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# WESTERN RESERVE LAW REVIEW

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## NOTES

### *Right of Way Problems Affecting Motorists In Ohio*

WHENEVER the paths of vehicles intersect, the problem of determining who has the right of way is important in order that collisions be avoided, and if a collision does occur, to decide questions of liability. The Ohio Revised Code contains certain rules governing the right of way.<sup>1</sup> They provide that the right of way be given to vehicles on the right at ordinary, non-preference intersections;<sup>2</sup> to vehicles coming from the opposite direction by drivers turning left;<sup>3</sup> to vehicles on a through highway;<sup>4</sup> and to vehicles on a public highway by those approaching from a private drive.<sup>5</sup> The Ohio courts have often been confronted with problems requiring the interpretation of these statutory rules and the definition of the rights and duties of drivers under them. This article presents a discussion of these problems.

#### RIGHTS AND DUTIES OF MOTORISTS AT INTERSECTIONS

##### 1. *Preferred Drivers*

The earliest, most significant right of way problem considered by the

<sup>1</sup> OHIO REV. CODE § 4511.01 (RR) (OHIO GEN. CODE § 6307-2) defines "right of way" as follows: "the right of a vehicle to proceed uninterruptedly in a lawful manner in the direction in which it is moving in preference to another vehicle approaching from a different direction into its path."

<sup>2</sup> OHIO REV. CODE § 4511.41 (OHIO GEN. CODE § 6307-40)

<sup>3</sup> OHIO REV. CODE § 4511.42 (OHIO GEN. CODE § 6307-41).

<sup>4</sup> OHIO REV. CODE § 4511.43 (OHIO GEN. CODE § 6307-42).

<sup>5</sup> OHIO REV. CODE § 4511.44 (OHIO GEN. CODE § 6307-43).