

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 178**

**Senator Wilson**

**Cosponsors: Senators Rulli, Hackett, DeMora**



**A BILL**

To amend section 4511.213 of the Revised Code to 1  
prohibit failing to change lanes or proceed with 2  
caution around a stationary vehicle in distress. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4511.213 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 6  
approaching a stationary vehicle in distress or upon approaching 7  
a stationary public safety vehicle, emergency vehicle, road 8  
service vehicle, waste collection vehicle, vehicle used by the 9  
public utilities commission to conduct motor vehicle inspections 10  
in accordance with sections 4923.04 and 4923.06 of the Revised 11  
Code, or a highway maintenance vehicle that is displaying the 12  
appropriate visual signals by means of flashing, oscillating, or 13  
rotating lights, as prescribed in section 4513.17 of the Revised 14  
Code, shall do either of the following: 15

(1) If the driver of the motor vehicle is traveling on a 16  
highway that consists of at least two lanes that carry traffic 17  
in the same direction of travel as that of the driver's motor 18

vehicle, the driver shall proceed with due caution and, if 19  
possible and with due regard to the road, weather, and traffic 20  
conditions, shall change lanes into a lane that is not adjacent 21  
to that of the stationary vehicle in distress, public safety 22  
vehicle, emergency vehicle, road service vehicle, waste 23  
collection vehicle, vehicle used by the public utilities 24  
commission to conduct motor vehicle inspections in accordance 25  
with sections 4923.04 and 4923.06 of the Revised Code, or a 26  
highway maintenance vehicle. 27

(2) If the driver is not traveling on a highway of a type 28  
described in division (A) (1) of this section, or if the driver 29  
is traveling on a highway of that type but it is not possible to 30  
change lanes or if to do so would be unsafe, the driver shall 31  
proceed with due caution, reduce the speed of the motor vehicle, 32  
and maintain a safe speed for the road, weather, and traffic 33  
conditions. 34

(B) This section does not relieve the driver of a vehicle 35  
in distress, public safety vehicle, emergency vehicle, road 36  
service vehicle, waste collection vehicle, vehicle used by the 37  
public utilities commission to conduct motor vehicle inspections 38  
in accordance with sections 4923.04 and 4923.06 of the Revised 39  
Code, or a highway maintenance vehicle from the duty to drive 40  
with due regard for the safety of all persons and property upon 41  
the highway. 42

(C) No person shall fail to drive a motor vehicle in 43  
compliance with division (A) (1) or (2) of this section when so 44  
required by division (A) of this section. 45

(D) (1) Except as otherwise provided in this division, 46  
whoever violates this section is guilty of a minor misdemeanor. 47  
If, within one year of the offense, the offender previously has 48

been convicted of or pleaded guilty to one predicate motor 49  
vehicle or traffic offense, whoever violates this section is 50  
guilty of a misdemeanor of the fourth degree. If, within one 51  
year of the offense, the offender previously has been convicted 52  
of two or more predicate motor vehicle or traffic offenses, 53  
whoever violates this section is guilty of a misdemeanor of the 54  
third degree. 55

(2) Notwithstanding section 2929.28 of the Revised Code, 56  
upon a finding that a person operated a motor vehicle in 57  
violation of division (C) of this section, the court, in 58  
addition to all other penalties provided by law, shall impose a 59  
fine of two times the usual amount imposed for the violation. 60

(3) If the offender commits the offense while distracted 61  
and the distracting activity is a contributing factor to the 62  
commission of the offense, the offender is subject to the 63  
additional fine established under section 4511.991 of the 64  
Revised Code. 65

(E) The offense established under this section is a strict 66  
liability offense and section 2901.20 of the Revised Code does 67  
not apply. The designation of this offense as a strict liability 68  
offense shall not be construed to imply that any other offense, 69  
for which there is no specified degree of culpability, is not a 70  
strict liability offense. 71

(F) As used in this section, "vehicle in distress" 72  
includes all of the following: 73

(1) Any disabled vehicle indicating its disability as 74  
required under section 4513.28 of the Revised Code; 75

(2) Any vehicle that is not subject to section 4513.28 of 76  
the Revised Code near which a fusee, flare, or other emergency 77

<u>sign is displayed;</u>	78
<u>(3) Any vehicle that is displaying flashing emergency lights or hazard lights.</u>	79
<b>Section 2.</b> That existing section 4511.213 of the Revised Code is hereby repealed.	81
<b>Section 3.</b> Section 4511.213 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 95 and S.B. 127 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	83
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