

H. B. No. 419  
As Introduced

**Topic:** Redefine "emergency call" for police agencies; removal of lights and sirens requirement 1  
2

\_\_\_\_\_ moved to amend as follows:

- In line 1 of the title, delete "2744.02" and insert "2744.01" 3
- In line 2 of the title, after the first "the" insert "definition of "emergency call" for purposes of the" 4  
5
- In line 3 of the title, delete "or fire"; delete "or emergency" 6
- In line 4 of the title, delete "medical service of a political subdivision" 7  
8
- In line 6 of the title, delete "by requiring that the" 9
- Delete line 7 of the title 10
- In line 8 of the title, delete "activated" 11
- In line 9, delete "2744.02" and insert "2744.01" 12
- Delete lines 11 through 105 and insert: 13
- "Sec. 2744.01. As used in this chapter: 14

(A) "Emergency call" means a call to duty, ~~including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of~~ involving any reported or observed inherently dangerous situations that demand an immediate response on the part of a peace officer.

(B) "Employee" means an officer, agent, employee, or servant, whether or not compensated or full-time or part-time, who is authorized to act and is acting within the scope of the officer's, agent's, employee's, or servant's employment for a political subdivision. "Employee" does not include an independent contractor and does not include any individual engaged by a school district pursuant to section 3319.301 of the Revised Code. "Employee" includes any elected or appointed official of a political subdivision. "Employee" also includes a person who has been convicted of or pleaded guilty to a criminal offense and who has been sentenced to perform community service work in a political subdivision whether pursuant to section 2951.02 of the Revised Code or otherwise, and a child who is found to be a delinquent child and who is ordered by a juvenile court pursuant to section 2152.19 or 2152.20 of the Revised Code to perform community service or community work in a political subdivision.

(C) (1) "Governmental function" means a function of a political subdivision that is specified in division (C) (2) of this section or that satisfies any of the following:

(a) A function that is imposed upon the state as an obligation of sovereignty and that is performed by a political subdivision voluntarily or pursuant to legislative requirement;

(b) A function that is for the common good of all citizens of the state;

(c) A function that promotes or preserves the public peace, health, safety, or welfare; that involves activities that are not engaged in or not customarily engaged in by nongovernmental persons; and that is not specified in division (G) (2) of this section as a proprietary function.

(2) A "governmental function" includes, but is not limited to, the following:

(a) The provision or nonprovision of police, fire, emergency medical, ambulance, and rescue services or protection;

(b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in section 3750.01 of the Revised Code; and to protect persons and property;

(c) The provision of a system of public education;

(d) The provision of a free public library system;

(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;

(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;

(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses;

(h) The design, construction, reconstruction, renovation, repair, maintenance, and operation of jails, places of juvenile

detention, workhouses, or any other detention facility, as	72
defined in section 2921.01 of the Revised Code;	73
(i) The enforcement or nonperformance of any law;	74
(j) The regulation of traffic, and the erection or	75
nonerection of traffic signs, signals, or control devices;	76
(k) The collection and disposal of solid wastes, as	77
defined in section 3734.01 of the Revised Code, including, but	78
not limited to, the operation of solid waste disposal	79
facilities, as "facilities" is defined in that section, and the	80
collection and management of hazardous waste generated by	81
households. As used in division (C) (2) (k) of this section,	82
"hazardous waste generated by households" means solid waste	83
originally generated by individual households that is listed	84
specifically as hazardous waste in or exhibits one or more	85
characteristics of hazardous waste as defined by rules adopted	86
under section 3734.12 of the Revised Code, but that is excluded	87
from regulation as a hazardous waste by those rules.	88
(l) The provision or nonprovision, planning or design,	89
construction, or reconstruction of a public improvement,	90
including, but not limited to, a sewer system;	91
(m) The operation of a job and family services department	92
or agency, including, but not limited to, the provision of	93
assistance to aged and infirm persons and to persons who are	94
indigent;	95
(n) The operation of a health board, department, or	96
agency, including, but not limited to, any statutorily required	97
or permissive program for the provision of immunizations or	98
other inoculations to all or some members of the public,	99
provided that a "governmental function" does not include the	100

supply, manufacture, distribution, or development of any drug or vaccine employed in any such immunization or inoculation program by any supplier, manufacturer, distributor, or developer of the drug or vaccine;

(o) The operation of mental health facilities, developmental disabilities facilities, alcohol treatment and control centers, and children's homes or agencies;

(p) The provision or nonprovision of inspection services of all types, including, but not limited to, inspections in connection with building, zoning, sanitation, fire, plumbing, and electrical codes, and the taking of actions in connection with those types of codes, including, but not limited to, the approval of plans for the construction of buildings or structures and the issuance or revocation of building permits or stop work orders in connection with buildings or structures;

(q) Urban renewal projects and the elimination of slum conditions, including the performance of any activity that a county land reutilization corporation is authorized to perform under Chapter 1724. or 5722. of the Revised Code;

(r) Flood control measures;

(s) The design, construction, reconstruction, renovation, operation, care, repair, and maintenance of a township cemetery;

(t) The issuance of revenue obligations under section 140.06 of the Revised Code;

