

## TITLE FIVE - Vehicles

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## CHAPTER 331

## Operation Generally

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#### CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

Operation of bicycles and motorcycles - see TRAF. 373.01 et. seq.

School bus operation - see OAC Ch. 4501-3

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#### 331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) When driving upon a roadway divided into three (3) or more marked lanes for traffic under the rules applicable thereon;
- (4) When driving upon a roadway designated and posted with signs for one-way traffic;
- (5) When otherwise directed by a police officer or traffic control device.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(c) Upon any roadway having four (4) 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 roadway 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 (1) line of traffic in each direction, each operator shall give to the other one-half (1/2) of the main traveled portion of the roadway or as nearly one-half (1/2) 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 (4) 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 (2) 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.)

**331.05 OVERTAKING, PASSING TO LEFT OF CENTER.**

No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within two hundred (200) feet of any approaching vehicle. (ORC 4511.29.)

**331.06 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.**

No vehicle shall be driven upon the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(b) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel;

(c) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

This Section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(a)(2). (ORC 4511.30.)

### 331.07 HAZARDOUS OR NO PASSING ZONES.

Hazardous zones, commonly called "no passing zones", shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears on the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 331.06. (ORC 4511,31).

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

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two (2) 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 (3) 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.

(c) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme lefthand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the lefthand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(d) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs. (ORC 4511.36.)

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**331.11 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.**

The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway 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) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.
- (c) Upon a roadway where traffic is restricted to one (1) direction, approach for a left turn and a left turn shall be made as close as practicable to the lefthand curb or edge of the roadway.

It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any alleyway.

**331.12 "U" TURNS RESTRICTED.**

(a) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within five hundred (500) feet by the driver of any other vehicle approaching from either direction.(ORC 4511.37.)

(b) No vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.

**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 one hundred (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 (24) 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 (14) 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.)

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**331.16 RIGHT OF WAY AT INTERSECTIONS.**

(a) When two (2) vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in Subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Chapter 4511. (ORC 4511.41.)

**331.17 RIGHT OF WAY WHEN TURNING LEFT.**

The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard. (ORC 4511.42.)

**331.18 OPERATION OF VEHICLE AT YIELD SIGNS.**

The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, 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. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way. (ORC 4511.43(B).)

**331.19 OPERATION OF VEHICLE AT STOP SIGNS.**

Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign 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. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. (ORC 4511.43(A).)

### 331.20 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.

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 such red or stop sign or signal with due regard for the safety of all persons using the street or highway. (ORC 4511.03.)

### 331.21 RIGHT OF WAY OR PUBLIC SAFETY VEHICLE.

Upon the approach of a public safety vehicle, equipped with at least one (1) flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of five hundred (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 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 (2) 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 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.

No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction. (ORC 4511.451.)

**331.25 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.**

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or in the sides, or to interfere with his control over the driving mechanism of the vehicle.(ORC 4511.70(A), (B).)

**331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.**

No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway. (ORC 4511.71.)

**331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.**

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred (500) feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a fireman. (ORC 4511.72.)

**331.28 DRIVING OVER FIRE HOSE.**

No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose, when such hose is laid down on any street or private driveway to be used at any fire or alarm of fire. (ORC 4511.73.)

**331.29 DRIVING THROUGH SAFETY ZONE.**

No vehicle shall at any time be driven through or within a safety zone. (ORC 4511.60.)

**331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.**

Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (ORC 4511.32.)

**331.31 DRIVING UPON DIVIDED ROADWAYS.**

Whenever any street has been divided into two (2) 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 motor vehicle, trackless trolley, or streetcar on any street, highway or property open to the public for vehicular traffic without being in reasonable control of the vehicle, trolley or streetcar.

(b) No person shall operate a motor vehicle or motorcycle 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 motor vehicle or motorcycle without giving his full time and attention to the operation of such vehicle. (Ord. 27-83. Passed 5-9-83.)

#### 331.35 OCCUPYING A MOVING TRAVEL OR HOUSE TRAILER.

No person shall occupy any travel trailer or non self-propelled house trailer 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.)

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

#### 331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child or person attending programs offered by community boards of mental health and mental retardation and County boards of mental retardation shall stop at least ten (10) feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children or persons attending programs offered by community boards of

mental health and mental retardation and County boards of mental retardation. The requirement of this Section for school buses to be equipped with amber visual signals and an automatically extended stop warning sign shall apply to all new school buses contracted for on or after June 1, 1979, and to all other school buses on and after August 1, 1980. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and mental retardation and County boards of mental retardation are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four (4) or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child or persons attending programs offered by community boards of mental health and mental retardation and County boards of mental retardation. The driver of any vehicle overtaking the school bus shall comply with Subsection (a) hereof.

(d) School buses operating on divided highways or on highways with four (4) or more traffic lanes shall receive and discharge all school children or persons attending programs offered by community boards of mental health and mental retardation and County boards of mental retardation 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 mental retardation and County boards of mental retardation 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 (50) feet but not less than fifteen (15) 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 Fifteen hundred (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.)

