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H.B. 392*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Transportation

Primary Sponsors: Reps. Ferguson and K. Miller

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SUMMARY

Ambulance transport of police dog

- Authorizes ambulance transport of an injured police dog to a veterinarian for further treatment when the police dog is injured in the line of duty and no other human person requires emergency transport at the time.
- Extends certain civil, criminal, and professional immunity to an ambulance driver transporting a police dog in the manner authorized by the bill.

Riding in a fifth wheel trailer

- Clarifies the law regarding whether a person may ride in a moving fifth wheel trailer by generally prohibiting riding in such trailers, unless certain safety precautions are met.

Devices on motor vehicle windshields

- Expands the exemptions to the prohibition against placing obstructions on the front windshield of a motor vehicle to allow the placement of various vehicle safety devices that are authorized under federal law.
- Alters the existing state exemption to the prohibition that applies to commercial motor vehicles by doing both of the following:
 - Specifying that certain electronic devices may be utilized on a front windshield if mounted 8.5 inches or less below the upper edge of the windshield (rather than six inches as in current law); and

* This analysis was prepared before the report of the Senate Transportation Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Removing the stipulation that the devices be outside the area swept by the windshield wipers.

DETAILED ANALYSIS

Ambulance transport of police dog

The bill authorizes an ambulance driver to transport an injured police dog to a veterinarian for further treatment under certain circumstances. Specifically, the transport is authorized if the police dog is injured in the line of duty and no other human person requires emergency transport by the ambulance at the time of the transport. Current law already authorizes emergency medical responders to provide specified medical services to a dog (or cat) prior to being transferred to a veterinarian, in the course of an emergency medical or fire response or in aiding law enforcement.¹

The bill also extends the same civil, criminal, and professional immunity given under current law to the emergency medical responders providing emergency care to a dog or cat to ambulance drivers transporting a police dog. As such, an ambulance driver is not subject to a criminal or civil proceeding or professional disciplinary action allegedly arising from an act or omission associated with the transport of a police dog, unless the act or omission constitutes willful or wanton misconduct.²

Riding in a fifth wheel trailer

The bill clarifies the law regarding whether a person may ride in a moving fifth wheel trailer. Under current law, a person may not occupy a travel trailer, a manufactured home, or a mobile home while it is traveling along a street or highway. While similar, a fifth wheel trailer is a distinct vehicle, and thus riding in a moving fifth wheel trailer is not currently prohibited. The similarities between the various vehicles, however, makes enforcement of current law difficult.

The bill clarifies the law by prohibiting riding in a fifth wheel trailer, unless certain safety precautions are implemented. Specifically, if passengers ride in a fifth wheel trailer, both of the following must occur:

1. Any children must be properly secured in the correct child restraint system based on their age, height, and weight (e.g., car seat, booster, etc.); and
2. There must be some form of viable communication between the operator of the vehicle towing the fifth wheel trailer and the trailer's passengers (e.g., a cell phone, radio, etc.).³

¹ R.C. 4765.52(B) and (C).

² R.C. 4765.52(D) and (E).

³ R.C. 4511.701(A) and (B).

The bill specifies that the current law minor misdemeanor penalty also applies to riding in a moving fifth wheel trailer in violation of the bill's requirements. The offense is a predicate motor vehicle or traffic offense and a strict liability offense.⁴

Devices on motor vehicle windshields

Background

Under current law, a person is generally limited regarding the items that the person may place in or on a vehicle's front windshield (e.g., signs, posters, and decals are mostly prohibited). However, current law allows the placement of certain electronic devices on the front windshield (e.g., antenna, tolling transponders, GPS, etc.), provided the devices meet certain parameters. For passenger vehicles, those parameters are as follows:

1. The device must not restrict the vehicle operator's sight lines to the roadway and road signs and signals; and
2. The device must not conceal the vehicle identification number.

Devices on commercial motor vehicles must meet parameter (1) above, but also must be:

1. Mounted not more than 6 inches below the upper edge of the windshield; and
2. Mounted outside the area swept by the vehicle's windshield wipers.⁵

Alteration of the exceptions

The bill alters the exceptions for electronic devices mounted on both passenger vehicles and commercial vehicles. First, the bill allows the placement of vehicle safety technology that meets federal requirements on both passenger and commercial motor vehicle windshields. Vehicle safety technology includes systems and items of equipment that promote driver, occupant, and roadway safety. Examples of vehicle safety technology include:

- Fleet-related incident management systems;
- Performance or behavior management systems;
- Forward collision warning or mitigation systems;
- Active cruise control; and
- Braking warning and braking assist systems.

To qualify for the bill's exception for vehicle safety technology, that technology must comply with the federal standards. Those standards require the technology to be placed on the windshield as follows:

⁴ R.C. 4511.701(C).

⁵ R.C. 4513.24.

1. Not more than 8.5 inches below the upper edge of the area swept by the windshield wipers;
2. Not more than 7 inches above the lower edge of the area swept by the windshield wipers; and
3. Outside the driver's sight lines to the road and highway signs and signals.⁶

Thus, for a passenger vehicle, an electronic device must either not block the driver's vision or the VIN (per current law) or be a vehicle safety technology meeting the federal requirements.

The bill alters the existing state exemptions for electronic devices (that do not meet federal requirements as a vehicle safety technology) that are mounted on commercial vehicles. Specifically, the bill:

1. Requires each device to be mounted 8.5 inches or less below the upper edge of the windshield (rather than 6 inches as in current law); and
2. Removes the stipulation that the devices be outside the area swept by the windshield wipers.⁷

The following table compares the exceptions to the prohibition under current law and the bill.

Type of motor vehicle	Current law	The bill
Passenger vehicle: federally regulated vehicle safety technology	No provision.	Allows use of vehicle safety technology meeting federal specifications.
Passenger vehicle: other electronic devices	Device must: <ol style="list-style-type: none"> 1. Not restrict the vehicle operator's sight lines to the roadway and road signs and signals; and 2. Not conceal the VIN. 	Same.
Commercial vehicle: federally regulated vehicle safety technology	No provision.	Allows use of vehicle safety technology meeting federal specifications.

⁶ R.C. 4513.24(B); [49 C.F.R. 393.5 and 393.60\(e\)\(1\)\(ii\)](#).

⁷ R.C. 4513.24(B)(2).

Type of motor vehicle	Current law	The bill
Commercial vehicle: other electronic devices	Device must: 1. Not restrict the vehicle operator's sight lines to the roadway and road signs and signals; and 2. Be mounted not more than 6 inches below the upper edge of the windshield and outside the area swept by the vehicle's windshield wipers.	Device must: 1. Not restrict the vehicle operator's sight lines to the roadway and road signs and signals; and 2. Be mounted not more than 8.5 inches below the upper edge of the windshield.

HISTORY

Action	Date
Introduced	08-18-21
Reported, H. Transportation & Public Safety	12-08-21
Passed House (90-1)	12-08-21
Reported, S. Transportation	---