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 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, 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 street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour.

**TRUCK.** Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

**TYPE A FAMILY DAY-CARE HOME.** Has the same meaning as set forth in R.C. § 5104.01.

**URBAN DISTRICT.** 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 a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

**VEHICLE.** Every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that the term does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.  
(R.C. § 4511.01) (Rev. 2010)

## § 70.02 COMPLIANCE WITH ORDER OF POLICE OFFICER.

(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 the person's motor vehicle to a stop.

(C) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (A) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (C)(4) and (C)(5) of this section, a violation of division (B) of this section is a misdemeanor of the first degree.

(4) Except as provided in division (C)(5) of this section, a violation of division (B) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5) (a) A violation of division (B) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in R.C. §§ 2929.12 and 2929.13 that are required to be considered, all of the following:

1. The duration of the pursuit;
2. The distance of the pursuit;
3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;

7. Whether the offender committed a moving violation during the pursuit;

8. The number of moving violations the offender committed during the pursuit;

9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.

(D) In addition to any other sanction imposed for a violation of this section, the court shall impose a class two suspension from the range specified in R.C. § 4510.02(A)(2). If the offender previously has been found guilty of an offense under this section or under R.C. § 2921.331, the court shall impose a class one suspension as described in R.C. § 4510.02(A)(1). The court shall not grant limited driving privileges to the offender. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this division or any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

(E) As used in this section:

**MOVING VIOLATION.** Has the same meaning as in R.C. § 2743.70.

**POLICE OFFICER.** Has the same meaning as in R.C. § 4511.01.  
(R.C. § 2921.331(A) - (C), (E), (F)) (Rev. 2004)

**Cross-reference:**

*Resisting arrest, see § 136.08*

**§ 70.03 EMERGENCY VEHICLES TO PROCEED CAUTIOUSLY PAST RED OR STOP SIGNAL.**

(A) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety to traffic, but may proceed cautiously past the red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 4511.03) (Rev. 2004)

**§ 70.04 EXCEPTIONS GENERALLY;  
EMERGENCY, PUBLIC SAFETY AND  
CORONER VEHICLES EXEMPT.**

(A) The provisions of this traffic code, except for §§ 73.01 and 73.02, do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic-control devices, but apply to those persons and vehicles when traveling to or from such work.

(B) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of R.C. §§ 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, and 4513.02, and R.C. §§ 5577.01 through 5577.09, and any substantially equivalent municipal ordinance.

(C) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of R.C. § 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or R.C. §§ 5577.01 through 5577.09, or any substantially equivalent municipal ordinance.

(2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of R.C. §§ 5577.01 through 5577.09, or any substantially equivalent municipal ordinance.

(D) As used in this section, **HIGHWAY MAINTENANCE VEHICLE** means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (R.C. § 4511.04) (Rev. 2004)

(E) The provisions of R.C. §§ 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.15, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681, and 4511.69, and any substantially equivalent municipal ordinances, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicles is giving an audible

signal by siren, exhaust whistle, or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (R.C. § 4511.041)

(F) The provisions of R.C. §§ 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38, and 4511.66, or any substantially equivalent municipal ordinances, do not apply to a coroner, deputy coroner or coroner's investigator operating a motor vehicle in accordance with R.C. § 4513.171 or a substantially equivalent municipal ordinance. This division does not relieve a coroner, deputy coroner or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (R.C. § 4511.042) (Rev. 1999)

**§ 70.05 PERSONS RIDING OR DRIVING ANIMALS  
UPON ROADWAYS.**

Every person riding, driving, or leading an animal upon a roadway is subject to the provisions of this traffic code, applicable to the driver of a vehicle, except those provisions of this traffic code which by their nature are inapplicable. (R.C. § 4511.05)

**§ 70.06 PROHIBITIONS AGAINST PEDESTRIANS  
AND SLOW-MOVING VEHICLES ON FREEWAYS.**

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

(1) 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;

(2) 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, or farm machinery, except in the performance of public works or official duties.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the

offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.051) (Rev. 2004)

**Statutory reference:**

*Designation of a freeway, see R.C. § 4511.011*

**§ 70.07 USE OF PRIVATE PROPERTY FOR VEHICULAR TRAVEL.**

The provisions of this traffic code do not prevent the owner of real property, used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use or from requiring additional conditions to those specified in this traffic code, or otherwise regulating such use as may seem best to the owner.

