



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Margaret E. Marcy

Am. S.B. 127

132nd General Assembly
(As Passed by the General Assembly)

Sens. LaRose, Beagle, Gardner, Manning, Hottinger, Yuko, Hite, Uecker, Brown, Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Lehner, Obhof, O'Brien, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Williams, Wilson

Reps. Anielski, Blessing, Brown, Celebrezze, Cera, Craig, Dever, Ginter, Green, Hughes, Kelly, Landis, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patton, Ramos, Rogers, Sheehy, K. Smith, West

Effective date: October 29, 2018

ACT SUMMARY

- Generally requires a driver, when approaching a stationary waste collection vehicle that is displaying flashing, oscillating, or rotating lights, to move over into a lane that is not adjacent to the waste collection vehicle.
- Authorizes a stationary waste collection vehicle that is actively collecting trash, garbage, refuse, or recyclable materials to use flashing, oscillating, or rotating lights.

CONTENT AND OPERATION

Waste collection vehicles and the Move-Over Law

The act incorporates waste collection vehicles (vehicles used in the collection of garbage, refuse, trash, or recyclable materials) into the Move-Over Law.¹ As a result, it requires a driver, when approaching a stationary waste collection vehicle that is displaying flashing, oscillating, or rotating lights, to do one of the following:

* This version updates the effective date.

¹ R.C. 4511.01(RRR).

(1) If the driver is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to that of the waste collection vehicle.

(2) If the driver is not traveling on a highway with at least two lanes carrying traffic in the same direction, or if changing lanes is not possible or unsafe, proceed with due caution, reduce speed, and maintain a safe speed for the road, weather, and traffic conditions.²

Under continuing law unchanged by the act, a driver must also "move over," in accordance with the above requirements, when approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission for specified purposes, or highway maintenance vehicle that is displaying flashing, oscillating, or rotating lights.

In general, a violation of the Move-Over Law is a minor misdemeanor. However, a violation is a fourth degree misdemeanor if the offender has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense³ within one year of the violation. The violation is a third degree misdemeanor if the offender has been convicted of or pleaded guilty to two or more predicate motor vehicle or traffic offenses within one year.⁴

In addition to all other penalties provided by law, the court is required to impose a fine of two times the usual amount imposed for the violation.⁵ The offense is a strict liability offense, meaning a driver can be held liable for the violation, regardless of whether that driver committed the violation purposefully, knowingly, recklessly, or negligently.⁶

² R.C. 4511.213(A).

³ Continuing law (R.C. 4511.01(III)) lists all of the predicate motor vehicle offenses, which include offenses such as speeding (R.C. 4511.21, not in the act) and failure to obey a traffic control device (R.C. 4511.12, not in the act).

⁴ R.C. 4511.213(D)(1).

⁵ R.C. 4511.213(D)(2).

⁶ R.C. 4511.213(E).

Use of lights by a waste collection vehicle

The act authorizes a stationary waste collection vehicle to use flashing, oscillating, or rotating lights if the vehicle is actively collecting garbage, refuse, trash, or recyclable materials on the roadside. Continuing law also authorizes an emergency vehicle, a road service vehicle servicing or towing a disabled vehicle, a rural mail delivery vehicle, a vehicle transporting preschool children, a highway maintenance vehicle, a funeral hearse, a funeral escort vehicle, and any similar equipment used by a local authority to use flashing, oscillating, or rotating lights.⁷

HISTORY

ACTION	DATE
Introduced	04-05-17
Reported, S. Local Gov't, Public Safety, & Veterans Affairs	10-24-17
Passed Senate (32-0)	10-25-17
Reported, H. Gov't Accountability & Oversight	03-01-18
Passed House (91-0)	06-27-18
Senate concurred in House amendments (30-0)	06-27-18

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⁷ R.C. 4513.17(C).

