

**As Reported by the Senate State and Local Government Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 123**

**Senator Hughes**

**Cosponsors: Senators LaRose, Patton, Yuko**

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**A BILL**

To amend section 4511.45 and to enact section 1  
4511.454 of the Revised Code to allow emergency 2  
personnel in public safety vehicles to report 3  
certain traffic law violations under certain 4  
circumstances. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4511.45 be amended and section 6  
4511.454 of the Revised Code be enacted to read as follows: 7

**Sec. 4511.45.** (A) (1) Upon the approach of a public safety 8  
vehicle or coroner's vehicle, equipped with at least one 9  
flashing, rotating or oscillating light visible under normal 10  
atmospheric conditions from a distance of five hundred feet to 11  
the front of the vehicle and the driver is giving an audible 12  
signal by siren, exhaust whistle, or bell, no driver of any 13  
other vehicle shall fail to yield the right-of-way, immediately 14  
drive if practical to a position parallel to, and as close as 15  
possible to, the right edge or curb of the highway clear of any 16  
intersection, and stop and remain in that position until the 17  
public safety vehicle or coroner's vehicle has passed, except 18  
when otherwise directed by a police officer. 19

(2) Upon the approach of a public safety vehicle or coroner's vehicle, as stated in division (A)(1) of this section, no operator of any streetcar or trackless trolley shall fail to immediately stop the streetcar or trackless trolley clear of any intersection and keep it in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(B) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with section 4513.171 of the Revised Code. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner, or coroner's investigator that is equipped with a flashing, oscillating, or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(D) Except as otherwise provided in this division or in section 4511.454 of the Revised Code, whoever violates division (A)(1) or (2) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.

**Sec. 4511.454.** (A) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by division (A) of section 4511.45 of the Revised Code impedes the ability of the public safety vehicle to respond to

an emergency, any emergency personnel in the public safety 50  
vehicle may report the license plate number and a general 51  
description of the vehicle and the operator of the vehicle to 52  
the law enforcement agency exercising jurisdiction over the area 53  
where the alleged violation occurred. 54

(B) (1) Upon receipt of a report under division (A) of this 55  
section, the law enforcement agency may conduct an investigation 56  
to attempt to determine or confirm the identity of the operator 57  
of the vehicle at the time of the alleged violation. 58

(2) If the identity of the operator at the time of an 59  
alleged violation of division (A) of section 4511.45 of the 60  
Revised Code is established, the law enforcement agency has 61  
probable cause to issue either a written warning or a citation 62  
for that violation, and the agency shall issue a written warning 63  
or a citation to the operator. 64

(3) If the identity of the operator of the vehicle at the 65  
time of the alleged violation cannot be established, the law 66  
enforcement agency may issue a written warning to the person who 67  
owned the vehicle at the time of the alleged violation. However, 68  
in the case of a leased or rented vehicle, the law enforcement 69  
agency shall issue the written warning to the person who leased 70  
or rented the vehicle at the time of the alleged violation. 71

(C) (1) Whoever violates division (A) of section 4511.45 of 72  
the Revised Code based on a report filed under division (A) of 73  
this section is guilty of a minor misdemeanor and shall be fined 74  
one hundred fifty dollars. 75

(2) If a person who is issued a citation for a violation 76  
of division (A) of section 4511.45 of the Revised Code based on 77  
a report filed under division (A) of this section does not enter 78

a written plea of guilty and does not waive the person's right 79  
to contest the citation but instead appears in person in the 80  
proper court to answer the charge, the trier of fact cannot find 81  
beyond a reasonable doubt that the person committed that 82  
violation unless the emergency personnel who filed the report 83  
appears in person in the court and testifies. 84

(D) As used in this section: 85

(1) "License plate" includes any temporary license placard 86  
issued under section 4503.182 of the Revised Code or similar law 87  
of another jurisdiction. 88

(2) "Public safety vehicle" does not include an unmarked 89  
public safety vehicle or a vehicle used by a public law 90  
enforcement officer or other person sworn to enforce the 91  
criminal and traffic laws of the state or a vehicle used by the 92  
motor carrier enforcement unit for the enforcement of orders and 93  
rules of the public utilities commission. 94

**Section 2.** That existing section 4511.45 of the Revised 95  
Code is hereby repealed. 96