(R.C. § 4511.08)

**§ 70.08 NAMES OF PERSONS DAMAGING REAL PROPERTY BY OPERATION OF VEHICLE TO BE PROVIDED TO OWNER.**

(A) As used in this section, *MOTOR VEHICLE* has the same meaning as in R.C. § 4501.01.

(B) If damage is caused to real property by the operation of a motor vehicle in, or during the, violation of any section of the Ohio Revised Code or of any municipal ordinance, the law enforcement agency that investigates the case, upon request of the real property owner, shall provide the owner with the names of the persons who are charged with the commission of the offense. If a request for the names is made, the agency shall provide the names as soon as possible after the persons are charged with the offense.

(C) The personnel of law enforcement agencies who act pursuant to division (B) of this section in good faith are not liable in damages in a civil action allegedly arising from their actions taken pursuant to that division. Political subdivisions and the state are not liable in damages in a civil action allegedly arising from the actions of personnel of their law enforcement agencies if the personnel have immunity under this division.

(R.C. § 2935.28)

**§ 70.09 LIMITED ACCESS HIGHWAYS; BARRIERS ALONG; VEHICLES TO ENTER AND LEAVE AT DESIGNATED INTERSECTIONS.**

(A) No person, firm or corporation shall cut, injure, remove, or destroy any fence or other barrier designed and erected to prevent traffic from entering or leaving a limited access highway without the permission of the Director of

Transportation, except in a case of emergency where life or property is in danger. No person, firm or corporation shall cause a vehicle of any character to enter or leave a limited access highway at any point other than intersections designated by the Director for such purposes, except in a case of emergency where life or property is in danger.

(R.C. § 3767.201)

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 3767.99(D))

**§ 70.10 THROUGH HIGHWAYS.**

(A) All state routes are hereby designated as through highways, provided that stop signs, yield signs, or traffic-control signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more state routes that are through 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 Department or by local authorities having jurisdiction, except as otherwise provided in this section. Whenever the Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his or her jurisdiction. Before the Director either installs or removes a stop sign under this division, he or she shall give notice, in writing, of that proposed action to the affected local authority at least 30 days before installing or removing the stop sign.

(B) Other streets or highways, or portions thereof, are hereby designated as through highways if they are within the municipality, if they have a continuous length of more than one mile between the limits of the street or highway or portion thereof, and if they have stop or yield signs or traffic-control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of the street or highway, or portion thereof, shall be the municipal corporation line, the physical terminus of the street or highway, or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided, that in residence districts, the municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic-control devices. Where two or more through highways designated under this division 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 Department or by local authorities having jurisdiction, except as otherwise provided in this section.

(C) The Department or local authorities having jurisdiction need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(D) Local authorities, with reference to highways under their jurisdiction, may designate additional through highways, and shall erect stop signs, yield signs, or traffic-control signals at all streets and highways intersecting such through highways, or may designate any intersection as a stop or yield intersection, and shall erect like signs at one or more entrances to the intersection.

(R.C. § 4511.65) (Rev. 1999)

#### § 70.11 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway. The officer removing the key shall place notification upon the vehicle detailing his or her name and badge number, the place where the key may be reclaimed, and the procedure for reclaiming the key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.

(R.C. § 4549.05) (Rev. 1999)

#### § 70.12 REMOVAL OF VEHICLES AFTER ACCIDENTS.

(A) If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, the Chief of Police or the Chief of the Fire Department may, without consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident, remove the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.

(B) (1) Except as provided in division (B)(2) or (B)(3) of this section, the Chief of Police, any police officer, the Chief of the Fire Department, and any firefighter who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section is not liable in civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Except as provided in division (B)(2) or (B)(3) of this section, if the

Chief of Police or Chief of the Fire Department authorizes, employs, or arranges to have a private tow truck operator or towing company remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section, that private tow truck operator or towing company is not liable in civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property, and the Chief of Police or Chief of the Fire Department is not liable in civil damages for any injury, death, or loss to person or property that results from the private tow truck operator or towing company's removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (B)(1) of this section does not apply to any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (A) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway.

