As Passed by the Senate

136th General Assembly

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Sub. S. B. No. 16

Senator Wilson

Cosponsors: Senators Brenner, Cirino, Craig, Wilkin, Smith, Antonio, Blackshear, DeMora, Gavarone, Hicks-Hudson, Ingram, Johnson, Landis, Lang, O'Brien, Patton, Reineke, Romanchuk, Timken, Weinstein

То	amend section 4511.213 of the Revised Code to	1
	prohibit failing to change lanes or proceed with	2
	caution around a stationary vehicle in distress.	3

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

Section 1. That section 4511.213 of the Revised Code be	4
amended to read as follows:	5
Sec. 4511.213. (A) The driver of a motor vehicle, upon	6
approaching a stationary vehicle in distress or upon approaching	7
a stationary public safety vehicle, emergency vehicle, road	8
service vehicle, waste collection vehicle, vehicle used by the	9
public utilities commission to conduct motor vehicle inspections	10
in accordance with sections 4923.04 and 4923.06 of the Revised	11
Code, or a highway maintenance vehicle that is displaying the	12
appropriate visual signals by means of flashing, oscillating, or	13
rotating lights, as prescribed in section 4513.17 of the Revised	14
Code, shall do either of the following:	15
(1) If the driver of the motor vehicle is traveling on a	16
highway that consists of at least two lanes that carry traffic	17
in the same direction of travel as that of the driver's motor	18

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vehicle, the driver shall proceed with due caution and, if 19 possible and with due regard to the road, weather, and traffic 20 conditions, shall change lanes into a lane that is not adjacent 21 to that of the stationary vehicle in distress, public safety 22 vehicle, emergency vehicle, road service vehicle, waste 2.3 collection vehicle, vehicle used by the public utilities 2.4 commission to conduct motor vehicle inspections in accordance 25 with sections 4923.04 and 4923.06 of the Revised Code, or a 26 highway maintenance vehicle. 27

- (2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions below the posted speed limit.
- (B) This section does not relieve the driver of a vehicle in distress, public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Revised Code, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.
- (C) No person shall fail to drive a motor vehicle in compliance with division (A)(1) or (2) of this section when so required by division (A) of this section.
- (D) (1) Except as otherwise provided in this division and 46 division (F) of this section, whoever violates this section is 47 quilty of a minor misdemeanor. If, within one year of the 48

offense, the offender previously has been convicted of or			
pleaded guilty to one predicate motor vehicle or traffic			
offense, whoever violates this section is guilty of a			
misdemeanor of the fourth degree. If, within one year of the			
offense, the offender previously has been convicted of two or			
more predicate motor vehicle or traffic offenses, whoever			
violates this section is guilty of a misdemeanor of the third			
degree.			

- (2) Notwithstanding section 2929.28 of the Revised Code_and except as provided in division (F) of this section, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
- (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. Division (D)(3) of this section does not apply to an offense when the stationary vehicle is a vehicle in distress.
- (E) The Except as otherwise provided in division (F) of this section, the offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (F) (1) Whoever knowingly violates this section when the

 stationary vehicle is a vehicle in distress is guilty of a minor

 misdemeanor.

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(2) An arrest or conviction for an offender under division	79	
(F) (1) of this section does not constitute a criminal record and	80	
need not be reported by the person so arrested or convicted in	81	
response to any inquiries contained in any application for		
employment, license, or other right or privilege, or made in	83	
connection with the person's appearance as a witness.		
(G) As used in this section, "vehicle in distress"	85	
includes all of the following:	86	
(1) Any disabled vehicle indicating its disability as	87	
required under section 4513.28 of the Revised Code;		
(2) Any vehicle that is not subject to section 4513.28 of	89	
the Revised Code near which a fusee, flare, or other emergency	90	
sign is displayed;		
(3) Any vehicle that is displaying flashing emergency	92	
lights or hazard lights.		
Section 2. That existing section 4511.213 of the Revised	94	
Code is hereby repealed.		
Section 3. Section 4511.213 of the Revised Code is	96	
presented in this act as a composite of the section as amended	97	
by both H.B. 95 and S.B. 127 of the 132nd General Assembly. The	98	
General Assembly, applying the principle stated in division (B)	99	
of section 1.52 of the Revised Code that amendments are to be	100	
harmonized if reasonably capable of simultaneous operation,		
finds that the composite is the resulting version of the section		
in effect prior to the effective date of the section as		
presented in this act.		