



Ohio Legislative Service Commission

Final Analysis

Amanda M. Ferguson

Sub. S.B. 123

131st General Assembly
(As Passed by the General Assembly)

Sens. Hughes, LaRose, Patton, Yuko, Coley, Eklund, Hite, Manning, Thomas

Reps. Bishoff, Anielski, Ashford, Boyd, Brown, Craig, Dovilla, Ginter, Hambley, T. Johnson, Manning, S. O'Brien, Phillips, Rogers, Ruhl, Ryan, Scherer, Sheehy, Sweeney, Young

Effective date: September 14, 2016

ACT SUMMARY

- Allows emergency personnel in specified public safety vehicles to report a motor vehicle operator's failure to yield the right-of-way to the public safety vehicle.
- Establishes procedures governing the issuance of a citation or warning and modified penalties for a failure to yield violation that is based on a report filed by emergency personnel.

CONTENT AND OPERATION

Report of failure to yield to a public safety vehicle

Under the act, when a motor vehicle operator fails to yield the right-of-way to a public safety vehicle and impedes an emergency response, any emergency personnel in the public safety vehicle may report the following to the appropriate law enforcement agency:

- (1) The license plate number (including the number of a temporary tag);
- (2) A general description of the vehicle; and
- (3) A general description of the operator of the vehicle.

* This version updates the effective date.

This authority applies to emergency personnel in ambulances, properly identified volunteer rescue or fire vehicles, and fire department vehicles. It does not apply to emergency personnel in an unmarked public safety vehicle, a public law enforcement officer or 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

When a law enforcement agency receives a report under the act, 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 to issue either a written warning or citation to the operator for that violation and the agency must issue either a written warning or citation. If the identity of the person who allegedly failed to yield the right-of-way 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.²

A person who violates the law prohibiting the failure to yield the right-of-way to a public safety vehicle based upon a report filed by emergency personnel is guilty of a minor misdemeanor and must be fined \$150. If the person does not enter a guilty plea and appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed the violation unless the emergency personnel who filed the report appears in person in the court and testifies.³

Continuing law: failure to yield to a public safety vehicle

Under continuing 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 in accordance with the act. Rather, the penalties specified above apply in that circumstance.⁴

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

² R.C. 4511.454(B)(1) to (3).

³ R.C. 4511.454(C)(1) and (2).

⁴ R.C. 4511.45.



HISTORY

ACTION	DATE
Introduced	03-10-15
Reported, S. State & Local Gov't	06-03-15
Passed Senate (32-0)	06-30-15
Reported, H. Armed Services, Veterans Affairs & Public Safety	05-11-16
Passed House (97-0)	05-25-16

16-SB123-UPDATED-131.docx/ks

