



Am. Sub. S.B. 129

127th General Assembly

(As Passed by the General Assembly)

Sens. Schuler, Gardner, Spada, Goodman, Seitz, Buehrer, Schuring, Fedor, Austria, Cates, Grendell, Harris, Kearney, Mason, Niehaus, Padgett, Sawyer, Schaffer, Smith, Stivers, Wilson, Wagoner

Reps. Aslanides, Schlichter, Carmichael, Chandler, DeBose, Domenick, Driehaus, Fende, Flowers, Garrison, Hite, Letson, Newcomb, Peterson, Reinhard, Schindel, Uecker, Yuko, Zehringer

Effective date: Emergency, December 30, 2008

ACT SUMMARY

- Permits local law enforcement officers, State Highway Patrol troopers, and fire department chiefs to remove unoccupied motor vehicles, cargo, and personal property from the portion of a roadway ordinarily used for vehicular traffic after a motor vehicle accident.
- Specifies staffing requirements for an ambulance on an emergency run that is operated by an emergency medical service organization that does not "substantially utilize" emergency medical service personnel.
- Permits the board of trustees of a regional airport authority to enter into a contract in which a board member has a direct or indirect interest if the board member who has the interest in the contract first discloses that interest in writing to the remaining board members and then refrains from any participation in the matter.
- Grants temporary authority for counties to enter into joint economic development district contracts with municipal corporations and townships.
- Creates "Ohio C.O.P.S." license plates.
- Contingently amends four Revised Code sections in Sub. S.B. 243 of the 127th General Assembly that create "Multiple Sclerosis Awareness," "Sickle Cell Anemia Awareness," "Thank You U.S. Military," and "Support Our Troops" special license plates by eliminating motorcycles

from the kinds of vehicles whose owners are eligible to be issued those special license plates.

- Permits insurers and subrogees to sell through motor vehicle auction owners those motor vehicles that have come into their possession through the operation of the terms of an insurance contract.
- Reduces the wireless 9-1-1 monthly charge from 32¢ per month to 28¢ per month and extends the charge until December 31, 2012.
- Provides that annually up to \$25,000 of the disbursements that a county receives on or after January 1, 2009, may be applied to data, hardware, and software that automatically alerts personnel receiving a 9-1-1 call that a person at the subscriber's address or telephone number may have a mental or physical disability.

CONTENT AND OPERATION

Removal of motor vehicle from roadway

If a motor vehicle accident occurs on a highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, the act allows the sheriff of the county, or the chief of police of the municipal corporation, township, or township police district in which the motor vehicle accident occurred, a State Highway Patrol trooper, or the chief of the fire department having jurisdiction where the accident occurred, without consent of the owner of the vehicle but with the approval of the law enforcement agency conducting any investigation of the accident, to remove the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or other property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel (R.C. 4513.66(A)).

Immunity from liability

The act provides, generally, that no employee of the Department of Transportation, sheriff, deputy sheriff, chief of police or police officer of a municipal corporation, township, or township police district, state highway patrol trooper, chief of a fire department, or firefighter who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property pursuant to the act is liable in civil damages for any injury, death, or loss to person or property that results from the removal. Also, if the Department of Transportation

or a sheriff, chief of police of a municipal corporation, township, or township police district, head of the State Highway Patrol, or chief of a fire department authorizes, employs, or arranges to have a private tow truck operator or towing company remove the motor vehicle, cargo, or personal property, neither they nor the private tow truck operator or towing company is liable. (R.C. 4513.66(B)(1).) Immunity does not apply to any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property if that removal causes or contributes to the release of a hazardous material or to structural damages to the roadway. (R.C. 4513.66(B)(2).) Nor does immunity apply to a private tow truck operator or towing company that was not authorized to perform the removal or that performed the removal in a reckless or willful manner (R.C. 4513.66(B)(3)).

Ambulance services

Staffing of an ambulance during an emergency run

Continuing law provides that, during each emergency run that is made by an ambulance that is equipped for emergency medical services and is operated by an emergency medical service organization that does not utilize any volunteer emergency medical service providers, the ambulance must be staffed by at least two emergency medical technicians-basic (EMTs-basic), emergency medical technicians-intermediate (EMTs-I), or emergency medical technicians-paramedics (paramedics). When an ambulance is so staffed, it may be driven by a person who is not certified as an EMT-basic, EMT-I, or paramedic. The act makes this provision applicable also to an ambulance that is operated by an emergency medical service organization that does not *substantially* utilize volunteer providers. (R.C. 4765.43(B)(1).)

