



Ohio Legislative Service Commission

Bill Analysis

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H.B. 378

131st General Assembly
(As Introduced)

Reps. Hambley and Rezabek, Arndt, Boose, Brown, Conditt, LaTourette, Manning, McColley, M. O'Brien, Schuring, Slaby

BILL SUMMARY

- Eliminates a provision of current law that prohibits a township constable or a member of a township police district or joint police district ("township officer") from making an arrest on an interstate highway if the population of the area served by the township officer is 50,000 or less.
- Eliminates a provision of current law that prohibits a township officer from making an arrest on a street or highway that is located adjacent to the township officer's territory if both of the following apply:
 - The street or highway is part of the interstate system; and
 - The population of the area served by the township officer is 60,000 or less.

CONTENT AND OPERATION

Overview

The bill modifies the jurisdiction of township constables, and members of the police force of a township police district or a joint police district (hereafter "township officers"). A township police district is a district created by a board of township trustees that encompasses all or a portion of the unincorporated territory of the township.¹ A joint police district is a district created by the boards of township trustees of any two or more contiguous townships, or the boards of township trustees of one or more contiguous townships and the legislative authorities of one or more contiguous municipal corporations encompassing all or any part of the townships or municipal

¹ R.C. 505.48, not in bill.

corporations as are mutually agreed upon.² For purposes of this analysis, the "territory" of an officer means within the boundaries of the unincorporated area of a township or within the boundaries of a township police district or joint police district, as applicable.

Jurisdiction on state highways within the territory of the officer

Generally, the Ohio State Highway Patrol and county sheriffs have exclusive jurisdiction over specified vehicle-related offenses (see **Table 1** below) committed on state highways outside of municipal corporations. However, under current law, a township officer also has arrest authority with regard to such offenses committed on state highways within the territory of the officer as follows:

- If the population of the area that is served by the officer is greater than 50,000, on state highways and interstate highways; or
- If the population of the area that is served by the officer is 50,000 or less, on state highways but not interstate highways.

The bill eliminates the population-based distinction, thereby granting a township officer that serves a population of 50,000 or less arrest authority on interstate highways.³ An interstate highway is a highway that is a portion of the interstate system or the national highway system.⁴

Jurisdiction on state highways adjacent to the territory of the officer

Under current law, a township officer is generally authorized to arrest and detain any person found committing a specified vehicle-related offense (see **Table 2** below) on the portion of any street or highway that is located immediately adjacent to the territory of the township officer. However, a township officer may not make an arrest on an interstate highway that is located immediately adjacent to the territory of the township officer if the population of the territory served by the township officer is 60,000 or less. The bill eliminates this population-based restriction, thereby granting a township officer that serves a population of 60,000 or less arrest authority on an interstate highway that is located immediately adjacent to the territory of the township officer.⁵

² R.C. 505.482, not in bill.

³ R.C. 4513.39.

⁴ R.C. 5516.01(C), not in bill. A map of the interstate highways in Ohio can be found at http://www.fhwa.dot.gov/planning/national_highway_system/nhs_maps/ohio/.

⁵ R.C. 2935.03(E)(2).



