

**As Reported by the Senate Transportation, Commerce and Workforce
Committee**

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Representative McClain

**Cosponsors: Representatives Becker, Thompson, Hood, Hambley, Riedel, Dean,
Wiggam, Retherford, Seitz, Lipps, Green, Sheehy, Lepore-Hagan, Anielski, Antani,
Arndt, Blessing, Brenner, Celebrezze, Duffey, Ginter, Gonzales, Greenspan,
Hoops, Johnson, Landis, Manning, Miller, O'Brien, Patterson, Perales, Rezabek,
Roegner, Rogers, Ryan, Schaffer, Scherer, Stein, Sweeney, West, Young**

Senators Hoagland, LaRose

A BILL

To amend sections 4511.84, 4513.34, and 5577.15 of 1
the Revised Code to permit a person to wear 2
earphones or earplugs for hearing protection 3
while operating a motorcycle, to alter the 4
requirements governing special regional heavy 5
hauling permits, and to provide an exception to 6
the vehicle size and weight limits to a person 7
who is traveling to the site of an emergency to 8
tow a vehicle or who is returning from the place 9
where the vehicle was towed. 10

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

Section 1. That sections 4511.84, 4513.34, and 5577.15 of 11
the Revised Code be amended to read as follows: 12

Sec. 4511.84. (A) ~~No person shall operate a motor vehicle~~ 13

~~while wearing earphones over, or earplugs in, both ears. As used~~ 14
~~in this section, "earphones":~~ 15

~~(1) "Earphones" means any headset, radio, tape player, or~~ 16
~~other similar device that covers all or a portion of both ears~~ 17
~~and that does either of the following:~~ 18

~~(a) Through either a physical connection to another device~~ 19
~~or a wireless connection, provides the listener with radio~~ 20
~~programs, music, or other recorded information through a device~~ 21
~~attached to the head and that covers all or a portion of both~~ 22
~~ears;~~ 23

~~(b) Provides hearing protection. "Earphones"~~ 24

~~"Earphones" does not include speakers or other listening~~ 25
~~devices that are built into protective headgear.~~ 26

~~(2) "Earplugs" means any device that can be inserted into~~ 27
~~one or both ears and that does either of the following:~~ 28

~~(a) Through either a physical connection to another device~~ 29
~~or a wireless connection, provides the listener with radio~~ 30
~~programs, music, or other information;~~ 31

~~(b) Provides hearing protection.~~ 32

~~(B) No person shall operate a motor vehicle while wearing~~ 33
~~earphones over, or earplugs in, both ears.~~ 34

~~(C) This section does not apply to:~~ 35

~~(1) Any person wearing a hearing aid;~~ 36

~~(2) Law enforcement personnel while on duty;~~ 37

~~(3) Fire department personnel and emergency medical~~ 38
~~service personnel while on duty;~~ 39

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;

(5) Any person engaged in the operation of refuse collection equipment;

(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

~~(C)~~ (D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4513.34. (A) (1) The director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:

(a) At a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a

condition insufficient to bear the weight of the vehicle or 69
combination of vehicles as stated in the application. 70

~~(c) For regional trips at distances of one hundred fifty 71
miles or less from a facility stated on the application as the 72
applicant's point of origin. 73~~

Issuance of a special regional heavy hauling permit is 74
subject to the payment of a fee established by the director or 75
local authority in accordance with this section. 76

(2) In circumstances where a person is not eligible to 77
receive a permit under division (A) (1) of this section, the 78
director of transportation with respect to all highways that are 79
a part of the state highway system and local authorities with 80
respect to highways under their jurisdiction, upon application 81
in writing and for good cause shown, may issue a special permit 82
in writing authorizing the applicant to operate or move a 83
vehicle or combination of vehicles of a size or weight of 84
vehicle or load exceeding the maximum specified in sections 85
5577.01 to 5577.09 of the Revised Code, or otherwise not in 86
conformity with sections 4513.01 to 4513.37 of the Revised Code, 87
upon any highway under the jurisdiction of the authority 88
granting the permit. 89

(3) For purposes of this section, the director may 90
designate certain state highways or portions of state highways 91
as special economic development highways. If an application 92
submitted to the director under this section involves travel of 93
a nonconforming vehicle or combination of vehicles upon a 94
special economic development highway, the director, in 95
determining whether good cause has been shown that issuance of a 96
permit is justified, shall consider the effect the travel of the 97
vehicle or combination of vehicles will have on the economic 98

development in the area in which the designated highway or 99
portion of highway is located. 100

