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Bill Analysis
Legislative Service Commission

Sub. S.B. 129*

127th General Assembly

(As Reported by H. Infrastructure, Homeland Security, & Veterans Affairs)

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.
- Provides that, during each emergency run made by an ambulance that is operated by an emergency medical service organization that does not substantially utilize any volunteer emergency medical service providers, the ambulance must be staffed by at least two emergency medical

* This analysis was prepared before the report of the House Infrastructure, Homeland Security, and Veterans Affairs Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

technicians-basic (EMTs-basic), emergency medical technicians-intermediate (EMTs-I), or emergency medical technicians-paramedics (paramedics).

- Provides that, during each emergency run made by an ambulance that is operated by an emergency medical service organization that substantially utilizes volunteer emergency medical service providers, the ambulance must be staffed by at least one first responder and one EMT-basic, EMT-I, or paramedic.
- Provides that if circumstances so require, an ambulance that is staffed by only one first responder and one EMT-basic, EMT-I, or paramedic may be driven by the first responder.
- Prohibits an emergency medical service organization from permitting an individual who is younger than 18 years of age to drive an ambulance.
- 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.
- 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.
- 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.

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, or to a private tow truck operator or towing company that was 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 to perform the removal of the unoccupied motor vehicle, cargo, or personal property and the private tow truck operator or towing company 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

Existing 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 bill 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).)

Similarly, existing law provides that whenever a patient is being transported in an ambulance that is equipped for emergency medical services and is operated by an emergency medical service organization that utilizes volunteer emergency medical service providers, the ambulance must be staffed by at least

two EMTs-basic, EMTs-I, or paramedics. At all other times during an emergency run, the ambulance must be staffed by at least one EMT-basic, EMT-I, or paramedic. When such 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 bill 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 bill 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 bill, an emergency medical service organization substantially utilizes volunteer emergency medical service providers if the organization uses only volunteer first responders, volunteer EMTs-basic, volunteer EMTs-I, or volunteer paramedics, or a combination of such volunteers, for 50% or more of the time during any seven-day period in which the organization makes emergency medical services available to the public (R.C. 4765.43(C)).

Ambulance drivers

The bill 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 bill 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

Current law permits one or more municipal corporations and one or more townships to enter into a contract to create a joint economic development district (R.C. 715.72).

The bill provides that if, on or after the effective date of this provision but on or before June 30, 2009, one or more municipal corporations and one or more townships enter into a contract to create a joint economic development district or amend an existing contract that created such a district, one or more counties in which all of 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 under the bill is entitled to a copy of the contract and all other documents specified in current 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. A county that enters into such a contract under the bill may exercise all of the powers of a county and may perform all the functions and duties of a county, within the joint economic development district, pursuant to and to the extent consistent with the contract. (R.C. 305.12, 503.01, 715.72, 715.74, 715.75, 715.76, 715.761, 715.77, 715.78, and 715.81.)

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

Under the bill, 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 current law. Upon receipt of the completed application and compliance with the bill'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 current 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 to be issued upon submission by the applicant of a motor vehicle registration application and

payment by the applicant of the regular license tax as prescribed in current law, 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 bill. 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 bill requires the organization to use the contributions it receives under the bill 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. H.B. 243

Substitute House Bill 243 of the 127th General Assembly, which currently has not been enacted into law, contains a number of provisions. Four of those provisions create the following special license plates: "Multiple Sclerosis Awareness," "Sickle Cell Anemia Awareness," "Thank You U.S. Military," and "Support Our Troops" (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 is authorized to apply for the special license plate. The bill contingently amends 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 is contingent upon Sub. S.B. 243 being enacted into law. (Sections 3, 4, and 5.)

Sale of motor vehicles by insurers

Motor vehicle auction owners are licensed by the state and, among other things, are 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 bill exempts from the prohibition insurers and

subrogees who sell through a motor vehicle auction owner only those motor vehicles that have come into their possession through the operation of the terms of an insurance contract. (R.C. 4517.21(A)(4).)

Wireless 9-1-1 provisions

The bill contains a number of provisions relating to wireless 9-1-1 service. First, the bill 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 bill 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 bill 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 bill 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
Introduced	03-27-07
Reported, S. Judiciary - Civil Justice	05-14-08
Passed Senate (33-0)	05-20-08
Reported, H. Infrastructure, Homeland Security, & Veterans Affairs	---

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