



**Sub. H.B. 86**

123rd General Assembly

(As Passed by the House)

**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**

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**BILL 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.

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## CONTENT AND OPERATION

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

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

### *Penalty*

The bill provides that notwithstanding the section of current 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 bill 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 a motor vehicle moving violation that is the same degree of misdemeanor offense as the instant violation of the prohibition contained in the bill (sec. 4511.99(P)).

### **Definition**

For purposes of its provisions, the bill 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 bill):

(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.

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## 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

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