(3) Division (B)(1) of this section does not apply to a private tow truck operator or towing company that was not authorized, employed, or arranged by the Chief of Police or Chief of the Fire Department or to a private tow truck operator or towing company that was authorized, employed, or arranged by the Chief of Police or Chief of the Fire Department to perform the removal of the unoccupied motor vehicle, cargo, or personal property and the private tow truck operator or towing company performed the removal in a reckless or willful manner.

(C) As used in this section, *HAZARDOUS MATERIAL* has the same meaning as in R.C. § 2305.232. (R.C. § 4513.66) (Rev. 2010)

### TRAFFIC-CONTROL DEVICES

#### § 70.30 OBEYING TRAFFIC-CONTROL DEVICES.

(A) (1) 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.

(2) No provision 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.

(R.C. § 4511.12(A))

(B) (1) Except as provided in division (C) of this section, any operator of a commercial motor vehicle, upon approaching a scale location established for the purpose of

determining the weight of the vehicle and its load, shall comply with any traffic control device or the order of a peace officer directing the vehicle to proceed to be weighed or otherwise inspected.

(2) Any operator of a commercial motor vehicle, upon bypassing a scale location in accordance with division (C) of this section, shall comply with an order of a peace officer to stop the vehicle to verify the use and operation of an electronic clearance device.

(C) Any operator of a commercial motor vehicle that is equipped with an electronic clearance device authorized by the Superintendent of the State Highway Patrol under R.C. § 4549.081 may bypass a scale location, regardless of the instruction of a traffic control device to enter the scale facility, if either of the following apply:

(1) The in-cab transponder displays a green light or other affirmative visual signal and also sounds an affirmative audible signal;

(2) Any other criterion established by the Superintendent of the State Highway Patrol is met.

(D) Any peace officer may order the operator of a commercial motor vehicle that bypasses a scale location to stop the vehicle to verify the use and operation of an electronic clearance device.

(E) As used in this section, **COMMERCIAL MOTOR VEHICLE** means any combination of vehicles with a gross vehicle weight rating or an actual gross vehicle weight of more than 10,000 pounds if the vehicle is used in interstate or intrastate commerce to transport property and also means any vehicle that is transporting hazardous materials for which placarding is required pursuant to 49 C.F.R. parts 100 through 180.

(R.C. § 4511.121(A) - (C), (E))

(F) No person shall use an electronic clearance device if the device or its use is not in compliance with rules of the Superintendent of the State Highway Patrol.  
(R.C. § 4549.081(B))

(G) (1) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (A) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.12(B))

(2) Whoever violates division (B) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or

pleaded guilty to a violation of division (B) of this section or any substantially equivalent state law or municipal ordinance, whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of division (B) of this section or any substantially equivalent state law or municipal ordinance, whoever violates division (B) of this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.121(D))

(3) Whoever violates division (F) of this section is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(R.C. § 4549.081(C)) (Rev. 2005)

**Statutory reference:**

*Placing traffic-control devices on state highways, permission required, see R.C. § 4511.10*

*Traffic-control devices to conform to the state manual and specifications, see R.C. § 4511.11*

*Uniform system of traffic-control devices, see R.C. § 4511.09*

## § 70.31 SIGNAL LIGHTS.

(A) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying words or symbols, and these lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) *Green indication.*

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at the place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) 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 the arrow, or such other movement as is permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, as provided in R.C. § 4511.14 or a substantially equivalent municipal ordinance, 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.

(2) *Steady yellow indication.*

(a) 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.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in R.C. § 4511.14 or a substantially equivalent municipal ordinance, 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.

(3) *Steady red indication.*

(a) 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 divisions (A)(3)(b) and (A)(3)(c) of this section.

(b) Unless a sign is in place prohibiting a right turn as provided in division (A)(3)(e) of this section, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by division (A)(3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless a sign is in place prohibiting a left turn as provided in division (A)(3)(e) of this section, 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 division (A)(3)(a) of this section, and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(d) Unless otherwise directed by a pedestrian-control signal as provided in R.C. § 4511.14 or a substantially equivalent municipal ordinance, pedestrians facing a steady red signal alone shall not enter the roadway.

