



OHIO LEGISLATIVE SERVICE COMMISSION

Tom Wert

Fiscal Note & Local Impact Statement

Bill: H.B. 419 of the 132nd G.A.

Status: As Introduced

Sponsor: Rep. Henne

Local Impact Statement Procedure Required: Yes

Subject: Modifies the defenses to a political subdivision's liability for an accident caused by the negligent operation of a police, fire, or emergency medical service motor vehicle

Fiscal Highlights

- The bill modifies political subdivision immunity against liability claims involving the negligent operation of an emergency vehicle responding to an emergency. As a result, political subdivisions could incur significant new costs to pay liability claims in cases where an emergency vehicle's lights and sirens were not activated.

Detailed Fiscal Analysis

Political subdivision liability

Current law makes a political subdivision generally liable for injury, death, or loss caused by the negligent operation of any motor vehicle by an employee when engaged within the scope of employment. However, current law provides full defenses to that liability if the motor vehicle was being operated by municipal corporation police or fire departments or emergency medical services agencies owned or operated by a political subdivision responding to an emergency call, so long as its operation did not constitute willful or wanton misconduct.

Under the bill, an emergency vehicle's lights and sirens must be simultaneously activated in order for the full defenses to apply. Consequently, political subdivisions would be exposed to liability for death, injury, or loss resulting from negligent operation of emergency motor vehicles when those vehicles are operated without the lights and sirens simultaneously activated. Liability claims against political subdivisions under these circumstances could be significant, particularly so if a claim involves injury or death. If found to be liable, political subdivisions would likely incur significant new costs either (1) to pay claims, for entities that self-insure against liability, or (2) in the form of increased insurance premiums for entities that are members of joint insurance pools or otherwise purchase liability insurance.

Crashes involving emergency vehicles

Although data detailing the number of crashes involving the negligent operation of emergency motor vehicles or detailing the number of crashes involving emergency equipment with lights and sirens activated is not readily available, summary data for the overall number of crashes involving emergency equipment is available from the Ohio Department of Public Safety. Between CY 2012 and CY 2016, there was an average of 2,967 crashes involving emergency vehicles (ambulance, police, and fire) each year. On average, these crashes resulted in approximately eight fatalities and 603 injuries each year. Property loss crashes involving emergency equipment over this time period averaged 2,356 per year. The table below shows the total number of fatal, injury, and property loss crashes by vehicle type for each year for those years.

Crashes Involving Emergency Vehicles in Ohio (CY 2012-2016)					
Year	Vehicle Type	Fatal	Injury	Property Loss	Total
2012	Ambulance	5	83	374	462
	Fire	1	37	251	298
	Police	2	351	1,213	1,566
<i>Subtotal 2012</i>		8	471	1,838	2,317
2013	Ambulance	2	97	368	467
	Fire	1	75	420	496
	Police	2	429	1,523	1,954
<i>Subtotal 2013</i>		5	601	2,311	2,917
2014	Ambulance	2	103	403	508
	Fire	2	102	467	571
	Police	5	441	1,707	2,153
<i>Subtotal 2014</i>		9	646	2,577	3,232
2015	Ambulance	3	103	453	559
	Fire	0	97	432	529
	Police	7	446	1,759	2,212
<i>Subtotal 2015</i>		10	646	2,644	3,300
2016	Ambulance	3	113	398	514
	Fire	1	63	359	423
	Police	3	477	1,652	2,132
<i>Subtotal 2016</i>		7	653	2,409	3,069
TOTAL		39	3,017	11,779	14,835

Source: Ohio Department of Public Safety, *Ohio Traffic Crash Facts: All Counties* for years 2012-2016