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Bill Analysis
Legislative Service Commission

Sub. S.B. 129
127th General Assembly
(As Passed by the Senate)

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

BILL 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.
- Provides that employees of the Department of Transportation, local and state law enforcement officers, and chiefs of fire departments and firefighters who authorize or participate in the removal pursuant to the bill of any unoccupied motor vehicle, cargo, or personal property from a roadway after a motor vehicle accident generally are not liable in civil damages for injury, death, or loss that results from that removal.
- Provides that a private tow truck operator or towing company that is authorized by the Department of Transportation, a local law enforcement agency, the State Highway Patrol, or a fire department to remove any unoccupied motor vehicle, cargo, or personal property is not liable in civil damages for injury, death, or loss to person or property 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 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 bill generally provides 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 bill is liable in civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. 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 any unoccupied motor vehicle, cargo, or personal property as authorized above, that private tow truck operator or towing company is not liable in civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Moreover, the Department of Transportation, sheriff, chief of police, head of the State Highway Patrol, or fire department chief is not liable in civil damages for any injury, death, or loss to person or property that results from the private tow truck operator or towing company's removal of that unoccupied motor vehicle, cargo, or personal property. (R.C. 4513.66(B)(1).) This provision does not apply to any person or entity involved in the removal of an unoccupied 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. (R.C. 4513.66(B)(2).) This provision also does not apply to a private tow truck operator or towing company that was not authorized, employed, or arranged by the Department of Transportation, a sheriff, a chief of police of a municipal corporation, township, or township police district, the head of the State Highway Patrol, or a chief of a fire department (R.C. 4513.66(B)(3)).

HISTORY

ACTION	DATE
Introduced	03-27-07
Reported, S. Judiciary - Civil Justice	05-14-08
Passed Senate (33-0)	05-20-08

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