



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

S.B. 166

128th General Assembly
(As Introduced)

Sens. Hughes, Goodman

BILL SUMMARY

- Allows emergency personnel in certain public safety vehicles, when a motor vehicle operator fails to yield the right-of-way to the public safety vehicle, to report that violation and other traffic law violations and establishes the governing procedures for issuance of a citation or warning.

CONTENT AND OPERATION

Current law requires a vehicle driver to yield the right-of-way and clear an intersection when a public safety vehicle approaches using a visible flashing, rotating or oscillating light and giving an audible signal. If practical, the driver must pull to a position parallel to, and as close as possible to, the right edge or curb of the highway clear of any intersection, and stop and remain in that position until the public safety vehicle has passed, except when otherwise directed by a police officer. On a first offense, failure to yield to a public safety vehicle is a fourth degree misdemeanor; a second offense within one year after the first offense is a third degree misdemeanor; and, on each subsequent offense within one year after the first offense, the offense is a second degree misdemeanor. (Sec. 4511.45, not in the bill.)

Under the bill, when the failure of a motor vehicle operator to yield the right-of-way to certain public safety vehicles (see below) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number (including the number of a temporary tag) and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The emergency personnel also may report any other apparent violation of the traffic laws of this state occurring at the same time; for example, emergency personnel

would be able to report if the operator of the vehicle not only fails to yield the right-of-way, but also appears to be speeding or runs a red light. (Sec. 4511.454(A).)

When a law enforcement agency receives any such report from emergency personnel operating a public safety vehicle, the agency must conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle establishes probable cause for the law enforcement agency to issue a citation for the failure of the motor vehicle operator to yield the right-of-way to a public safety vehicle. However, if the emergency personnel reported other apparent traffic law violations or if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency must issue a warning to the person who owned the vehicle at the time of the alleged violation; in the case of a leased or rented vehicle, the warning must be issued to the person who leased or rented the vehicle at the time of the alleged violation. (Sec. 4511.454(B).)

The bill excludes from its provisions one of the five types of public safety vehicles generally defined in current law for purposes of Chapter 4511. of the Revised Code, the traffic laws governing the operation of motor vehicles. The current law definition includes ambulances, law enforcement vehicles, properly identified volunteer rescue or fire vehicles, and fire department vehicles; emergency personnel from each of these public safety vehicles are permitted by the bill to make the reports of traffic law violations. However, the current law definition of a "public safety vehicle" also includes a vehicle used by the motor carrier enforcement unit for the enforcement of orders and rules of the Public Utilities Commission; these vehicles are excluded from the definition of public safety vehicle for purposes of the bill, and personnel operating such vehicles are not permitted to file a report of a traffic law violation. (Secs. 4511.01(E), not in the bill, and 4511.454(C)(2).)

HISTORY

ACTION	DATE
Introduced	09-10-09

s0166-i-128.docx/kl