Table 1: Offenses for which jurisdiction is conferred under R.C. 4513.39

- Operating an unregistered motor vehicle or a motor vehicle for which the registration has expired (R.C. 4503.11);
- Failing to display license plates (including a county identification sticker and validation sticker) (R.C. 4503.21);
- Failing to comply with a pedestrian control signal (R.C. 4511.14);
- Displaying an unauthorized traffic control device or displaying a traffic sign or signal that includes commercial advertising (R.C. 4511.16);
- Operating a vehicle in willful or wanton disregard of safety (R.C. 4511.20 and 4511.201);
- Operating a motor vehicle or agricultural tractor without being in reasonable control (R.C. 4511.202);
- Wrongful entrustment of a motor vehicle (R.C. 4511.203);
- Texting while driving (R.C. 4511.204);
- Using a cellphone while driving (if under the age of 18) (R.C. 4511.205);
- Speeding (R.C. 4511.21, 4511.211, and 4511.23);
- Failing to proceed appropriately upon encountering a stationary public safety vehicle displaying emergency lights (R.C. 4511.213);
- Operating a vehicle at an unreasonably slow speed (R.C. 4511.22);
- Failing to proceed as required with regard to a vehicle proceeding in the opposite direction (R.C. 4511.26);
- Failing to comply with the requirements governing passing vehicles (R.C. 4511.27, 4511.28, and 4511.29);
- Driving on the left side of the road (R.C. 4511.30);
- Driving the wrong way on a one-way road (R.C. 4511.32);
- Failing to comply with lane use requirements (R.C. 4511.33);
- Following another vehicle more closely than is authorized by law (R.C. 4511.34);
- Operating a vehicle on the wrong side of a divided highway or through the dividing space or barrier (R.C. 4511.35);
- Failing to comply with the requirements for turning at an intersection (R.C. 4511.36);
- Making an unlawful u-turn (R.C. 4511.37);
- Failing to comply with the law governing starting or backing up a vehicle (R.C. 4511.38);
- Failing to signal or failing to exercise due care when changing lanes (R.C. 4511.39 and 4511.40);
- Failing to yield the right-of-way when turning left (R.C. 4511.42);
- Failing to comply with the law governing stop signs and yield signs (R.C. 4511.43);
- Failing to stop prior to driving onto a sidewalk or the sidewalk area extending onto the roadway (R.C. 4511.431);
- Failing to comply with a stop sign posted in a private residential area (R.C. 4511.432);
- Failing to yield the right-of-way when entering or crossing a highway from any place other than another roadway (R.C. 4511.44);

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- Failing to yield the right-of-way to a pedestrian on a sidewalk or within a crosswalk (R.C. 4511.441 and 4511.46);
- Failing to yield the right-of-way to a public safety or coroner's vehicle (R.C. 4511.45);
- Failing to yield the right-of-way to a funeral vehicle (R.C. 4511.451);
- Failing to yield the right-of-way to a blind pedestrian (R.C. 4511.47);
- Failing to yield the right-of-way (as a pedestrian) (R.C. 4511.48);
- Unlawfully passing a streetcar (R.C. 4511.58);
- Unlawfully proceeding with regard to a streetcar (R.C. 4511.59);
- Failing to properly stop at a railroad grade crossing (R.C. 4511.62, 4511.63, and 4511.64);
- Stopping or parking on a highway (R.C. 4511.66);
- Leaving a motor vehicle unattended (R.C. 4511.661);
- Committing a parking violation (R.C. 4511.68 and 4511.69);
- Unlawfully parking on private property (R.C. 4511.681);
- Operating a vehicle if the view or control of the driver is obstructed or opening a vehicle door into traffic when prohibited (R.C. 4511.70);
- Occupying a travel trailer or manufactured or mobile home while it is being used as a conveyance (R.C. 4511.701);
- Driving upon, along, or across, a closed highway (R.C. 4511.71);
- Failing to display headlights (R.C. 4513.03);
- Failing to ensure that a motor vehicle is equipped with headlights, at least one tail light, a license plate light, or a slow-moving vehicle emblem, as applicable (R.C. 4513.04, 4513.05, and 4513.11);
- Failing to ensure that a motor vehicle pulling a trailer or semitrailer is equipped with reflectors (R.C. 4513.06);
- Failing to comply with marking or stop light requirements for buses, trucks, commercial tractors, trailers, semitrailers, and pole trailers (R.C. 4513.07 and 4513.071);
- Failing to properly indicate an oversized load (R.C. 4513.09);
- Failing to display emergency lights on a vehicle that is parked or stopped on a roadway or an adjacent shoulder (R.C. 4513.10);
- Operating farm machinery on a highway without the proper lighting and reflectors (R.C. 4513.111);
- Failing to comply with headlight requirements (R.C. 4513.12, 4513.15, 4513.16, 4513.17, and 4513.19);
- Displaying continuously lighted back-up lights (R.C. 4513.13);
- Unlawfully using flashing lights (R.C. 4513.17 and 4513.171);
- Failing to comply with the lighting requirements for snow removal equipment (R.C. 4513.18);
- Failing to comply with the requirements for marking a vehicle used to transport preschool children (R.C. 4513.182);
- Failing to comply with the requirements related to brake equipment (R.C. 4513.20);
- Selling brake fluid that does not comply with the federal standards (R.C. 4513.201);

