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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. J. Miller and Lightbody

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SUMMARY

- Authorizes flashing amber lights and sirens to be used on a dedicated organ recovery vehicle (DORV) and exempts a DORV driver from certain traffic laws, provided the DORV meets certain conditions.
- Prohibits failing to stop for and yield to a moving DORV using flashing lights and sirens by adding DORVs to existing law requiring drivers to stop and yield to public safety and coroner's vehicles.
- Prohibits failing to change lanes or proceed with caution around a stationary DORV using flashing lights by adding DORVs to Ohio's Move Over Law.

DETAILED ANALYSIS

Dedicated organ recovery vehicles

The bill authorizes flashing lights and sirens (including a whistle or bell) to be used on a dedicated organ recovery vehicle (DORV) and exempts a DORV driver from certain traffic laws (e.g., those governing overtaking and passing other vehicles) provided that certain conditions are met. To qualify for the equipment and traffic law exemptions, a DORV must be a vehicle to which all of the following apply:

- It is dedicated to or contracted with an organ procurement organization;
- It is clearly labeled with the words "organ recovery vehicle;"
- It is used for transporting human organs; and
- It is operated by a driver to whom both of the following apply:
 - The driver has successfully completed the emergency vehicle operations course approved by the National Highway Traffic Safety Administration (NHTSA) or an equivalent course approved by the State Board of Emergency Medical, Fire, and Transportation Services;

- The driver has at least three years of experience in the use and operation of emergency lights and sirens.¹

Equipment exemptions

Generally, under current law, flashing lights are prohibited on motor vehicles, except to indicate turning, traffic hazards, overtaking and passing, or where the vehicle is statutorily exempt (e.g., a public safety vehicle). Sirens are prohibited except for use on vehicles with a statutory exemption. The bill authorizes a DORV to be equipped with and for the driver to use, a flashing, oscillating, or rotating amber light while the vehicle is engaged in collecting and transporting human organs. The bill also allows the driver to use a siren, bell, or whistle, but only when the DORV is transporting a human organ.²

Traffic law exemptions

While engaged in the collecting and transport of human organs, a DORV driver is exempt from the laws governing the overtaking and passing of other vehicles, driving left of center or left of a roadway, one directional traffic, driving outside of marked lanes, space between moving vehicles, divided roadways, turns at intersections and in roadways, the turning and backing of vehicles, and parking on a highway. Under current law, a coroner, deputy coroner, and coroner's investigator are exempt from these laws while operating a coroner's vehicle responding to a fatality. The bill's exemption does not relieve the DORV driver from the duty to drive with due regard for safety of all persons and property on the highway.³

Yield and Move Over Laws

The bill adds DORVs to existing law that prohibits any person from failing to stop, yield, and move over for moving public safety and coroner's vehicles using their flashing lights and sirens. A violation of the prohibition is a fourth degree misdemeanor (generally punishable by a fine of up to \$250 and up to 30 days in jail) on a first offense. A second offense within one year after the first is a third degree misdemeanor and each subsequent offense within one year after the first is a second degree misdemeanor.⁴

The bill also prohibits any person from failing to change lanes and/or proceed with caution around a stationary DORV that is using its flashing lights by adding DORVs to Ohio's Move Over Law. The Move Over Law currently requires drivers to either change lanes or proceed with caution around any stationary public safety, emergency, road service, waste collection, highway maintenance, and certain Public Utilities Commission motor vehicle inspection vehicles that are using flashing lights. A violation of this law is a minor misdemeanor, but with a doubled-fine.⁵

¹ R.C. 4511.01(XXX).

² R.C. 4513.21 and 4513.17(C).

³ R.C. 4511.042.

⁴ R.C. 4511.45; R.C. 2929.24 and 2929.28, not in the bill.

⁵ R.C. 4511.213.

HISTORY

Action	Date
Introduced	06-26-23
