



**Sub. H.B. 406\***

125th General Assembly

(As Reported by S. Highways and Transportation)

**Reps. Wagner, McGregor, Seitz, Setzer, Collier, DeGeeter, Taylor, Otterman, Latta, Allen, Hollister, Chandler, Kearns, Ujvagi, Webster, Gilb, Flowers, Callender, Brown, Willamowski, D. Evans, Buehrer, Aslanides, Barrett, Beatty, Carmichael, Cirelli, Core, Distel, Domenick, C. Evans, Hagan, Hartnett, Harwood, Hughes, Key, Miller, Oelslager, T. Patton, Price, Reidelbach, Reinhard, Schmidt, D. Stewart, Wilson, Wolpert**

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**BILL SUMMARY**

- With certain exceptions:
  - Prohibits a person from possessing a portable signal preemption device.
  - Prohibits a person from using a portable signal preemption device to affect the operation of a traffic control signal.

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**CONTENT AND OPERATION**

**Operation of the bill**

The bill defines a "portable signal preemption device" as a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence (R.C. 4511.031(D)). With respect to these devices, the bill contains two prohibitions.

First, the bill prohibits any person from possessing a portable signal preemption device. A violation of this prohibition is a misdemeanor of the fourth degree. (R.C. 4511.031(A)(1) and (C).)

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\* *This analysis was prepared before the report of the Senate Highways and Transportation Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

Second, the bill prohibits a person from using a portable signal preemption device to affect the operation of the traffic control signal. A violation of this prohibition is a misdemeanor of the first degree. (R.C. 4511.031(A)(2) and (C).)

**Persons to whom the bill's prohibitions do not apply**

The bill specifies that the bill's prohibitions against possessing or using a portable signal preemption device do not apply to persons in the following categories, when those persons are responding to an emergency call (R.C. 4511.031(B)):

- (1) A peace officer, as defined in R.C. 109.71(A)(1), (12), (14), or (19);<sup>1</sup>
- (2) A state highway patrol trooper;
- (3) A person while occupying a public safety vehicle as defined in R.C.

4511.01(E)(1), (3), or (4).<sup>2</sup>

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<sup>1</sup> R.C. 109.71(A)(1), (12), (14), and (19) define "peace officer" as the following: (1) a deputy sheriff, marshal, deputy marshal, member of a township or municipal corporation police department, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority, or township constable, . . . (12) a state university law enforcement officer, . . . (14) a member of a campus police department, . . . (19) a special police officer employed by a municipal corporation who is employed on a permanent basis at a municipal airport, or other municipal air navigation facility that is required to be under a security program and is governed by federal aviation security rules. (R.C. 4511.031(B)(1), referencing R.C. 109.71, not in the bill.)

<sup>2</sup> R.C. 4511.01(E)(1), (3), and (4) define "public safety vehicle" as any of the following "(1) ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. 4503.49, (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, or (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." (R.C. 4511.031(B)(3), referencing R.C. 4511.01(E)(1), (3), or (4), not in the bill.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-10-04	p. 1642
Reported, H. Criminal Justice	04-21-04	pp. 1771-1772
Passed House (94-0)	05-04-04	pp. 1811-1812
Reported, S. Highways & Transportation	---	---

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