



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 9*

132nd General Assembly

(As Reported by S. Local Government, Public Safety, and Veterans Affairs)

Reps. Koehler, O'Brien, Ashford, Riedel, Green, Sheehy, T. Johnson, Antani, Arndt, Faber, Gavarone, Ginter, Hambley, Holmes, Miller, Patterson, Patton, Rogers, Sweeney, Thompson, West

BILL SUMMARY

- Narrows a provision of law that authorizes a vehicle to proceed through an intersection if the traffic control signal is malfunctioning by doing both of the following:
 - Applying the provision only to a bicycle; and
 - Specifying that the bicycle may proceed through the intersection only if the signal is malfunctioning due to a failure of the vehicle detector to detect the bicycle.
- Declares an emergency and establishes an immediate effective date.

CONTENT AND OPERATION

Malfunctioning traffic control signals

The bill narrows a provision of law that became effective on March 21, 2017, that allows a vehicle to proceed through an intersection if the traffic control signal is malfunctioning, including due to the failure of a vehicle detector to detect the presence

* This analysis was prepared before the report of the Senate Local Government, Public Safety, and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

of a vehicle.¹ Under that law, there are three circumstances in which a vehicle can proceed through an intersection due to a malfunctioning traffic control signal:

(1) The signal facing the driver exhibits no colored lights or colored lighted arrows;

(2) The signal exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way; or

(3) The signals are otherwise malfunctioning, including the failure of a vehicle detector to detect the vehicle.

The bill narrows the third provision above, so that only a bicycle may proceed if the signal is malfunctioning due to the failure of a vehicle detector to detect the presence of a bicycle.²

Proceeding through an intersection with a malfunctioning signal

Under current law, in any of the circumstances described in (1) to (3) above, the vehicle operator must do all of the following:

(1) Stop at the stop line; if there is no stop line, stop before entering the near crosswalk; if there is no near crosswalk, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road if they will constitute an immediate hazard while the operator is moving across or within the intersection or junction of roadways; and

(3) Exercise ordinary care while proceeding through the intersection.³

Emergency clause and immediate effective date

The bill is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety because the General Assembly does not intend to grant persons operating vehicles other than bicycles the authority to determine that a traffic signal is malfunctioning and thus the opportunity to proceed

¹ Am. H.B. 154 was signed by the Governor on December 19, 2016, giving it an effective date of March 21, 2017.

² R.C. 4511.132(A).

³ R.C. 4511.132(A).



through a red traffic signal on that basis. In order to eliminate that authority, which was granted effective March 21, 2017, the bill establishes an immediate effective date.⁴

HISTORY

ACTION	DATE
Introduced	02-01-17
Reported, H. Transportation & Public Safety	02-15-17
Passed House (96-0)	02-22-17
Reported, S. Local Gov't, Public Safety, & Veterans Affairs	---

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⁴ Section 3.

