



Sub. H.B. 86

123rd General Assembly
(As Passed by the General Assembly)

Reps. Bateman, Mottley, Allen, Boyd, Brading, Carey, Corbin, Maier, Patton, Taylor, Thomas, Vesper, Winkler, Roberts, Krupinski, Haines, Mead, Bender, Patton, Perz, Olman, Perry, Grendell, Hartnett, Wilson, Harris, Metzger, Calvert, Pringle, Ferderber, Flannery, Opfer, Goodman, Clancy, O'Brien, Stapleton, Verich, Ford, Hoops, Jolivette, Roman, Salerno, Gardner, Myers, Coughlin, Tiberi, Thomas, Austria, Jacobson

Sens. Oelslager, Watts, Latta, Hottinger, Mumper

Effective date: Emergency, June 29, 1999; certain provisions effective September 28, 1999

ACT SUMMARY

- Provides that when the driver of a motor vehicle approaches a stationary public safety vehicle that is displaying its emergency light the driver must do one 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, the driver must proceed 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 stationary public safety vehicle;
 - (2) If the driver is not traveling on a highway of a type described in (1), above, or if the driver is traveling on such a highway but it is not possible to change lanes or if to do so would be unsafe, the driver must proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.
- Establishes that when the Department of Transportation funds contracts for road and highway construction or improvement, in whole or in part, neither the Director of Transportation nor any political subdivision or

other public entity is required to solicit separate bids or award separate contracts for any specified branch of work.

- Requires the Director of Transportation to designate a prime contractor from a specified branch of work when more than 51% of the dollar amount of the work to be performed in a contract is to be performed by that branch of work.
- Changes from June 1, 1999 to August 1, 1999, the deadline for the task force created in the biennial transportation budget (Am. Sub. H.B. 163 of the 123rd General Assembly) to study the Bureau of Motor Vehicles' existing method of random selection to verify financial responsibility to recommend changes to the General Assembly.
- Establishes that a person who owns 15 or more vehicles used in business may not apply to the Superintendent of the State Highway Patrol for a permit to administer inspections of the person's vehicles if the vehicles are subject to regulation by the Public Utilities Commission.

CONTENT AND OPERATION

Actions required of motor vehicle drivers when approaching a stationary public safety vehicle that is displaying its emergency light

Under the act, the driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, is required to do either of the following:

(1) If the driver of the motor vehicle 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, the driver must proceed 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 stationary public safety vehicle (sec. 4511.213(A)(1)).

(2) If the driver is not traveling on a highway of a type described in above item (1), or if the driver is traveling on such a highway but it is not possible to change lanes or if to do so would be unsafe, the driver must proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions (sec. 4511.213(A)(2)).

These two provisions do not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway (sec. 4511.213(B)).

Prohibition

The act specifically prohibits any person from failing to drive a motor vehicle in compliance with items (1) or (2), above, when so required by the act (sec. 4511.213(C)).

Penalty

A violation of the prohibition established by the act is grouped with other traffic offenses that are punishable as a minor misdemeanor on a first offense. If, within one year, the offender has been convicted of or pleaded guilty to one violation of any of the grouped offenses, or of any substantially similar municipal ordinance, the offense escalates to a misdemeanor of the fourth degree. Similarly, a third or subsequent violation of any of the grouped offenses, or of any substantially similar municipal ordinance, within one year, is a misdemeanor of the third degree. (Sec. 4511.99(D)(1).)

The act provides that notwithstanding the section of continuing law that prescribes the maximum fines that may be imposed for misdemeanor offenses, upon a finding that a person operated a motor vehicle in violation of the prohibition contained in the act against failing to drive a motor vehicle in compliance with (1) and (2), above, the court, in addition to all other penalties provided by law, is required to impose a fine of two times the amount usually imposed for the violation (sec. 4511.99(D)(4)).

Definition

For purposes of its provisions, the act defines "public safety vehicle" to mean all of the following vehicles (sec. 4511.213(D) by reference to sec. 4511.01, which is not in the act):

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing special "EMS Vehicle" license plates;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly

qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal is the certifying agency for all such public safety vehicles.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, is considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in current law.

