

As Reported by the House Armed Services, Veterans Affairs, and Public Safety Committee

131st General Assembly

**Regular Session
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Sub. S. B. No. 123

Senator Hughes

**Cosponsors: Senators LaRose, Patton, Yuko, Coley, Eklund, Hite, Manning,
Thomas Representative Bishoff**

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 20
coroner's vehicle, as stated in division (A)(1) of this section, 21
no operator of any streetcar or trackless trolley shall fail to 22
immediately stop the streetcar or trackless trolley clear of any 23
intersection and keep it in that position until the public 24
safety vehicle or coroner's vehicle has passed, except when 25
otherwise directed by a police officer. 26

(B) This section does not relieve the driver of a public 27
safety vehicle or coroner's vehicle from the duty to drive with 28
due regard for the safety of all persons and property upon the 29
highway. 30

(C) This section applies to a coroner's vehicle only when 31
the vehicle is operated in accordance with section 4513.171 of 32
the Revised Code. As used in this section, "coroner's vehicle" 33
means a vehicle used by a coroner, deputy coroner, or coroner's 34
investigator that is equipped with a flashing, oscillating, or 35
rotating red or blue light and a siren, exhaust whistle, or bell 36
capable of giving an audible signal. 37

(D) Except as otherwise provided in this division or in 38
section 4511.454 of the Revised Code, whoever violates division 39
(A)(1) or (2) of this section is guilty of a misdemeanor of the 40
fourth degree on a first offense. On a second offense within one 41
year after the first offense, the person is guilty of a 42
misdemeanor of the third degree, and, on each subsequent offense 43
within one year after the first offense, the person is guilty of 44
a misdemeanor of the second degree. 45

Sec. 4511.454. (A) When the failure of a motor vehicle 46

operator to yield the right-of-way to a public safety vehicle as 47
required by division (A) of section 4511.45 of the Revised Code 48
impedes the ability of the public safety vehicle to respond to 49
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 of division (A) of section 4511.45 of the Revised Code based on a report filed under division (A) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead 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 that violation unless the emergency personnel who filed the report appears in person in the court and testifies.

(D) As used in this section:

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

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

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