

**As Reported by the Senate Judiciary--Civil Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. S. B. No. 129**

**Senator Schuler**

**Cosponsors: Senators Gardner, Spada, Goodman, Seitz, Buehrer, Schuring,**

**Fedor**

**—**

**A B I L L**

To enact section 4513.66 of the Revised Code to 1  
permit local law enforcement agencies and fire 2  
departments to remove motor vehicles from the 3  
roadway after a motor vehicle accident and to 4  
provide immunity to local law enforcement agencies 5  
and fire personnel for the removal of damaged or 6  
inoperable vehicles from roadways. 7

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

**Section 1.** That section 4513.66 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on any 10  
highway, public street, or other property open to the public for 11  
purposes of vehicular travel and if any motor vehicle, cargo, or 12  
personal property that has been damaged or spilled as a result of 13  
the motor vehicle accident is blocking the highway, street, or 14  
other property or is otherwise endangering public safety, the 15  
sheriff of the county, or the chief of police of the municipal 16  
corporation, township, or township police district, in which the 17  
accident occurred, a state highway patrol trooper, or the chief of 18  
the fire department having jurisdiction where the accident 19

occurred may, without consent of the owner but with the approval 20  
of the law enforcement agency conducting any investigation of the 21  
accident, remove the motor vehicle if the motor vehicle is 22  
unoccupied, cargo, or personal property from the portion of the 23  
highway, public street, or property ordinarily used for vehicular 24  
travel on the highway, public street, or other property open to 25  
the public for purposes of vehicular travel. 26

(B)(1) Except as provided in division (B)(2) or (3) of this 27  
section, no employee of the department of transportation, sheriff, 28  
deputy sheriff, chief of police or police officer of a municipal 29  
corporation, township, or township police district, state highway 30  
patrol trooper, chief of a fire department, or fire fighter who 31  
authorizes or participates in the removal of any unoccupied motor 32  
vehicle, cargo, or personal property as authorized by division (A) 33  
of this section is liable in civil damages for any injury, death, 34  
or loss to person or property that results from the removal of 35  
that unoccupied motor vehicle, cargo, or personal property. If the 36  
department of transportation or a sheriff, chief of police of a 37  
municipal corporation, township, or township police district, head 38  
of the state highway patrol, or chief of a fire department 39  
authorizes, employs, or arranges to have a private tow truck 40  
operator or towing company remove any unoccupied motor vehicle, 41  
cargo, or personal property as authorized by division (A) of this 42  
section, that private tow truck operator or towing company is not 43  
liable in civil damages for any injury, death, or loss to person 44  
or property that results from the removal of that unoccupied motor 45  
vehicle, cargo, or personal property, and the department of 46  
transportation, sheriff, chief of police, head of the state 47  
highway patrol, or fire department chief is not liable in civil 48  
damages for any injury, death, or loss to person or property that 49  
results from the private tow truck operator or towing company's 50  
removal of that unoccupied motor vehicle, cargo, or personal 51

property. 52

(2) Division (B)(1) of this section does not apply to any 53  
person or entity involved in the removal of an unoccupied motor 54  
vehicle, cargo, or personal property pursuant to division (A) of 55  
this section if that removal causes or contributes to the release 56  
of a hazardous material or to structural damage to the roadway. 57

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(3) Division (B)(1) of this section does not apply to a 59  
private tow truck operator or towing company that was not 60  
authorized, employed, or arranged by the department of 61  
transportation, a sheriff, a chief of police of a municipal 62  
corporation, township, or township police district, the head of 63  
the state highway patrol, or a chief of a fire department. 64

(C) As used in this section, "hazardous material" has the 65  
same meaning as in section 2305.232 of the Revised Code. 66