Highway bid requirements

The act specifies that, notwithstanding requirements in Public Improvements Law (secs. 153.50 to 153.52, not in the act), neither the Director of Transportation nor any political subdivision or other public authority is required to solicit separate bids or award separate contracts for any "branch of work" (see "**Definitions**," below) in a contract for the construction or improvement of a road or highway funded in whole or in part by or through the Department of Transportation (sec. 5525.011(B)).

When the Director estimates that more than 51% of the dollar amount of work to be performed in a contract is to be performed by one branch of work, the act requires the Director to designate the prime contractor for the contract from that one branch of work. The requirement to designate a prime contractor from the principal branch of work does not apply if the Director does not receive any bids from a prequalified prime contractor from that branch of work. (Sec. 5525.011(C).)

Definitions

The act modifies the definition of "road" or "highway" as it generally applies to law governing the Department of Transportation and also as it specifically applies to contracts for the construction or improvement of a road or highway. Under prior law, "road" or "highway," when used in general for laws governing the Department of Transportation, included bridges, viaducts, grade separations, appurtenances, and approaches to the road or highway. The act defines "road" or "highway" as including all appurtenances to the road or highway. It adds culverts, lighting, and signalization as types of appurtenances to the road or

highway and retains bridges, viaducts, grade separations, and approaches to the road or highway as types of appurtenances to the road or highway (sec. 5501.01(C)).

In regard to the law regulating contracts for the construction or improvement of a road or highway including the contract provisions of the act discussed above, the act further specifies that "road" or "highway" does not include physical facilities, garages, district offices, or other buildings funded in whole or in part by or through the Department of Transportation. The act also defines "branch of work" for purposes of those contract-related laws to mean any of the following: (1) plumbing and gas-fitting, (2) steam and hot-water heating, ventilating apparatus, and steam-powered plant, and (3) electrical equipment. (Sec. 5525.011(D)(1) and (2).)

Task force on random selection to verify financial responsibility

(Section 3)

The biennial transportation budget, Am. Sub. H.B. 163 of the 123rd General Assembly (effective in part, March 31, 1999), created a 12-member task force to study the Bureau of Motor Vehicle's existing method of random selection to verify financial responsibility. The task force was required to study the existing method and make recommendations on changes to the General Assembly by June 1, 1999.

The act extends until August 1, 1999, the deadline for the task force to complete its study and make its recommendations to the General Assembly.

Motor vehicle inspections

Under law unchanged by the act, no person may drive or move a motor vehicle on any highway if the vehicle is in such unsafe condition as to endanger any person. Also under law unchanged by the act, the operator of any motor vehicle must stop and submit the motor vehicle to an inspection when so directed by any State Highway Patrol trooper. Continuing law establishes two types of inspections, one that applies to any motor vehicle not subject to inspection by the Public Utilities Commission and one that applies to any motor vehicle subject to inspection by the Public Utilities Commission. A vehicle that passes either inspection is issued a certificate of inspection.

Prior law allowed every person, firm, association, or corporation that, in the conduct of its business, owns and operates not less than 15 motor vehicles in this state and that also equips and operates one or more service departments within this state, to file with the Superintendent of the State Highway Patrol applications for permits for the service departments to act as official inspection stations for its own

motor vehicles. Any person with one or more service departments designated as official inspection stations could have the person's motor vehicles, excepting private passenger cars owned by the person or the person's employees, inspected at the service department; and any motor vehicle bearing a valid certificate of inspection issued by an authorized service department was exempt from the inspection tests of the Highway Patrol or the Public Utilities Commission.

Under the act, a person who owns and operates 15 or more vehicles for business and also equips and operates a service department for those vehicles may apply and be designated as an inspection station for the person's vehicles only if the motor vehicles operated by the person are not subject to regulation by the Public Utilities Commission. A person, firm, association, or corporation that owns and operates 15 or more motor vehicles in the conduct of business and is subject to regulation by the Public Utilities Commission is not eligible to apply to the Superintendent of the State Highway Patrol for a permit to enable any of its service departments to serve as official inspection stations for its own motor vehicles. (Sec. 4513.02(D) and (E).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 117
Reported, H. Transportation & Public Safety	04-14-99	p. 413
Passed House (97-0)	04-28-99	pp. 481-482
Reported, S. Highways & Transportation	05-26-99	p. 496
Passed Senate (33-0)	05-26-99	pp. 500-502
House concurred in Senate amendments (98-0)	06-02-99	pp. 744-746

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