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H.B. 539*
133rd General Assembly

Bill Analysis

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Version: As Re-referred to House Criminal Justice

Primary Sponsors: Reps. Ghanbari and Blair

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SUMMARY

- Grants a township officer, who serves a township with a population between 5,000 and 50,000, the authority to make an arrest for specified traffic offenses on an interstate highway within the township's jurisdiction if certain criteria are met and the township adopts a resolution authorizing such arrests.
- Allows a township officer, who serves a township with a population above 50,000 (rather than above 60,000 as under current law), to enforce specified traffic laws on interstate highways immediately adjacent to the township's jurisdiction.
- Includes a provision that purports to allow a township officer, who serves a township with a population between 5,000 and 50,000, to enforce specified traffic laws on interstate highways immediately adjacent to the township's jurisdiction if the township has adopted a resolution as referenced above.

* The revised version of this analysis addresses an omission regarding a township officer's jurisdiction to enforce traffic laws on interstates that are immediately adjacent to a township's jurisdiction.

DETAILED ANALYSIS

Jurisdiction of township officers on interstate highways

Interstates within a township

The bill alters the arrest authority of a township officer¹ who serves a township with a population² between 5,000 and 50,000 on interstate highways within the officer's territorial jurisdiction.

Under the bill, if the township population is between 5,000 and 50,000, the township board of trustees may adopt (and may subsequently rescind) a resolution that authorizes a township officer to make arrests for certain traffic violations (see, Table 2, below) on an interstate highway, provided that:

1. The highway is part of the interstate highway system;
2. The highway is located within the township officer's jurisdiction; and
3. The highway has a permanent access point on and off the highway for the township officer to use that is located within the township officer's jurisdiction and is open to the general public. (An access point that is available as of the bill's effective date remains an available access point for township officer to use even if the territory in which the access point is located is subsequently annexed by a municipal corporation).³

Currently, a township officer who serves a township with a population of 50,000 or less is prohibited from enforcing certain traffic laws on interstate highways. Table 1 below illustrates the arrest authority for township officers on highways within the township's jurisdiction under current law and as altered by the bill.

¹ For purposes of this analysis, a "township officer" means a person who has received a certification from the Ohio Peace Officer Training Commission and who is (1) a member of the police force of a township police district, (2) a member of a joint police district, or (3) a township constable. R.C. 4513.39(B).

² "Population" means the population of the township, according to the most recent federal decennial census, that created the township or joint police district served by the township officer or the population of the township served by the township officer when the officer is a township constable. R.C. 4513.39.

³ R.C. 4513.39(C).

Table 1: Township officer arrest authority on highways

Jurisdiction	Arrest authority under current law	Arrest authority under H.B. 539 ⁴
Township with a population of 5,000 or less	State highways and national highway system highways that are not interstate highways (for example, U.S. Route 23)	Same
Township with a population from 5,001 to 50,000	State highways and national highway system highways that are not interstate highways	State highways and national highway system highways, including Interstate highways (if there is an appropriate township resolution)
Township with a population exceeding 50,000	State highways and National highway system highways, including Interstate highways	Same

Interstates bordering a township

Additionally, under current law, a township officer may enforce traffic laws on a street or highway that is immediately adjacent to (and thus outside) a township's jurisdiction. However, to enforce these laws on an interstate highway that is immediately adjacent to the township's jurisdiction, the township officer must serve a township with a population of 60,000 or more. The bill changes this population threshold to 50,000 or more.

And, if the appropriate township resolution (described above) is adopted by a township with a population between 5,000 and 50,000, the bill intends to allow a township officer for that township to also enforce traffic laws on an interstate that is immediately adjacent to a township's jurisdiction. But, it is unclear if the bill's reference to the need for an appropriate township resolution accomplishes that intent.⁵

Background

Township officer jurisdiction

The territorial jurisdiction of a township officer may include the boundaries of the unincorporated area of a township or the boundaries of a township police district or joint police district. A township police district is a district created by a board of township trustees that encompasses all or a portion of the township's unincorporated territory. A joint police district is a district created by the boards of two or more contiguous townships, or the boards of one or more contiguous townships and the legislative authorities of one or more contiguous municipal

⁴ R.C. 4513.39(B).

⁵ R.C. 2935.03(E)(2).

corporations encompassing all or any part of the townships or municipal corporations, as mutually agreed.⁶

Table 2: jurisdictional offenses⁷

Table 2 below lists the offenses that a township officer may enforce on the specified highways within the township's jurisdiction as explained in Table 1, above.

- 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);
- Failing to comply with restrictions imposed on low speed or under-speed vehicle operation (R.C. 4511.214);
- 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);
- Violation of hazardous zones (R.C. 4511.31);

⁶ R.C. 4513.39(B) and R.C. 505.48 and 505.482, not in the bill.

⁷ Under current law, the Ohio State Highway Patrol and county sheriffs also have jurisdiction over the vehicle-related offenses set forth in Table 2 committed on state highways outside of municipal corporations, including national and interstate highways. R.C. 4513.39(A).

- 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);
- 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 right-of-way to public safety vehicle by a pedestrian (R.C. 4511.452);
- Failing to yield to emergency vehicle (R.C. 4511.454);
- 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);
- 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).

HISTORY

Action	Date
Introduced	03-05-20
Reported, H. Criminal Justice	06-11-20
Re-referred, H. Criminal Justice	06-11-20
