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Bill Analysis
Legislative Service Commission

H.B. 555

123rd General Assembly
(As Introduced)

**Cates, Krebs, Allen, Buehrer, Flannery, Goodman, Hartnett, Jolivette,
Metelsky, Peterson, Sykes, Winkler**

BILL SUMMARY

- Increases the maximum fine that may be imposed for a state violation relating to the actions of a motor vehicle driver at a railroad grade crossing to appear in court to answer the charge.
- Creates the Railroad Safety Education Fund in the state treasury, and requires all fines received for state violations relating to the actions of fund.
- Requires the Department of Public Safety to use the moneys in the Fund to establish and administer an operation lifesaver education program

CONTENT AND OPERATION

Motor vehicle drivers and railroad grade crossings

Current law generally requires a motorist to stop between 15 and 50 feet from the edge of a railroad track if any of the following circumstances exist at a

(A)
the immediate approach of a train.

(B) A crossing gate is lowered.

(C) A flagperson signals the approach or passage of a train.

(D) There is insufficient space on the other side of the railroad grade crossing to accommodate the motorist's conveyance without obstructing the passage of other conveyances or pedestrians, notwithstanding any traffic control signal indication to proceed.

(E) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

A motorist who approaches a railroad crossing cannot proceed as long as any of the above circumstances exist at the crossing (R.C. 4511.62(A)(2)).

Current law also specifically prohibits any person from driving any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while it is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so (R.C. 4511.62(B)).

Whoever violates any of the above provisions is guilty of a misdemeanor of the fourth degree, which is punishable by a term of imprisonment of not more than 30 days, a fine of not more than \$250, or both (R.C. 4511.99(O)).

Change in the penalty

The bill affects only the penalty to be imposed on a person who violates any of the above provisions. Such a violation remains a misdemeanor of the fourth degree, but the bill permits the court to impose a fine of not more than \$5,000 upon a person who pleads guilty to or is convicted of such a violation, notwithstanding the provision of current law that prescribes a maximum fine of \$250 for such a misdemeanor. The bill also eliminates any option for such a person to enter a written plea of guilty, thereby waiving the right to contest the citation at trial. Instead a cited person must actually appear in the proper court to answer the charge. (R.C. 4511.99(O).)

Creation of the Railroad Safety Education Fund

The bill creates the Railroad Safety Education Fund in the state treasury. The clerk of any court in which a person pays a fine for any violation discussed above must forward the fine to the Treasurer of State for deposit into the Railroad Safety Education Fund. The Department of Public Safety must use the moneys in the Fund to establish and administer an operation lifesaver education program designed to reduce the number of accidents at railroad crossings (see **COMMENT**). (R.C. 4511.99(O).)

COMMENT

Although the bill uses the phrase "operation lifesaver," the bill does not specifically require the Department of Public Safety to have any relationship with an existing nonprofit organization known as "Operation Lifesaver."

HISTORY

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