

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 123

Senator Hughes

Cosponsors: Senators LaRose, Patton, Yuko

A BILL

To amend section 4511.45 and to enact section 1
4511.454 of the Revised Code to allow emergency 2
personnel in public safety vehicles to report 3
traffic law violations under certain 4
circumstances. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.45 be amended and section 6
4511.454 of the Revised Code be enacted to read as follows: 7

Sec. 4511.45. (A) (1) Upon the approach of a public safety 8
vehicle or coroner's vehicle, equipped with at least one 9
flashing, rotating or oscillating light visible under normal 10
atmospheric conditions from a distance of five hundred feet to 11
the front of the vehicle and the driver is giving an audible 12
signal by siren, exhaust whistle, or bell, no driver of any 13
other vehicle shall fail to yield the right-of-way, immediately 14
drive if practical to a position parallel to, and as close as 15
possible to, the right edge or curb of the highway clear of any 16
intersection, and stop and remain in that position until the 17
public safety vehicle or coroner's vehicle has passed, except 18
when otherwise directed by a police officer. 19

(2) Upon the approach of a public safety vehicle or coroner's vehicle, as stated in division (A)(1) of this section, no operator of any streetcar or trackless trolley shall fail to immediately stop the streetcar or trackless trolley clear of any intersection and keep it in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(B) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with section 4513.171 of the Revised Code. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner, or coroner's investigator that is equipped with a flashing, oscillating, or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(D) Except as otherwise provided in this division or in section 4511.454 of the Revised Code, whoever violates division (A)(1) or (2) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.

Sec. 4511.454. (A) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by division (A) of section 4511.45 of the Revised Code impedes the ability of the public safety vehicle to respond to

an emergency, any emergency personnel in the public safety 50
vehicle may report the license plate number and a general 51
description of the vehicle and the operator of the vehicle to 52
the law enforcement agency exercising jurisdiction over the area 53
where the alleged violation occurred. Any such emergency 54
personnel also may report any other apparent violation of the 55
traffic laws of this state occurring at the same time. 56

(B) (1) Upon receipt of a report under this section, the 57
law enforcement agency may conduct an investigation to attempt 58
to determine or confirm the identity of the operator of the 59
vehicle at the time of the alleged violation. 60

(2) If the identity of the operator at the time of an 61
alleged violation of division (A) of section 4511.45 of the 62
Revised Code is established, the law enforcement agency has 63
probable cause to issue a written warning for that violation and 64
shall issue the written warning to the operator. Upon issuing a 65
written warning under this division, the law enforcement agency 66
shall notify the registrar of motor vehicles that a written 67
warning has been issued under this division. The registrar shall 68
retain a record of the issuance of a written warning. 69

If the operator previously has been issued a written 70
warning under this section for a violation of division (A) of 71
section 4511.45 of the Revised Code, the law enforcement agency 72
has probable cause to issue a citation for the violation and 73
shall issue the citation to the operator. 74

(3) In the case of other reported apparent traffic law 75
violations or if the identity of the operator of the vehicle at 76
the time of the alleged violation cannot be established, the law 77
enforcement agency may issue a written warning to the person who 78
owned the vehicle at the time of the alleged violation. However, 79

in the case of a leased or rented vehicle, the law enforcement 80
agency shall issue the written warning to the person who leased 81
or rented the vehicle at the time of the alleged violation. 82

(C) Whoever violates division (A) of section 4511.45 of 83
the Revised Code based on a report filed under this section is 84
guilty of a minor misdemeanor and shall be fined one hundred 85
fifty dollars if both of the following apply: 86

(1) The person's identity was established by the law 87
enforcement agency; 88

(2) The person previously has been issued a written 89
warning under division (B) (2) of this section. 90

(D) As used in this section: 91

(1) "License plate" includes any temporary license placard 92
issued under section 4503.182 of the Revised Code or similar law 93
of another jurisdiction. 94

(2) "Public safety vehicle" does not include a vehicle 95
used by a public law enforcement officer or other person sworn 96
to enforce the criminal and traffic laws of the state or a 97
vehicle used by the motor carrier enforcement unit for the 98
enforcement of orders and rules of the public utilities 99
commission. 100

Section 2. That existing section 4511.45 of the Revised 101
Code is hereby repealed. 102