

As Passed by the Senate

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

Sub. S. B. No. 129

Senator Schuler

**Cosponsors: Senators Gardner, Spada, Goodman, Seitz, Buehrer, Schuring,
Fedor, Austria, Cates, Grendell, Harris, Kearney, Mason, Niehaus, Padgett,
Sawyer, Schaffer, Smith, Stivers, Wilson, Wagoner**

—

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

58

(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