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Bill Analysis
Legislative Service Commission

H.B. 674

126th General Assembly
(As Introduced)

Reps. D. White, Brown, Combs, Wagoner

BILL SUMMARY

- Prohibits any person from operating a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is barricaded because of the rise in water level.
- Provides that a person who violates this prohibition is liable for the expenses of any emergency response that is required to remove the operator or a passenger from the vehicle or for the removal of the vehicle itself, if the vehicle becomes inoperable.
- Prohibits any person from operating a vehicle on or onto a public street or highway or other area of public property or any area of private property that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is *not* barricaded.
- Provides that a person who violates this prohibition *may be* liable for the expenses of an emergency response.

CONTENT AND OPERATION

The bill enacts the following two new prohibitions regarding the operation of motor vehicles on streets or other areas that are temporarily covered with a rise in water level:

First, the bill prohibits any person from operating a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is barricaded because of the rise in water level (R.C. 4511.714(A)(1)).

Second, the bill prohibits any person from operating a vehicle on or onto a public street or highway *or other area of public property or any area of private property* that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is *not* barricaded (R.C. 4511.714(A)(2)).

Whoever violates either of these prohibitions is guilty of a minor misdemeanor on a first offense.¹ If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one of a number of specified motor vehicle or traffic offenses, the offense is a fourth-degree misdemeanor.² If, within one year of the offense, the offender previously has been convicted of two or more of the specified motor vehicle or traffic offenses, the offense is a third-degree misdemeanor.³ A person who is issued a citation for violating either of these prohibitions cannot enter a written plea of guilty and waive the person's right to contest the citation in court; instead, the person must appear in the proper court to answer the charge. (R.C. 4511.714(B).)

A person who violates the first prohibition is liable for the expenses of any emergency response that is required to remove the operator or a passenger from the vehicle or for the removal of the vehicle itself, if the vehicle becomes inoperable (R.C. 4511.714(C)(1)). A person who violates the second prohibition *may be* liable, in the discretion of the court, for the expenses of any emergency response that is required to remove the operator or a passenger from the vehicle or for the removal of the vehicle itself, if the vehicle becomes inoperable (R.C. 4511.714(C)(1)). The expenses of an emergency response are a charge against the person liable for them. The charge constitutes a debt of that person and may be collected proportionately by the state or any political subdivision or private entity that incurs the expenses. The person's liability for the expenses of an emergency response is limited to \$2,000 per incident. This liability is in addition to and not in limitation of any other liability that may be imposed upon the person. (R.C. 4511.714(C)(2).)

"Expenses of an emergency response" means reasonable costs directly incurred by the state or any political subdivision or private entity that makes an appropriate emergency response to an incident that involves a violation of the bill

¹ *Punishable by a fine on not more than \$150; no jail term is possible.*

² *Punishable by a fine of not more than \$250, a jail term of not more than 30 days, or both.*

³ *Punishable by a fine of not more than \$500, a jail term of not more than 60 days, or both.*

by providing police, firefighting, rescue, medical, or other emergency services at the scene of the incident (R.C. 4511.714(D)).

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 10-26-06 |

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