(e) Local authorities may by ordinance, or the Director of Transportation on state highways may, prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(B) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no

application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.

(R.C. § 4511.13) (Rev. 1999)

**§ 70.32 SIGNALS OVER REVERSIBLE LANES.**

When lane-use control signals are placed over individual lanes of a street or highway, these signals shall indicate and apply to drivers of vehicles as follows:

(A) *A steady (downward) green arrow.* Vehicular traffic may travel in any lane over which a green arrow signal is shown.

(B) *A steady yellow "X".* Vehicular traffic is warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.

(C) *A flashing yellow "X".* Vehicular traffic may use with proper caution any lane over which this signal is shown for only the purpose of making a left turn.

(D) *A steady red "X".* Vehicular traffic shall not enter or travel in any lane over which this signal is shown.  
(R.C. § 4511.131) (Rev. 1999)

**§ 70.33 AMBIGUOUS OR NON-WORKING TRAFFIC SIGNALS.**

(A) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic-control signals shall do all of the following, if the signal facing the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

(3) Exercise ordinary care while proceeding through the intersection.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth

degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.132) (Rev. 2004)

#### § 70.34 PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words “walk” or “don’t walk”, or the symbol of a walking person or an upraised palm are in place, these signals shall indicate the following instructions:

(A) *“Walk” or the symbol of a walking person.* Pedestrians facing this signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the operators of all vehicles.

(B) *“Don’t walk” or the symbol of an upraised palm.* No pedestrian shall start to cross the roadway in the direction of the signal.

(C) *“Wait”.* Nothing in this section shall be construed to invalidate the continued use of pedestrian-control signals utilizing the word “wait” if those signals were installed prior to March 28, 1985. (R.C. § 4511.14) (Rev. 1999)

#### § 70.35 FLASHING TRAFFIC SIGNALS.

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

(1) *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.

(2) *Flashing yellow caution signal.* Operators of vehicles may proceed through the intersection or past the signal only with caution.

(B) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by R.C. §§ 4511.61 and 4511.62, or substantially equivalent municipal ordinances. (R.C. § 4511.15) (Rev. 1999)

#### § 70.36 UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED.

(A) (1) No person shall place, maintain, or display upon or in view of any highway 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 highway any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to highways 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 R.C. §§ 4511.211 and 4511.432.

(2) Every prohibited sign, signal, marking, or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.16) (Rev. 2004)

#### § 70.37 ALTERATION, DEFAACEMENT, OR REMOVAL PROHIBITED.

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

(1) 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;

(2) 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;

(3) Knowingly move, damage, destroy, or otherwise improperly tamper with a manhole cover.

(B) (1) Except as otherwise provided in this division, whoever violates division (A)(1) or (A)(3) of this section is guilty of a misdemeanor of the third degree. If a violation of division (A)(1) or (A)(3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of division (A)(1) or (A)(3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, whoever violates division (A)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates division (A)(2) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates division (A)(2) of this section is guilty of a misdemeanor of the third degree.  
(R.C. § 4511.17) (Rev. 2004)

#### § 70.38 UNAUTHORIZED POSSESSION OR SALE OF DEVICES.

(A) As used in this section, **TRAFFIC CONTROL DEVICE** means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under R.C. § 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(B) No individual shall buy or otherwise possess, or sell, a traffic control device, except when one of the following applies:

(1) In the course of the individual's employment by the state or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control devices other than a state or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to state or local officials;

(4) When the traffic control device has been purchased from the state or a local authority at a sale of property that is no longer needed or is unfit for use; or

(5) When the traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales

receipt for the device or other acknowledgment of sale issued by the manufacturer.

(C) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of R.C. § 2913.02, or a substantially equivalent municipal ordinance, or for receiving stolen property in violation of R.C. § 2913.51, or a substantially equivalent municipal ordinance.

(D) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 4511.18) (Rev. 2004)

#### § 70.39 SIGNAL PREEMPTION DEVICES; PROHIBITIONS.

(A) (1) No person shall possess a portable signal preemption device.

