



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

S.B. 123

131st General Assembly
(As Introduced)

Sens. Hughes, LaRose, Patton, Yuko

BILL SUMMARY

- Allows emergency personnel in certain public safety vehicles to report a motor vehicle operator's failure to yield the right-of-way to the public safety vehicle and commission of other traffic law violations and establishes the governing procedures for issuance of a citation or warning.

CONTENT AND OPERATION

The bill grants emergency personnel in certain public safety vehicles limited authority to report traffic violations. Under the bill, when a motor vehicle operator fails to yield the right-of-way to a public safety vehicle and impedes the emergency response, any emergency personnel in the public safety vehicle may report the license plate number (including the number of a temporary tag) and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The emergency personnel also may report any other apparent traffic law violations occurring at the same time; for example, emergency personnel would be able to report if the operator of the vehicle not only fails to yield the right-of-way, but also appears to be speeding or runs a red light. This authority applies to emergency personnel in ambulances, properly identified volunteer rescue or fire vehicles, and fire department vehicles. It does not apply to a public law enforcement officer, other person sworn to enforce the criminal and traffic laws of Ohio, or personnel operating a public safety vehicle used by the motor carrier enforcement unit for the enforcement of orders and rules of the Public Utilities Commission.¹

¹ R.C. 4511.01(E), not in the bill, and 4511.454(A) and (D)(2).

When a law enforcement agency receives a report from emergency personnel operating a public safety vehicle, the agency may conduct an investigation to attempt to determine or confirm the identity of the vehicle operator. If the law enforcement agency establishes the identity of the operator at the time of an alleged violation for failure to yield the right-of-way to a public safety vehicle, the report constitutes probable cause for the law enforcement agency to issue a written warning to the operator for that violation if no previous warning has been issued. However, the law enforcement agency has probable cause to issue a citation and must do so if the operator has previously been issued a warning for a failure to yield right-of-way violation based on such a report. When the law enforcement agency issues a warning, the agency must notify the Registrar of Motor Vehicles that a warning has been issued, and the Registrar must retain a record of the warning. If the person has previously been issued a warning, the person is guilty of a minor misdemeanor and must be fined \$150.²

For any other apparent traffic law violation that is reported by emergency personnel, or if the identity of the person who allegedly failed to yield the right-of-way to a public safety vehicle is not established, the law enforcement agency may issue a written warning to the vehicle owner. However, in the case of a leased or rented vehicle, the warning must be issued to the person who leased or rented the vehicle at the time of the alleged violation.³

Under current law, any person who fails to yield the right-of-way to a public safety vehicle is guilty of a fourth degree misdemeanor on the first offense, a third degree misdemeanor on the second offense within one year, and a second degree misdemeanor on the third or subsequent offense within one year. These penalties do not apply if the violation is reported by emergency personnel under the bill.⁴

HISTORY

ACTION	DATE
Introduced	03-10-15

S0123-I-131.docx/ks

² R.C. 4511.454(B)(1), (B)(2), and (C).

³ R.C. 4511.454(B)(3).

⁴ R.C. 4511.45.

