



S.B. 248

125th General Assembly
(As Introduced)

Sens. Schuler, Harris, Robert Gardner, Fedor

BILL SUMMARY

- Allows local law enforcement agencies, local fire departments, and the State Highway Patrol to remove damaged or inoperable motor vehicles, cargo, or personal property from the roadway after a motor vehicle accident.
- Provides immunity to local law enforcement agencies, local fire personnel, and the State Highway Patrol for the removal of damaged or inoperable vehicles from roadways.

CONTENT AND OPERATION

Removal of a vehicle from the site of an emergency

In general, the bill specifically states that local law enforcement agencies, local fire departments, and the State Highway Patrol may remove motor vehicles from roadways after a motor vehicle accident. Specifically, if a motor vehicle accident results in any motor vehicle, cargo, or personal property blocking a roadway or otherwise endangering public safety, the local law enforcement agency (including the sheriff of the county, or the chief of police of the municipal corporation, township, or township police district, in which the accident occurred) or the fire department having jurisdiction where the accident occurred, or a state highway patrol trooper may remove the motor vehicle, cargo, or personal property from the right-of-way of the roadway, without the consent of the owner. (Sec. 4513.66(A).)

Immunity

The bill specifically provides civil immunity to local law enforcement agencies and personnel, fire departments or personnel, and state highway patrol troopers for damages for any injury or loss resulting from the removal of a motor

vehicle, cargo, or personal property from roadways. However, the bill specifically states there is no immunity if the removal causes or contributes to the release of a hazardous material or to structural damage to the roadway.¹ The immunity also does not apply to a private tow truck operator or towing company. (Sec. 4513.66(B).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-21-04	p. 1986

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¹ *Hazardous material is defined by reference to existing law as "any material designated as such under the Hazardous Materials Transportation Act, 88 Stat. 2156 (1975), 49 U.S.C.A. 1803." R.C. § 2305.232, not in the bill.*