(2) No person shall use a portable signal preemption device to affect the operation of a traffic-control device.

(B) Division (A)(1) of this section does not apply to any of the following persons and division (A)(2) of this section does not apply to any of the following persons when responding to an emergency call:

(1) A peace officer, as defined in R.C. § 109.17(A)(1), (A)(12), (A)(14), or (A)(19);

(2) A state highway patrol officer;

(3) A person while occupying a public safety vehicle as defined in R.C. § 4511.01(E)(1), (E)(3), or (E)(4).

(C) Whoever violates division (A)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (A)(2) of this section is guilty of a misdemeanor of the first degree.

(D) As used in this section, **PORTABLE SIGNAL PREEMPTION DEVICE** means a device that, if activated by a person, is capable of changing a traffic-control signal to green out of sequence.  
(R.C. § 4511.031) (Rev. 2006)

#### § 70.40 TRAFFIC LAW PHOTO-MONITORING DEVICES.

(A) As used in this section, **TRAFFIC LAW PHOTO-MONITORING DEVICE** means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle or its license plate.

(B) (1) The municipality shall not use traffic law photo-monitoring devices to enforce any traffic law until after it has erected signs on every highway that is not a freeway that is part of the state highway system and that enters the municipality. The signs shall inform inbound traffic that the municipality utilizes traffic law photo-monitoring devices to enforce traffic laws. The signs shall be erected within the first 300 feet of the boundary of the municipality or, if the signs cannot be located within the first 300 feet of the boundary of the municipality, as close to that distance as possible, provided that if a particular highway enters and exits the territory of the municipality multiple times, the municipality shall erect the signs as required by this division at the locations in each direction of travel where inbound traffic on the highway first enters the territory of the municipality and is not required to erect additional signs along such highway each time the highway reenters the territory of the municipality. The municipality is responsible for all costs associated with the erection, maintenance, and replacement, if necessary, of the signs. All signs erected under this division shall conform in size, color, location, and content to standards contained in the manual adopted by the Department of Transportation pursuant to R.C. § 4511.09 and shall remain in place for as long as the municipality utilizes traffic law photo-monitoring devices to enforce any traffic law. Any ticket, citation, or summons issued by or on behalf of the municipality for any traffic law violation based upon evidence gathered by a traffic law photo-monitoring device after March 12, 2009, but before the signs have been erected, is invalid; provided that no ticket, citation, or summons is invalid if the municipality is in substantial compliance with the requirement of this division to erect the signs.

(2) The municipality is deemed to be in substantial compliance with the requirement of division (B)(1) of this section to erect the advisory signs if the municipality does both of the following:

(a) First erects all signs as required by division (B)(1) of this section and subsequently maintains and replaces the signs as needed so that at all times at least 90% of the required signs are in place and functional;

(b) Annually documents and upon request certifies its compliance with division (B)(2)(a) of this section.

(C) If the municipality uses traffic law photo-monitoring devices to enforce any traffic law at an intersection where traffic is controlled by traffic control signals that exhibit different colored lights or colored lighted arrows, the municipality shall time the operation of the yellow lights and yellow arrows of those traffic control signals so that the steady yellow indication exceeds by one second the minimum duration for yellow indicators at similar intersections as established by the provisions of the manual adopted by the Department of Transportation under R.C. § 4511.09.

(R.C. § 4511.094) (Rev. 2009)

**§ 70.99 PENALTY.**

(A) Whoever is convicted of or pleads guilty to a misdemeanor or minor misdemeanor shall be sentenced in accordance with § 130.99(B) through (G).

(B) Whoever violates any provision of this traffic code for which no penalty otherwise is provided in the section violated is guilty of one of the following:

(1) Except as otherwise provided in division (B)(2) or (B)(3) of this section, a minor misdemeanor;

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more predicate motor vehicle or traffic offenses, a misdemeanor of the third degree.

(R.C. § 4511.99) (Rev. 2004)

**Cross-reference:**

*Imposing sentence for misdemeanor, see § 130.18*

*Multiple sentences, see § 130.19*

**Statutory reference:**

*Reimbursement for costs of confinement, see R.C. §§ 2929.36 et seq.*