



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Aida S. Montano

H.B. 419

132nd General Assembly
(As introduced)

Reps. Henne, Lang, Riedel, Sprague

BILL SUMMARY

- Modifies the defenses to a political subdivision's liability for an accident caused by the negligent operation of a police, fire, or emergency medical service motor vehicle such that the defenses apply only if the vehicle's lights and sirens were simultaneously activated during operation.
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CONTENT AND OPERATION

Political subdivision sovereign immunity

Under continuing law, with certain exceptions, a political subdivision is liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by an act or omission of the political subdivision or of any of its employees in connection with a governmental or proprietary function, as defined.¹

In regard to the negligent operation of a motor vehicle by employees of a political subdivision when the employees are engaged within the scope of their employment and authority, political subdivisions are generally liable for injury, death, or loss to person or property caused by such negligent operation.² The bill modifies the current law's full defenses to that liability by adding the clauses in quotation marks as follows:³

¹ R.C. 2744.02(B).

² R.C. 2744.02(B)(1).

³ R.C. 2744.02(B)(1)(a), (b), and (c).

- A member of a municipal corporation police department or any other police agency was operating a motor vehicle "with the vehicle's lights and sirens simultaneously activated" while responding to an emergency call and the operation of the vehicle did not constitute willful or wanton misconduct.
- A member of a municipal corporation fire department or any other firefighting agency was operating a motor vehicle "with the vehicle's lights and sirens simultaneously activated" while engaged in duty at a fire, proceeding toward a place where a fire is, or is believed to be, in progress, or answering any other emergency alarm and the operation of the vehicle did not constitute willful or wanton misconduct.
- A member of an emergency medical service owned or operated by a political subdivision was operating a motor vehicle "with the vehicle's lights and sirens simultaneously activated" while responding to or completing a call for emergency medical care or treatment, the member was holding a valid commercial driver's license or a driver's license issued under Ohio law, the operation of the vehicle did not constitute willful or wanton misconduct, and the operation complies with the precaution that, when responding to an emergency call, upon approaching a red or stop signal or a stop sign, the driver of an emergency vehicle must 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.⁴

HISTORY

ACTION	DATE
Introduced	11-21-2017

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⁴ R.C. 2744.02(B)(1)(c) and by reference to R.C. 4511.03, not in the bill.

