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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

To 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 <u>vehicle in distress or upon approaching</u>	7
<u>a stationary public safety vehicle</u> , 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

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 23
collection vehicle, vehicle used by the public utilities 24
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 28
described in division (A) (1) of this section, or if the driver 29
is traveling on a highway of that type but it is not possible to 30
change lanes or if to do so would be unsafe, the driver shall 31
proceed with due caution, reduce the speed of the motor vehicle, 32
and maintain a safe speed for the road, weather, and traffic 33
conditions below the posted speed limit. 34

(B) This section does not relieve the driver of a vehicle 35
in distress, public safety vehicle, emergency vehicle, road 36
service vehicle, waste collection vehicle, vehicle used by the 37
public utilities commission to conduct motor vehicle inspections 38
in accordance with sections 4923.04 and 4923.06 of the Revised 39
Code, or a highway maintenance vehicle from the duty to drive 40
with due regard for the safety of all persons and property upon 41
the highway. 42

(C) No person shall fail to drive a motor vehicle in 43
compliance with division (A) (1) or (2) of this section when so 44
required by division (A) of this section. 45

(D) (1) Except as otherwise provided in this division and 46
division (F) of this section, whoever violates this section is 47
guilty of a minor misdemeanor. If, within one year of the 48

offense, the offender previously has been convicted of or 49
pleaded guilty to one predicate motor vehicle or traffic 50
offense, whoever violates this section is guilty of a 51
misdemeanor of the fourth degree. If, within one year of the 52
offense, the offender previously has been convicted of two or 53
more predicate motor vehicle or traffic offenses, whoever 54
violates this section is guilty of a misdemeanor of the third 55
degree. 56

(2) Notwithstanding section 2929.28 of the Revised Code_ 57
and except as provided in division (F) of this section, upon a 58
finding that a person operated a motor vehicle in violation of 59
division (C) of this section, the court, in addition to all 60
other penalties provided by law, shall impose a fine of two 61
times the usual amount imposed for the violation. 62

(3) If the offender commits the offense while distracted 63
and the distracting activity is a contributing factor to the 64
commission of the offense, the offender is subject to the 65
additional fine established under section 4511.991 of the 66
Revised Code. Division (D) (3) of this section does not apply to 67
an offense when the stationary vehicle is a vehicle in distress. 68

(E) ~~The~~ Except as otherwise provided in division (F) of 69
this section, the offense established under this section is a 70
strict liability offense and section 2901.20 of the Revised Code 71
does not apply. The designation of this offense as a strict 72
liability offense shall not be construed to imply that any other 73
offense, for which there is no specified degree of culpability, 74
is not a strict liability offense. 75

(F) (1) Whoever knowingly violates this section when the 76
stationary vehicle is a vehicle in distress is guilty of a minor 77
misdemeanor. 78

(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 82
employment, license, or other right or privilege, or made in 83
connection with the person's appearance as a witness. 84

(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; 88

(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; 91

(3) Any vehicle that is displaying flashing emergency 92
lights or hazard lights. 93

Section 2. That existing section 4511.213 of the Revised 94
Code is hereby repealed. 95

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, 101
finds that the composite is the resulting version of the section 102
in effect prior to the effective date of the section as 103
presented in this act. 104