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H.B. 392
134th General Assembly

Final Analysis

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Primary Sponsors: Reps. Ferguson and K. Miller

Effective date: April 3, 2023

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UPDATED VERSION*

SUMMARY

Ambulance transport of police dog

- Authorizes ambulance transport of an injured police dog to a veterinarian for further treatment when the police dog is injured in the line of duty and no human person requires emergency transport at the time.
- Extends certain civil, criminal, and professional immunity to an ambulance driver transporting an injured police dog.

Riding in a fifth wheel trailer

- Clarifies the law regarding whether a person may ride in a moving fifth wheel trailer by generally prohibiting riding in them, unless certain safety precautions are met.

Devices on motor vehicle windshields

- Authorizes the placement of federally regulated vehicle safety devices on the interior front windshield of a motor vehicle (passenger and commercial).
- Related to placing other electronic devices on the interior front windshield of a commercial motor vehicle:
 - Specifies that the electronic devices may be utilized on a front windshield if mounted up to 8.5 inches below the upper edge of the windshield (rather than 6.0 inches as in former law); and
 - Removes the stipulation that the devices be outside the area swept by the windshield wipers.

* This version updates the effective date.

DETAILED ANALYSIS

Ambulance transport of police dog

The act authorizes an ambulance driver to transport an injured police dog to a veterinarian for further treatment under certain circumstances. Specifically, the transport may occur if the police dog is injured in the line of duty and no human person requires emergency transport by the ambulance. Law unchanged by the act authorizes emergency medical responders to provide specified medical services to a dog (or cat) in the course of an emergency medical or fire response or when aiding law enforcement. Prior to the act, however, authorized medical services did not include transporting a police dog to a veterinarian for treatment.¹

The act also extends the same civil, criminal, and professional immunity given to the emergency medical responders providing emergency care to a dog or cat to ambulance drivers transporting a police dog. As such, an ambulance driver is not subject to a criminal or civil proceeding or professional disciplinary action allegedly arising from an act or omission associated with transporting a police dog. This immunity does not apply if the act or omission constitutes willful or wanton misconduct.²

Riding in a fifth wheel trailer

The act clarifies the law regarding when a person may ride in a moving fifth wheel trailer. Under law unchanged by the act, a person may not occupy a travel trailer, a manufactured home, or a mobile home while it is traveling along a street or highway. While similar, a fifth wheel trailer is a distinct vehicle, and thus riding in a moving fifth wheel trailer was not prohibited. The similarities between the various vehicles, however, made enforcement of the law difficult, with law enforcement expected to distinguish between the various recreational vehicles.

The act clarifies the law by expressly prohibiting riding in a fifth wheel trailer, unless the operator of the vehicle towing the fifth wheel trailer and passengers meet certain safety precautions. Specifically, if passengers ride in a fifth wheel trailer, both of the following must occur:

1. Any child must be properly secured in the correct child restraint system based on the child's age, height, and weight (e.g., car seat, booster, etc.); and
2. There must be some form of viable communication between the operator of the vehicle towing the fifth wheel trailer and the trailer's passengers (e.g., a cell phone, radio, etc.).³

¹ R.C. 4765.52(B) and (C).

² R.C. 4765.52(D) and (E).

³ R.C. 4511.701(A) and (B).

The act specifies that a violation of the prohibition, without meeting the safety precautions, is a minor misdemeanor, a predicate motor vehicle or traffic offense, and a strict liability offense.⁴

Devices on motor vehicle windshields

Background

Under continuing law, a person is generally limited regarding the items that the person may place in or on a vehicle's front windshield (e.g., signs, posters, and decals are mostly prohibited). However, the law authorizes the placement of certain electronic devices on the interior front windshield (e.g., antenna, tolling transponders, GPS, etc.), provided the devices meet certain parameters. The act generally expands that authorization by allowing the use of all federally regulated vehicle safety technology on an interior front windshield. It also makes slight alterations to the usage parameters for those electronic devices that were authorized prior to the act.⁵

Allowable devices

The following tables explain the types of electronic devices allowed on passenger vehicle windshields and commercial motor vehicle windshields, based on the act's changes.

Passenger vehicle ⁶		
Type of technology	Before H.B. 392	After H.B. 392
Vehicle safety technology (federally regulated)	No provision.	Allows use of vehicle safety technology meeting the federal specifications.
Other electronic devices	Device must not : 1. Restrict the vehicle operator's sight lines to the road and highway signs and signals; and 2. Conceal the VIN.	Same.

⁴ R.C. 4511.701(C).

⁵ R.C. 4513.24.

⁶ R.C. 4513.24(B)(2).

Commercial motor vehicle ⁷		
Type of technology	Before H.B. 392	After H.B. 392
Vehicle safety technology (federally regulated)	No provision.	Allows use of vehicle safety technology meeting the federal specifications.
Other electronic devices	<p>Device must not restrict the vehicle operator's sight lines to the road and highway signs and signals.</p> <p>Device must be mounted up to 6 inches below the upper edge of the windshield.</p> <p>Device must be outside the area swept by the vehicle's windshield wipers.</p>	<p>Same.</p> <p>Device must be mounted up to 8.5 inches below the upper edge of the windshield.</p> <p>No provision.</p>

Vehicle safety technology

The vehicle safety technology generally authorized by the act includes systems and items of equipment that promote driver, occupant, and roadway safety. Examples of vehicle safety technology include:

- Fleet-related incident management systems;
- Performance or behavior management systems;
- Forward collision warning or mitigation systems;
- Active cruise control; and
- Braking warning and braking assist systems.

To qualify for the exception for vehicle safety technology, the technology must comply with the federal standards. Those standards require the technology to be placed on the interior windshield as follows:

1. Up to 8.5 inches below the upper edge of the area swept by the windshield wipers;
2. Up to 7 inches above the lower edge of the area swept by the windshield wipers; and

⁷ R.C. 4513.24(B)(3).

3. Outside the driver's sight lines to the road and highway signs and signals.⁸

HISTORY

Action	Date
Introduced	08-18-21
Reported, H. Transportation & Public Safety	12-08-21
Passed House (90-1)	12-08-21
Reported, S. Transportation	12-14-22
Passed Senate (32-0)	12-14-22
House concurred in Senate amendments (89-0)	12-14-22

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⁸ R.C. 4513.24(B); [49 Code of Federal Regulations 393.5 and 393.60\(e\)\(1\)\(ii\)](#).