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Bill Analysis
Legislative Service Commission

S.B. 129
127th General Assembly
(As Introduced)

Sens. Schuler and Gardner, Spada

BILL SUMMARY

- Permits local law enforcement agencies and fire departments to remove motor vehicles, cargo, and personal property from the portion of a roadway ordinarily used for vehicular traffic after a motor vehicle accident.
- Provides that local law enforcement agencies and fire personnel who authorize or participate in the removal pursuant to the bill of motor vehicles, cargo, or personal property from roadways after a motor vehicle accident generally are not liable in civil damages for injury, death, or loss that results from that removal.

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 bill 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, 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 bill generally provides that no 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 motor vehicle, cargo, or personal property pursuant to the bill is liable in civil damages for any injury, death, or loss to person or property that results from the removal of that motor vehicle, cargo, or personal property. This provision does not apply to any person involved in the removal of a motor vehicle, cargo, or personal property pursuant to the bill if that removal causes or contributes to the release of a hazardous material or to structural damages to the roadway and does not apply to a private tow truck operator or towing company. (R.C. 4513.66(B).)

HISTORY

ACTION	DATE
Introduced	03-27-07

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