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Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Weinstein

Margaret E. Marcy, Attorney

SUMMARY

- Requires financial institutions, pharmacies, and restaurants constructed after the bill's effective date with a drive-through lane to also have an adjacent by-pass lane that allows:
 - The operator of a vehicle in the drive-through lane to drive the vehicle out of that lane and into the by-pass lane to exit the property; and
 - The operator of a public safety vehicle to drive alongside or close to any vehicle in the drive-through lane to respond to emergencies occurring in the drive-through lane.
- Requires financial institutions, pharmacies, and restaurants with a drive-through lane that undergo major renovations, expansion, or redevelopment to the permanent building or the parking area after the effective date of the bill to meet the requirements of the by-pass lane described above.
- Specifies minimum standards for a by-pass lane.
- Exempts certain drive-through facilities from the bill's by-pass lane requirements.
- Requires the Superintendent of Industrial Compliance or the building inspector/commissioner of buildings in a municipal corporation, county, or township to enforce the new construction and design standards for drive-through facilities.
- Names the act the "Megan's Way Out Act."

DETAILED ANALYSIS

Drive-through facility by-pass lanes

The bill requires a financial institution, pharmacy, or restaurant that is constructed after the bill's effective date with a drive-through lane to be designed and constructed to include a by-pass lane adjacent to the drive-through lane. Additionally, unless otherwise exempt, any current financial institution, pharmacy, or restaurant that includes a drive-through lane ("drive-through

facility”) that undergoes major renovations, expansion, or redevelopment to either its permanent building or to its parking area after the bill’s effective date must ensure that its drive-through lane has an adjacent by-pass lane.¹

Drive-through facilities

The bill’s provisions apply specifically to financial institutions, pharmacies, and restaurants with one or more drive-through lanes on the exterior of the permanent building site. These drive-through lanes allow customers to conduct the same transactions within the customer’s vehicle that the customer could otherwise conduct inside the building.²

For purposes of the bill’s requirements, a financial institution is a banking corporation, trust company, insurance company, savings and loan association, building and loan association, or any other corporation, partnership, federal lending agency, foundation, or institution that is engaged in lending or investing funds for industrial or business purposes.³ A pharmacy is any area, room(s), place of business, department, or portion thereof where the practice of pharmacy occurs.⁴ A restaurant includes both a food service operation (a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation) or a retail food establishment (a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for retail sale), as regulated under R.C. Chapter 3717.⁵

By-pass lane specifications

The bill specifies that a by-pass lane, adjacent to the drive-through lane, must allow for both of the following:

- The operator of a vehicle in the drive-through lane to drive the vehicle out of that lane and into the by-pass lane in order to exit the property; and
- The operator of a public safety vehicle to drive alongside or close to any vehicle in the drive-through lane in order to respond to an emergency related to an operator or passenger of the vehicle in the drive-through lane.⁶

To meet the above requirements, a by-pass lane must meet the following minimum standards:

- Be at least ten feet wide without obstructions;

¹ R.C. 3781.113(B).

² R.C. 3781.113(A).

³ R.C. 122.39, not in the bill.

⁴ R.C. 4729.01, not in the bill.

⁵ R.C. 3717.01, not in the bill.

⁶ R.C. 3781.113(C)(1).

- Contain adequate vertical and horizontal clearance for standard passenger vehicles and public safety vehicles;
- Include clear, visible signage to alert vehicle operators to the presence and direction of the by-pass lane; and
- Be designed so as to not obstruct pedestrian pathways, fire lanes, public safety vehicle access to the permanent building, or accessible parking spaces or routes for persons with disabilities.⁷

Exemptions

The bill exempts certain drive-through facilities from its requirements to design and construct by-pass lanes. Specifically, it exempts any drive-through facility that was constructed prior to the bill's effective date to which either of the following apply:

- There is insufficient space adjacent to the drive-through lane to create a by-pass lane on the property on which the drive-through facility is located; or
- Compliance with the bill's requirements would force the owner of the drive-through facility to close or relocate the business.

Additionally, the bill's requirements do not apply to a drive-through facility where the drive-through lane passes through the physical permanent structure of the building (e.g., the drive-through beer and wine stores).⁸ The bill's requirements do not exempt a business from complying with the Americans with Disabilities Act of 1990 and its associated regulations.⁹

Enforcement and penalties

The bill requires the Superintendent of Industrial Compliance or the building inspector or commissioner of buildings in a municipal corporation, county, or township, as applicable, to enforce the construction and design requirements for drive-through lanes.¹⁰ Whoever violates the bill's requirements is subject to the following penalties:

- A fine of up to \$100 if the violation is not detrimental to the health, safety, or welfare of any person; or
- A minor misdemeanor if the violation is detrimental to the health, safety, or welfare of any person.¹¹

⁷ R.C. 3781.113(C)(2).

⁸ R.C. 3781.113(D).

⁹ R.C. 3781.113(E).

¹⁰ R.C. 3781.03.

¹¹ R.C. 3781.99.

Megan's Way Out

The act is named the "Megan's Way Out Act."¹² Megan Keleman was killed on August 14, 2024, while in her car waiting in the drive-through lane at a single-lane drive-through restaurant, when the driver of the vehicle behind her rammed his car into hers, exited his vehicle, and then shot and killed Megan before taking his own life.¹³

HISTORY

Action	Date
Introduced	09-16-25

ANSB0264IN-136/ar

¹² Section 3.

¹³ <https://www.redmonfuneralhome.com/obituaries/megan-keleman>.