(u) The design, construction, reconstruction, renovation, repair, maintenance, and operation of any school athletic facility, school auditorium, or gymnasium or any recreational area or facility, including, but not limited to, any of the

following:	129
(i) A park, playground, or playfield;	130
(ii) An indoor recreational facility;	131
(iii) A zoo or zoological park;	132
(iv) A bath, swimming pool, pond, water park, wading pool, wave pool, water slide, or other type of aquatic facility;	133 134
(v) A golf course;	135
(vi) A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;	136 137 138
(vii) A rope course or climbing walls;	139
(viii) An all-purpose vehicle facility in which all- purpose vehicles, as defined in section 4519.01 of the Revised Code, are contained, maintained, or operated for recreational activities.	140 141 142 143
(v) The provision of public defender services by a county or joint county public defender's office pursuant to Chapter 120. of the Revised Code;	144 145 146
(w) (i) At any time before regulations prescribed pursuant to 49 U.S.C.A 20153 become effective, the designation, establishment, design, construction, implementation, operation, repair, or maintenance of a public road rail crossing in a zone within a municipal corporation in which, by ordinance, the legislative authority of the municipal corporation regulates the sounding of locomotive horns, whistles, or bells;	147 148 149 150 151 152 153
(ii) On and after the effective date of regulations prescribed pursuant to 49 U.S.C.A. 20153, the designation,	154 155

establishment, design, construction, implementation, operation, 156  
repair, or maintenance of a public road rail crossing in such a 157  
zone or of a supplementary safety measure, as defined in 49 158  
U.S.C.A 20153, at or for a public road rail crossing, if and to 159  
the extent that the public road rail crossing is excepted, 160  
pursuant to subsection (c) of that section, from the requirement 161  
of the regulations prescribed under subsection (b) of that 162  
section. 163

(x) A function that the general assembly mandates a 164  
political subdivision to perform. 165

(D) "Law" means any provision of the constitution, 166  
statutes, or rules of the United States or of this state; 167  
provisions of charters, ordinances, resolutions, and rules of 168  
political subdivisions; and written policies adopted by boards 169  
of education. When used in connection with the "common law," 170  
this definition does not apply. 171

(E) "Motor vehicle" has the same meaning as in section 172  
4511.01 of the Revised Code. 173

(F) "Political subdivision" or "subdivision" means a 174  
municipal corporation, township, county, school district, or 175  
other body corporate and politic responsible for governmental 176  
activities in a geographic area smaller than that of the state. 177  
"Political subdivision" includes, but is not limited to, a 178  
county hospital commission appointed under section 339.14 of the 179  
Revised Code, board of hospital commissioners appointed for a 180  
municipal hospital under section 749.04 of the Revised Code, 181  
board of hospital trustees appointed for a municipal hospital 182  
under section 749.22 of the Revised Code, regional planning 183  
commission created pursuant to section 713.21 of the Revised 184  
Code, county planning commission created pursuant to section 185

713.22 of the Revised Code, joint planning council created 186  
pursuant to section 713.231 of the Revised Code, interstate 187  
regional planning commission created pursuant to section 713.30 188  
of the Revised Code, port authority created pursuant to section 189  
4582.02 or 4582.26 of the Revised Code or in existence on 190  
December 16, 1964, regional council established by political 191  
subdivisions pursuant to Chapter 167. of the Revised Code, 192  
emergency planning district and joint emergency planning 193  
district designated under section 3750.03 of the Revised Code, 194  
joint emergency medical services district created pursuant to 195  
section 307.052 of the Revised Code, fire and ambulance district 196  
created pursuant to section 505.375 of the Revised Code, joint 197  
interstate emergency planning district established by an 198  
agreement entered into under that section, county solid waste 199  
management district and joint solid waste management district 200  
established under section 343.01 or 343.012 of the Revised Code, 201  
community school established under Chapter 3314. of the Revised 202  
Code, county land reutilization corporation organized under 203  
Chapter 1724. of the Revised Code, the county or counties served 204  
by a community-based correctional facility and program or 205  
district community-based correctional facility and program 206  
established and operated under sections 2301.51 to 2301.58 of 207  
the Revised Code, a community-based correctional facility and 208  
program or district community-based correctional facility and 209  
program that is so established and operated, and the facility 210  
governing board of a community-based correctional facility and 211  
program or district community-based correctional facility and 212  
program that is so established and operated. 213

(G) (1) "Proprietary function" means a function of a 214  
political subdivision that is specified in division (G) (2) of 215  
this section or that satisfies both of the following: 216



(a) The function is not one described in division (C) (1)	217
(a) or (b) of this section and is not one specified in division	218
(C) (2) of this section;	219
(b) The function is one that promotes or preserves the	220
public peace, health, safety, or welfare and that involves	221
activities that are customarily engaged in by nongovernmental	222
persons.	223
(2) A "proprietary function" includes, but is not limited	224
to, the following:	225
(a) The operation of a hospital by one or more political	226
subdivisions;	227
(b) The design, construction, reconstruction, renovation,	228
repair, maintenance, and operation of a public cemetery other	229
than a township cemetery;	230
(c) The establishment, maintenance, and operation of a	231
utility, including, but not limited to, a light, gas, power, or	232
heat plant, a railroad, a busline or other transit company, an	233
airport, and a municipal corporation water supply system;	234
(d) The maintenance, destruction, operation, and upkeep of	235
a sewer system;	236
(e) The operation and control of a public stadium,	237
auditorium, civic or social center, exhibition hall, arts and	238
crafts center, band or orchestra, or off-street parking	239
facility.	240
(H) "Public roads" means public roads, highways, streets,	241
avenues, alleys, and bridges within a political subdivision.	242
"Public roads" does not include berms, shoulders, rights-of-way,	243
or traffic control devices unless the traffic control devices	244

are mandated by the Ohio manual of uniform traffic control 245  
devices. 246

(I) "State" means the state of Ohio, including, but not 247  
limited to, the general assembly, the supreme court, the offices 248  
of all elected state officers, and all departments, boards, 249  
offices, commissions, agencies, colleges and universities, 250  
institutions, and other instrumentalities of the state of Ohio. 251  
"State" does not include political subdivisions." 252

In line 106, delete "2744.02" and insert "2744.01" 253

The motion was \_\_\_\_\_ agreed to.