



Joseph G. Aninao

Bill Analysis
Legislative Service Commission

H.B. 86

123rd General Assembly
(As Introduced)

**Reps. Bateman, Mottley, Allen, Boyd, Brading, Carey, Corbin, Maier, Patton,
Taylor, Thomas, Vesper, Winkler**

BILL SUMMARY

- Requires a law enforcement officer or firefighter, upon arriving at the scene of a motor vehicle accident in which any person is killed or injured, to place at least one lighted flare at a distance of 60 paces or 150 feet in advance of and past the accident scene or to reposition any flares placed prior to his arrival so that the flares are at the correct distance from the accident scene.
- Provides that when the flares have been properly placed and the flashing, rotating, or oscillating light of the vehicle of the law enforcement officer or firefighter is in operation, the absolute speed limit for the portion of the street or highway bounded by the flares is ten miles per hour less than the posted speed limit that otherwise applies to that portion of street or highway.
- Requires every operator of a motor vehicle that is traveling in the same direction of travel that applies to the lane in which the flares are located to do both of the following: (1) reduce the speed of his motor vehicle so that the vehicle is operated on the portion of street or highway bounded by the flares at a speed that is less than or equal to the applicable reduced speed limit, and (2) make a reasonable effort to operate the motor vehicle, while traveling through the portion of street or highway bounded by the flares, in the traffic lane that is located farthest from the motor vehicle accident scene, if such a lane exists.

CONTENT AND OPERATION

The bill provides that upon arriving at the scene of a motor vehicle accident in which any person is killed or injured, a law enforcement officer or firefighter, as soon as is practicable, must place at least one lighted flare at a distance of 60 paces or approximately 150 feet in advance of and past the accident scene. If necessary, the law enforcement officer or firefighter must reposition any flares placed prior to his or her arrival so that the flares are at the correct distance from the accident scene. (Sec. 4511.213(A).)

When the flares are placed as described in the preceding paragraph and the flashing, rotating, or oscillating light of the vehicle of the law enforcement officer or firefighter is in operation, the bill provides that the absolute speed limit for the portion of the street or highway bounded by the flares is ten miles per hour less than the posted speed limit that otherwise applies to that portion of street or highway (sec. 4511.213(B)).

Under the bill, upon approaching a portion of a street or highway where the speed limit is reduced under the bill, every operator of a motor vehicle that is traveling in the same direction of travel that applies to the lane in which the flares are located must do both of the following (sec. 4511.213(C)):

(1) Reduce the speed of his or her motor vehicle so that the vehicle is operated on the portion of street or highway bounded by the flares at a speed that is less than or equal to the reduced speed limit that applies to that portion of the street or highway under the bill;

(2) Make a reasonable effort to operate the motor vehicle, while traveling through the portion of street or highway bounded by the flares, in the traffic lane that is located farthest from the motor vehicle accident scene, if such a lane exists.

The bill specifically prohibits any person from operating a motor vehicle in violation of the preceding two prohibitions (sec. 4511.213(D)).

A violation of either of the bill's prohibitions 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)(a), (b), and (c).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 117

H0086-I.123/rss

