



Ohio Legislative Service Commission

Final Analysis

Joseph G. Aninao

Am. S.B. 137

130th General Assembly
(As Passed by the General Assembly)

Sens. Patton, Gardner, Balderson, Manning, Beagle, Brown, Eklund, Hughes, Kearney, LaRose, Oelslager, Schiavoni, Smith, Tavares, Turner, Widener

Reps. Ruhl, R. Adams, Anielski, Ashford, Baker, Beck, Boose, Brown, Burkley, Celebrezze, Cera, Dovilla, Duffey, Green, Grossman, Hackett, Hall, Hill, Landis, McClain, McGregor, Milkovich, O'Brien, Patterson, Perales, Phillips, Pillich, Rogers, Sheehy, Stinziano

Effective date: Emergency, December 19, 2013

ACT SUMMARY

- Requires motor vehicle operators to move over or slow down upon approaching a stationary highway maintenance vehicle or vehicle used by the Public Utilities Commission to conduct motor vehicle inspections.
- Establishes a 90-day grace period before the requirement is enforced.

CONTENT AND OPERATION

Requirement to move over or slow down for certain vehicles

Under the act, upon approaching either a highway maintenance vehicle, or a vehicle used by the Public Utilities Commission (PUCO) to conduct motor vehicle inspections, that is stationary and displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, a motor vehicle driver must take one of the following actions, as applicable:

(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, 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 highway maintenance vehicle or PUCO vehicle.

(2) If the driver is not traveling on a highway with at least two lanes carrying traffic in the same direction, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.¹

Continuing law requires the same actions to be taken upon approaching a stationary public safety vehicle, emergency vehicle, or road service vehicle.

The act establishes a 90-day grace period during which a person who violates the act's new provisions may not be issued a ticket, arrested, or prosecuted for the violation. Rather, during that period, a law enforcement officer must issue a written warning to the person. The warning must include information about the act's new provisions and state that, after termination of the grace period, a law enforcement officer may issue a ticket or arrest a person for violating the act. The 90-day grace period commences on December 19, 2013, which is the act's effective date.²

A "highway maintenance vehicle" is a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic lane striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.³

The act's provisions do not relieve the driver of a highway maintenance vehicle or PUCO vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.⁴

Definitions of certain terms in R.C. 4511.01

As a result of the enactment of S.B. 114 of the 129th General Assembly, there currently are two versions of R.C. 4511.01, which is the definition section for the motor vehicle traffic laws. There is a current version and a future version that takes effect January 1, 2017. The three terms in R.C. 4511.01 that were amended by S.B. 114 are "motorcycle," "motorized bicycle," and "predicate motor vehicle or traffic offense."⁵

¹ R.C. 4511.213(A)(1) and (2).

² Section 4.

³ R.C. 4511.01(QQQ), 4511.04(D), and 4513.17(C)(1).

⁴ R.C. 4511.213(B).

⁵ R.C. 4511.01(C), (H), and (III).



These amended definitions become effective January 1, 2017, when the future version of R.C. 4511.01 takes effect.

The act incorporates the future versions of the definitions of those three terms into the current version of R.C. 4511.01, but specifies that the future versions of the definitions of those three terms do not take effect until January 1, 2017.⁶ The act does not make any substantive changes to those three definitions. The result is that the future version of R.C. 4511.01 that becomes effective January 1, 2017, is rendered unnecessary and accordingly the act repeals that future version outright.⁷

HISTORY

ACTION	DATE
Introduced	05-22-13
Reported, S. Transportation	06-19-13
Passed Senate (32-0)	06-26-13
Reported, H. Transportation, Public Safety & Homeland Security	12-04-13
Passed House (94-0)	12-11-13

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⁶ R.C. 4511.01(C)(1) and (2), (H)(1) and (2), and (III)(4), (5), and (6).

⁷ Section 3.

