

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 21

Representative Fessler

**Cosponsors: Representatives Flowers, Evans, McGregor, J., Stebelton,
Chandler, Adams, Brown, Fende, Setzer, Collier**

—

A B I L L

To amend section 4511.213 of the Revised Code to 1
require a driver to pull over or slow down upon 2
approaching a stationary road service vehicle that 3
is displaying flashing, oscillating, or rotating 4
amber lights while servicing a disabled vehicle. 5

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

Section 1. That section 4511.213 of the Revised Code be 6
amended to read as follows: 7

Sec. 4511.213. (A) The driver of a motor vehicle, upon 8
approaching a stationary public safety vehicle or road service 9
vehicle that is displaying a ~~flashing red light, flashing~~ 10
~~combination red and white light, oscillating or rotating red~~ 11
~~light, oscillating or rotating combination red and white light,~~ 12
~~flashing blue light, the appropriate flashing combination blue and~~ 13
~~white light, oscillating or rotating blue light, or, oscillating,~~ 14
or rotating ~~combination blue and white light~~ lights, as prescribed 15
in section 4513.17 of the Revised Code, shall do either of the 16
following: 17

(1) If the driver of the motor vehicle is traveling on a 18

highway that consists of at least two lanes that carry traffic in 19
the same direction of travel as that of the driver's motor 20
vehicle, the driver shall proceed with due caution and, if 21
possible and with due regard to the road, weather, and traffic 22
conditions, shall change lanes into a lane that is not adjacent to 23
that of the stationary public safety vehicle or road service 24
vehicle. 25

(2) If the driver is not traveling on a highway of a type 26
described in division (A)(1) of this section, or if the driver is 27
traveling on a highway of that type but it is not possible to 28
change lanes or if to do so would be unsafe, the driver shall 29
proceed with due caution, reduce the speed of the motor vehicle, 30
and maintain a safe speed for the road, weather, and traffic 31
conditions. 32

(B) This section does not relieve the driver of a public 33
safety vehicle or road service vehicle from the duty to drive with 34
due regard for the safety of all persons and property upon the 35
highway. 36

(C) No person shall fail to drive a motor vehicle in 37
compliance with division (A)(1) or (2) of this section when so 38
required by division (A) of this section. 39

(D)(1) Except as otherwise provided in this division, whoever 40
violates this section is guilty of a minor misdemeanor. If, within 41
one year of the offense, the offender previously has been 42
convicted of or pleaded guilty to one predicate motor vehicle or 43
traffic offense, whoever violates this section is guilty of a 44
misdemeanor of the fourth degree. If, within one year of the 45
offense, the offender previously has been convicted of two or more 46
predicate motor vehicle or traffic offenses, whoever violates this 47
section is guilty of a misdemeanor of the third degree. 48

(2) Notwithstanding section 2929.28 of the Revised Code, upon 49

a finding that a person operated a motor vehicle in violation of 50
division (C) of this section, the court, in addition to all other 51
penalties provided by law, shall impose a fine of two times the 52
usual amount imposed for the violation. 53

(E) As used in this section, "public safety vehicle" has the 54
same meaning as in section 4511.01 of the Revised Code. 55

Section 2. That existing section 4511.213 of the Revised Code 56
is hereby repealed. 57