(b) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty (50) but not less than fifteen (15) feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing. (ORC 4511.61.)

#### 331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a motor vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a motor vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this Section for the operator of a motor vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

**331.42 VEHICULAR SOUND CARS PROHIBITED.**

The driving of vehicles or sound cars upon the public streets within the City for the primary purpose of advertising or promoting political candidates is hereby declared to be a nuisance and unlawful. (Ord. 21-75. Passed 3-10-75.)

**331.43 ABANDONING VEHICLE; VEHICLE TRESPASS.**

(a) No person shall leave an unoccupied motor vehicle on the land or premises of another except with the consent and knowledge of the owner or occupant, or his agent or servant.

(b) No person shall enter into or upon any vehicle, motorcycle or motor vehicle, the property of another person, without the consent of the owner or operator thereof.

(Ord. 30-74. Passed 4-1-74.)

**331.44 LITTERING BY OPERATORS OF MOTOR VEHICLES PROHIBITED.**

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard, or deposit litter from any motor vehicle in operations upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operations upon any street, road, or highway, shall allow litter to be thrown, dropped, discarded, or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature. (ORC 4511.82).

**331.45 PARKING ON PRIVATE PROPERTY IN VIOLATION OF POSTED PROHIBITION OR RESTRICTION**

If an owner of private property posts on the property, in a conspicuous manner, a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(a) Park a vehicle on the property without the owner's consent;

(b) Park a vehicle on the property in violation of any condition or regulations posted by the owner. (ORC 4511.681)

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331.46 DRIVER'S AND PASSENGERS TO WEAR SEAT BELTS;  
EXCEPTIONS; VEHICLE NOT TO BE STOPPED SOLELY FOR  
SEAT BELT VIOLATION; SEAT BELT EDUCATION AND  
EMERGENCY MEDICAL SERVICES FUND; WHEN VIOLATION  
NOT ADMISSIBLE EVIDENCE.

(A) As used in this section and in section 4513.99 of the Ohio Revised Code:

(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 in section 4501.01 of the Ohio Revised Code.

(5) "Vehicle" and "motor vehicle" as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Ohio Revised Code.

(B) No person shall do any 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) Operate an automobile in any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless he is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device. Division (B) (1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (B) (1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731 of the Ohio Revised Code or a chiropractor licensed to practice in this state under Chapter 4734 of the Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether such a violation has been or is being committed.

(E) All fines collected for violations of division (B) of this section, or for violations of any municipal ordinance that is substantially comparable to that division shall be forwarded to the treasurer of state for deposit in the seat belt education and emergency medical services fund, which is hereby established in the state treasury. The moneys in the fund shall be distributed as set forth in O.R.C. 4513.263, and any amendments thereto. The purpose of the seat belt education program shall be to educate the general public as to the advantages of seat safety belt use and the dangers of not using seat safety belts, and to encourage compliance with the provisions of this section. As part of the program, the department shall prepare or acquire two films or videotapes concerning the advantages of seat safety belt use and the dangers of not using seat safety belts. One film or videotape shall be suitable for viewing by persons who are under sixteen years of age. The other film or videotape shall be suitable for viewing by persons who are sixteen years of age or older. The program also shall utilize any

other means of educating the general public and encouraging compliance that the director of highway safety considers appropriate, including but not limited to, pamphlets, brochures, newspaper messages, television messages, radio messages, billboards, classes or seminars.

(F) (1) Subject to division (F) (2) of this section, 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 division (B) of this section, 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 this section.

(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 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, then, consistent with the Rules of Evidence, the fact that the 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 the 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 the 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 division (F) (2) of this section, "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 sections 2307.71 to 2307.80 of the Revised Code, but does not include a civil action for damages for a breach of a contract or another agreement between persons. (ORC 4513.263)  
(Ord. 112-92. Passed 12-14-92)

**331.47 CHILD RESTRAINT SYSTEM REQUIRED.**

(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 his 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 vehicle 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 4511.01 of the Revised Code, that is registered in this state but is not owned by his 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 his 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.

(E) The director of highway safety shall adopt such rules as are necessary to carry out this section, and may adopt rules establishing exemptions additional to those established in division (G) of this section if the director determines that the use of a child restraint system, lap belt, or seat belt would be impractical because of a physical handicap of a child and if the additional exemptions are directly related to that impracticality.

(F) That failure of an operator of a motor vehicle to secure a child in a child restraint system, lap belt or seat belt as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(G) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(H) If a person, who is not a resident of this state is charged with a violation of Division (A), (B), (C) or (D) of this section 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 Division (a) (1) of Section 303.99 of this chapter. (ORC 4511.81).

**331.48 EARPHONES OR EARPLUGS ON OPERATOR PROHIBITED**

(A) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

This section does not apply to any person wearing a hearing aid or when wearing earphones over or earplugs in, both ears, as a part of the normal function of such person's employment or when required by OSHA Regulations or other mandatory safety law or regulation. (Ord. 31-91. Passed 5-13-91)

**331.99 PENALTY.**

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