



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

Am. S.B. 137

130th General Assembly

(As Reported by H. Transportation, Public Safety, and Homeland Security)

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

Rep. Ruhl

BILL 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 above provisions are to be enforced.
- Incorporates the future versions of the definitions of three terms that are used in the motor vehicle traffic laws and that take effect January 1, 2017 into the current version of the applicable Revised Code section, but specifies that those future versions do not take effect until that date.
- Declares an emergency.

CONTENT AND OPERATION

Requirement to move over or slow down for certain vehicles

Under the bill, 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

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

The bill provides that for the 90-day period commencing on the bill's effective date, no law enforcement officer may issue to any motor vehicle operator a ticket for a violation of the new requirement relating to approaching a stationary highway maintenance vehicle or PUCO vehicle, or cause the arrest of or commence a prosecution of a person for such a violation. Instead, during that period, the law enforcement officer is required to issue to such an operator a written warning, informing the operator of the existence of the new requirement and that at the end of that 90-day period, a law enforcement officer who observes a motor vehicle operator who has committed or is committing a violation of that new requirement will be authorized to issue a ticket to that operator for that violation or to cause the arrest of or commence a prosecution of such an operator for that violation.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 bill'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

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).



Definitions of certain terms in R.C. 4511.01

As a result of the enactment of Sub. 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 Revised Code chapter that contains the motor vehicle traffic laws. There is a current version and a future version that takes effect on January 1, 2017. The three terms in R.C. 4511.01 that were amended by that act are "motorcycle," "motorized bicycle," and "predicate motor vehicle or traffic offense."⁵ These amended definitions become effective on January 1, 2017, when the future version of R.C. 4511.01 takes effect.

The bill 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 bill 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 bill 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 and Homeland Security	12-04-13

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⁵ R.C. 4511.01(C), (H), and (III).

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

⁷ Section 3.