Prior law provided that whenever a patient was being transported in an ambulance that was equipped for emergency medical services and was operated by an emergency medical service organization that utilized volunteer emergency medical service providers, the ambulance had to be staffed by at least two EMTs-basic, EMTs-I, or paramedics. At all other times during an emergency run, the ambulance had to be staffed by at least one EMT-basic, EMT-I, or paramedic. When such an ambulance was so staffed, it could be driven by a person who was not certified as an EMT-basic, EMT-I, or paramedic.

The act requires instead that, during each emergency run, an ambulance operated by an emergency medical service organization that *substantially* utilizes volunteer emergency medical service providers must be staffed by at least one first responder and one EMT-basic, EMT-I, or paramedic. When an ambulance is so staffed, it may be driven by a person who is not certified as a first responder, EMT-basic, EMT-I, or paramedic. The act also provides that if circumstances so require, an ambulance that is staffed by only one first responder, EMT-basic,

EMT-I, or paramedic may be driven by the first responder who is staffing the ambulance with the EMT-basic, EMT-I, or paramedic. (R.C. 4765.43(B)(2).)

For purposes of the act, an emergency medical service organization substantially utilizes volunteer emergency medical service providers if, on any given date, for the six-month period immediately prior to that date, the organization's daily average number of hours during which the organization used only volunteer first responders, volunteer EMTs-basic, volunteer EMTs-I, or volunteer paramedics, or a combination of such volunteers, was 50% or more of the daily average number of hours that the organization made emergency medical services available to the public (R.C. 4765.43(C)).

Ambulance drivers

The act prohibits an emergency medical service organization from permitting an individual who is younger than 18 years of age to drive an ambulance (R.C. 4765.431).

Regional airport authority board of trustees--conflict of interest

Current law permits a county or two or more contiguous counties to create a regional airport authority that is governed by a board of trustees. Each member of the board, prior to taking office, must by oath or affirmation declare that the member will honestly, faithfully, and impartially perform the duties of the member's office and that the member will have no direct or indirect interest in any contract that the board may execute. Any contract that the board executes in which a board member has a direct or indirect interest is void and unenforceable. The act retains these provisions but provides that such a contract is not void and unenforceable if the board member who has the interest in the contract first discloses the member's interest in writing to the remaining board members and then refrains from any participation in the matter. (R.C. 308.04.)

Temporary authority for counties to enter into joint economic development district contracts

Continuing law permits one or more municipal corporations and one or more townships to enter into a contract to create a joint economic development district (JEDD) for the purposes of creating or preserving jobs and improving the economic welfare of Ohioans and the people in the JEDD (R.C. 715.72). Municipal corporations and townships that enter into a JEDD contract, otherwise known as "contracting parties," may contribute services, money, real or personal property, facilities, and equipment to the JEDD, in the amount and nature provided for in the contract. The contract also may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties, but only if those tax revenues may lawfully be applied to that purpose under the law by which those taxes are levied.

Under the act, if, on or after the effective date of the relevant law but on or before June 30, 2009, one or more municipal corporations and one or more townships enter into a contract to create a JEDD or amend an existing contract that created a JEDD, one or more counties in which all those municipal corporations or townships are located also may enter into the contract as a contracting party or parties. A county that enters into such a contract continues to be entitled to a copy of the contract and to a copy of all other documents specified in continuing law as if it were not a contracting party. Such a county may enter into an agreement with the other contracting parties regarding its provision or extension of services within the proposed district as contemplated by the contract. And such a county may exercise all the powers of a county, and may perform all the functions and duties of a county, within the JEDD, pursuant to, and to the extent consistent with, the contract. (R.C. 305.12, 503.01, 715.72, 715.75, 715.76, 715.761, 715.78, and 715.81.)

The act specifies that the contracting parties of a JEDD may share revenue from any taxes levied by one or more of the contracting parties, not just property taxes, if those tax revenues may lawfully be applied to that purpose under the law by which the taxes are levied (R.C. 715.74).

Prior law provided that a board of township trustees that is a contracting party may choose not to submit its resolution approving a JEDD contract to the electors of the township if certain conditions were met, including that the resolution was approved by a unanimous vote of the township trustees. The act provides that if a county is one of the contracting parties, the resolution has to be approved by only a majority vote of the township trustees to meet this condition. (R.C. 715.77.)

"Ohio C.O.P.S." license plates

Under the act, the owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the Registrar of Motor Vehicles may apply for registration of the vehicle and issuance of "Ohio C.O.P.S." license plates. The application for "Ohio C.O.P.S." license plates may be combined with a request for a special reserved license plate under continuing law. Upon receipt of the completed application and compliance with the act's requirements, the Registrar is required to issue to the applicant the appropriate vehicle registration and a set of "Ohio C.O.P.S." license plates with a validation sticker, or a validation sticker alone when required by continuing law.

