



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

Am. S.B. 106

130th General Assembly
(As Passed by the Senate)

Sens. Schaffer, Manning, Jones, LaRose, Lehner

BILL SUMMARY

- Prohibits operating a motor vehicle on a public street or highway covered by a rise in water level if the street or highway is clearly marked by a sign stating that the road is closed due to the rise in water level and that any person who uses the closed portion of the street or highway may be fined up to \$2,000 (see **COMMENT**).
- Specifies that a violation of the bill is a minor misdemeanor (up to \$150 fine).
- Requires a court to impose on an offender a financial sanction of up to \$2,000 for the cost of the offender's rescue.
- Requires the financial sanction to be proportionately payable to a state agency, political subdivision, firefighting agency, private fire company, or emergency medical service agency that rescued the person or that participated in the rescue.

CONTENT AND OPERATION

The bill prohibits operating a vehicle on or onto a public street or highway if:

(1) The street or highway is temporarily covered by a rise in water level (including groundwater or an overflow of water); and

(2) The street or highway is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to \$2,000 (see **COMMENT**).

The bill provides that a violation of this new offense is a minor misdemeanor (up to \$150 fine). A person who is issued a citation for the violation is not permitted to enter

a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.¹

The bill requires a court imposing a sentence on an offender to order the offender to reimburse rescuers for costs incurred in rescuing the person, up to a cumulative maximum of \$2,000. Transporting a rescued person to a hospital or other facility for treatment of injuries is not a recoverable cost. If more than one rescuer was involved in the emergency response, the court must allocate the reimbursement proportionately, according to the cost each rescuer incurred. By definition in the bill, rescuers who may recover their costs include a state agency, political subdivision, firefighting agency, private fire company, or emergency medical service organization.²

The court-ordered reimbursement of rescue costs is in addition to existing financial sanctions and other costs a court is authorized or required to impose on an offender. Under the bill, a financial sanction imposed for the costs of rescuing an offender is a judgment in favor of the rescuer and is subject to a determination of indigency in the same manner as other existing financial sanctions that a court imposes. A rescuer also may collect the financial sanction in the same manner as currently provided in law when a court imposes financial sanctions. Those collection methods include the assignment of wages, collection under a contract with a public agency or private vendor, installment payments, and use of a financial transaction device.³

COMMENT

The bill requires any sign that marks a public street or highway that is temporarily covered due to a rise in water level to specify that the road is closed due to the rise in water level and that a person who uses the closed portion of the street or highway may be fined up to \$2,000. However, the bill authorizes a court to impose a fine of up to \$150 for the minor misdemeanor as well as a financial sanction of up to \$2,000 to reimburse the rescuer for the costs incurred in rescuing the offender. Thus, the amount charged for a violation of the bill's provisions could exceed \$2,000.

¹ R.C. 4511.714(A), (B), and (C)(1).

² R.C. 4511.714(C)(2) and (D).

³ R.C. 4511.714(C)(2) and R.C. 2929.28 (not in the bill).



HISTORY

ACTION	DATE
Introduced	04-10-13
Reported, S. Transportation	10-23-13
Passed Senate (32-0)	11-13-13

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