



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Carlen Zhang-D'Souza

### **Am. S.B. 127**

132nd General Assembly

(As Reported by H. Government Accountability and Oversight)

**Sens.** LaRose, Beagle, Gardner, Manning, Hottinger, Yuko, Hite, Uecker, Brown, Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Lehner, Obhof, O'Brien, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Williams, Wilson

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## **BILL SUMMARY**

- Requires drivers, when approaching a stationary waste collection vehicle that is displaying flashing, oscillating, or rotating lights, to do either of the following:
    - Proceed with due caution and change lanes into a lane that is not adjacent to the waste collection vehicle;
    - Proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.
  - Authorizes a stationary waste collection vehicle that is actively collecting trash, garbage, refuse, or recyclable materials to use flashing, oscillating, or rotating lights.
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## **CONTENT AND OPERATION**

### **Waste collection vehicles and the Move-Over Law**

The bill incorporates waste collection vehicles, defined as vehicles used in the collection of garbage, refuse, trash, or recyclable materials, into the existing Move-Over Law.<sup>1</sup> As a result, the bill requires the driver of a motor vehicle, when approaching a stationary waste collection vehicle that is displaying flashing, oscillating, or rotating lights, to do either of the following:

(1) If the driver is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, proceed

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<sup>1</sup> R.C. 4511.01(RRR).

with due caution and, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to that of the waste collection vehicle.

(2) If the driver is not traveling on a highway with at least two lanes carrying traffic in the same direction, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.<sup>2</sup>

The existing Move-Over Law applies the above requirements to a driver approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the Public Utilities Commission for specified purposes, or highway maintenance vehicle that is displaying flashing, oscillating, or rotating lights. In general, a violation of the Move-Over Law is a minor misdemeanor. However, such a violation is a fourth degree misdemeanor if the offender has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense within one year of violating the Move-Over Law. The violation is a third degree misdemeanor if the offender has been convicted of or pleaded guilty to two or more predicate motor vehicle or traffic offenses. In addition to all other penalties provided by law, the court is required to impose a fine of two times the usual amount imposed for the violation.<sup>3</sup> Last, the bill specifies that this offense is a strict liability offense.<sup>4</sup>

### **Use of lights by a waste collection vehicle**

The bill authorizes a stationary waste collection vehicle to use flashing, oscillating, or rotating lights if the vehicle is actively collecting garbage, refuse, trash, or recyclable materials on the roadside. Current law authorizes an emergency vehicle, a road service vehicle servicing or towing a disabled vehicle, a rural mail delivery vehicle, a vehicle transporting preschool children, a highway maintenance vehicle, a funeral hearse, a funeral escort vehicle, and any similar equipment used by a local authority to use flashing, oscillating, or rotating lights.<sup>5</sup>

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<sup>2</sup> R.C. 4511.213(A).

<sup>3</sup> R.C. 4511.213(D).

<sup>4</sup> R.C. 4511.213(E).

<sup>5</sup> R.C. 4513.17(C).

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## HISTORY

ACTION	DATE
Introduced	04-05-17
Reported, S. Local Gov't, Public Safety, & Veterans Affairs	10-24-17
Passed Senate (32-0)	10-25-17
Reported, H. Gov't Accountability & Oversight	03-01-18

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