In addition to the letters and numbers ordinarily inscribed on the license plates, "Ohio C.O.P.S." license plates must be inscribed with the words "Ohio C.O.P.S." and a marking selected by the organization Ohio Concerns of Police Survivors. The Registrar is required to approve the final design. "Ohio C.O.P.S."

license plates also must bear county identification stickers that identify the county of registration by name or number. (R.C. 4503.712(A).)

"Ohio C.O.P.S." license plates and validation stickers are issued upon submission by the applicant of a motor vehicle registration application and payment by the applicant of the prescribed regular license tax, any applicable local motor vehicle license tax, any applicable additional special reserved license plate fee, a Bureau of Motor Vehicles \$10 administrative fee, and a contribution of \$15. In addition, the applicant must comply with all other applicable laws relating to the registration of motor vehicles. (R.C. 4503.712(B) and (C).)

The Registrar must collect the \$10 BMV fee and the \$15 contribution for every new and renewal registration application received under the act. The Registrar is required to deposit the BMV fee, which is to compensate the Bureau for the additional services required in issuing "Ohio C.O.P.S." license plates, into the state treasury to the credit of the existing State Bureau of Motor Vehicles Fund (R.C. 4503.712(C)).

The Registrar must transmit the contribution to the Treasurer of State for deposit into the state treasury to the credit of the existing License Plate Contribution Fund for payment to the organization Ohio Concerns of Police Survivors. The act requires the organization to use the contributions it receives under the act to provide whatever assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty. (R.C. 4501.21(B)(21) and 4503.712(C).)

Elimination of "motorcycle" from four special license plates provisions of Sub. S.B. 243

Substitute Senate Bill 243 of the 127th General Assembly, which had passed the Senate and House and was up for a concurrence vote in the Senate on the same day that Sub. S.B. 129 was up for third consideration in the House, contained provisions to create "Multiple Sclerosis Awareness," "Sickle Cell Anemia Awareness," "Thank You U.S. Military," and "Support Our Troops" license plates (in Sub. S.B. 243, R.C. 4503.494, 4503.496, 4503.531, and 4503.92, respectively). In each case, the owner of a motorcycle would have been authorized to apply for one of the special license plates. The act contingently amended the four Revised Code sections by eliminating motorcycles from the kinds of vehicles whose owners are eligible to be issued the special license plates. The effectiveness of these amendments was contingent upon Sub. S.B. 243 becoming law, which did, in fact, occur. (Sections 3, 4, and 5.)

Sale of motor vehicles by insurers

Motor vehicle auction owners are licensed by the state and prohibited from doing certain things. One thing a motor vehicle auction owner cannot do is



knowingly permit the sale of a motor vehicle by any person who has not obtained some kind of license under the Motor Vehicle Dealer Law, R.C. Chapter 4517. The act exempts from the prohibition insurers and subrogees who sell through a motor vehicle auction owner only those motor vehicles that have come into the auction owner's possession through the operation of the terms of an insurance contract. (R.C. 4517.21(A)(4).)

Wireless 9-1-1 provisions

The act contains a number of provisions relating to wireless 9-1-1 service. First, the act reduces the wireless 9-1-1 monthly charge from 32¢ per month to 28¢ per month and extends the charge from December 31, 2008 to December 31, 2012 (R.C. 4931.61(A)). The Ohio 9-1-1 coordinator is required to return to, or credit against the next month's remittance of, a wireless service provider or service reseller the amount of any remittances the coordinator determines were erroneously submitted by the provider or reseller (R.C. 4931.62(A)(3)). The act raises the minimum annual disbursement amount for each county from the Wireless 9-1-1 Government Assistance Fund from \$25,000 to \$90,000 (R.C. 4931.64(B)(2)). The act provides that annually, up to \$25,000 of the disbursements that a county receives on or after January 1, 2009, may be applied to data, hardware, and software that automatically alerts personnel receiving a 9-1-1 call that a person at the subscriber's address or telephone number may have a mental or physical disability, of which the personnel must inform the appropriate emergency service provider (R.C. 4931.65(A)(1)). Finally, the act provides that on or after March 1, 2009, payment of certain costs that are payable from a disbursement must be limited to those specified and payable costs incurred after that date for not more than five public safety answering points on the particular 9-1-1 system (R.C. 4931.651).

HISTORY

ACTION	DATE
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Reported, H. Infrastructure, Homeland Security, & Veterans Affairs	12-17-08
Passed House (80-15)	12-17-08
Senate concurred in House amendments (32-1)	12-18-08

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