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- Selling brake lining, brake lining material, or brake lining assemblies that do not meet the minimum standards (R.C. 4513.202);
- Failing to ensure a motor vehicle is equipped with a working horn (R.C. 4513.21);
- Unlawfully equipping a vehicle with a siren, whistle, or bell (R.C. 4513.21);
- Failing to use an operable muffler or using a vehicle that produces excessive smoke or gas (R.C. 4513.22);
- Operating a motor vehicle that does not have a windshield or operating a motor vehicle with a sign, poster, or other nontransparent material on the windshield or side or rear windows (R.C. 4513.24);
- Operating a motor vehicle with unlawfully tinted windows, installing unlawfully tinted windows, or selling a motor vehicle with unlawfully tinted windows (R.C. 4531.241);
- Unlawfully displaying a decal on a side window (R.C. 4513.242);
- Failing to ensure the tire of a vehicle has a proper tread (R.C. 4513.25);
- Selling a vehicle not equipped with safety glass (R.C. 4513.26);
- Operating a vehicle that is not equipped with electrical or mechanical directional signals (R.C. 4513.261);
- Selling, leasing, renting, or operating a passenger car that is not properly equipped with seat belts (R.C. 4513.262);
- Failing to comply with seat belt use requirements (R.C. 4513.263);
- Failing to comply with the equipment requirements applicable to the operation of a truck, bus, or commercial tractor from sunset to sunrise (R.C. 4513.27);
- Failing to display appropriate warning devices with regard to a disabled vehicle (R.C. 4513.28);
- Failing to comply with the requirements applicable to a vehicle that is transporting explosives (R.C. 4513.29);
- Operating a passenger vehicle with a load that extends more than six inches beyond the line of the vehicle's left fenders (R.C. 4513.30);
- Failing to secure items being transported in a vehicle (R.C. 4513.31);
- Failing to comply with vehicle towing requirements (R.C. 4513.32);
- Failing to stop when signaled to do so by a horse-drawn vehicle or person on horseback (R.C. 4549.01);
- Displaying a counterfeit license plate or a license plate on a vehicle to which the license plate is not registered (R.C. 4549.08);
- Unauthorized use of an electronic clearance device, which allows a commercial motor vehicle to bypass a scale location (R.C. 4549.081);
- Operating a manufacturer's or dealer's motor vehicle without displaying placards (R.C. 4549.10);
- Operating a motor vehicle that is registered to a prior owner (R.C. 4549.11);
- Operating a motor vehicle that is registered in another state (if the operator is the owner of the motor vehicle and an Ohio resident) (R.C. 4549.12); or
- Concealing or destroying a vehicle or vehicle part, destroying a vehicle identification number (VIN) on a vehicle or vehicle part, or placing a counterfeit VIN number (R.C. 4549.62).

Table 2: Offenses for which jurisdiction is conferred under R.C. 2935.03

- Failing to comply with any traffic law requirement (R.C. Chapter 4511.);
- Failing to comply with any vehicle equipment requirement, other than vehicle size, weight, and load restrictions (R.C. Chapter 4513.);
- Operating an unregistered motor vehicle or a motor vehicle for which the registration has expired (R.C. 4503.11);
- Failing to display license plates (including a county identification sticker and validation sticker) (R.C. 4503.21);
- Failing to stop when signaled to do so by a horse-drawn vehicle or person on horseback (R.C. 4549.01);
- Displaying a counterfeit license plate or a license plate on a vehicle to which the license plate is not registered (R.C. 4549.08);
- Unauthorized use of an electronic clearance device, which allows a commercial motor vehicle to bypass a scale location (R.C. 4549.081);
- Operating a manufacturer's or dealer's motor vehicle without displaying placards (R.C. 4549.10);
- Operating a motor vehicle that is registered to a prior owner (R.C. 4549.11);
- Operating a motor vehicle that is registered in another state (if the operator is the owner of the motor vehicle and an Ohio resident) (R.C. 4549.12); or
- Concealing or destroying a vehicle or vehicle part, destroying a vehicle identification number (VIN) on a vehicle or vehicle part, or placing a counterfeit VIN number (R.C. 4549.62).

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 10-22-15 |

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