(B) Notwithstanding sections 715.22 and 723.01 of the 101
Revised Code, the holder of a permit issued by the director 102
under this section may move the vehicle or combination of 103
vehicles described in the permit on any highway that is a part 104
of the state highway system when the movement is partly within 105
and partly without the corporate limits of a municipal 106
corporation. No local authority shall require any other permit 107
or license or charge any license fee or other charge against the 108
holder of a permit for the movement of a vehicle or combination 109
of vehicles on any highway that is a part of the state highway 110
system. The director shall not require the holder of a permit 111
issued by a local authority to obtain a special permit for the 112
movement of vehicles or combination of vehicles on highways 113
within the jurisdiction of the local authority. Permits may be 114
issued for any period of time not to exceed one year, as the 115
director in the director's discretion or a local authority in 116
its discretion determines advisable, or for the duration of any 117
public construction project. 118

(C) (1) The application for a permit issued under this 119
section shall be in the form that the director or local 120
authority prescribes. The director or local authority may 121
prescribe a permit fee to be imposed and collected when any 122
permit described in this section is issued. The permit fee may 123
be in an amount sufficient to reimburse the director or local 124
authority for the administrative costs incurred in issuing the 125
permit, and also to cover the cost of the normal and expected 126
damage caused to the roadway or a street or highway structure as 127
the result of the operation of the nonconforming vehicle or 128
combination of vehicles. The director, in accordance with 129

Chapter 119. of the Revised Code, shall establish a schedule of 130
fees for permits issued by the director under this section; 131
however, the fee to operate a triple trailer unit, at locations 132
authorized under federal law, shall be one hundred dollars. 133

(2) For the purposes of this section and of rules adopted 134
by the director under this section, milk transported in bulk by 135
vehicle is deemed a nondivisible load. 136

(3) For purposes of this section and of rules adopted by 137
the director under this section, three or fewer aluminum coils, 138
transported by a vehicle, are deemed a nondivisible load. The 139
director shall adopt rules establishing requirements for an 140
aluminum coil permit that are substantially similar to the 141
requirements for a steel coil permit under Chapter 5501:2-1 of 142
the Administrative Code. 143

(D) The director or a local authority shall issue a 144
special regional heavy hauling permit under division (A)(1) of 145
this section upon application and payment of the applicable fee. 146
However, the director or local authority may issue or withhold a 147
special permit specified in division (A)(2) of this section. If 148
a permit is to be issued, the director or local authority may 149
limit or prescribe conditions of operation for the vehicle and 150
may require the posting of a bond or other security conditioned 151
upon the sufficiency of the permit fee to compensate for damage 152
caused to the roadway or a street or highway structure. In 153
addition, a local authority, as a condition of issuance of an 154
overweight permit, may require the applicant to develop and 155
enter into a mutual agreement with the local authority to 156
compensate for or to repair excess damage caused to the roadway 157
by travel under the permit. 158

For a permit that will allow travel of a nonconforming 159

vehicle or combination of vehicles on a special economic 160
development highway, the director, as a condition of issuance, 161
may require the applicant to agree to make periodic payments to 162
the department to compensate for damage caused to the roadway by 163
travel under the permit. 164

(E) Every permit issued under this section shall be 165
carried in the vehicle or combination of vehicles to which it 166
refers and shall be open to inspection by any police officer or 167
authorized agent of any authority granting the permit. No person 168
shall violate any of the terms of a permit. 169

(F) The director may debar an applicant from applying for 170
a permit under this section upon a finding based on a reasonable 171
belief that the applicant has done any of the following: 172

(1) Abused the process by repeatedly submitting false 173
information or false travel plans or by using another company or 174
individual's name, insurance, or escrow account without proper 175
authorization; 176

(2) Failed to comply with or substantially perform under a 177
previously issued permit according to its terms, conditions, and 178
specifications within specified time limits; 179

(3) Failed to cooperate in the application process for the 180
permit or in any other procedures that are related to the 181
issuance of the permit by refusing to provide information or 182
documents required in a permit or by failing to respond to and 183
correct matters related to the permit; 184

(4) Accumulated repeated justified complaints regarding 185
performance under a permit that was previously issued to the 186
applicant or previously failed to obtain a permit when such a 187
permit was required; 188

(5) Attempted to influence a public employee to breach ethical conduct standards;	189 190
(6) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;	191 192 193 194 195 196
(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;	197 198 199
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	200 201 202
(9) Failed to pay any fees associated with any permitted operation or move;	203 204
(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.	205 206 207
If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.	208 209 210 211 212
The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.	213 214 215
(G) When the director reasonably believes that grounds for	216

debarment exist, the director shall send the person that is 217
subject to debarment a notice of the proposed debarment. A 218
notice of proposed debarment shall indicate the grounds for the 219
debarment of the person and the procedure for requesting a 220
hearing. The notice and hearing shall be in accordance with 221
Chapter 119. of the Revised Code. If the person does not respond 222
with a request for a hearing in the manner specified in that 223
chapter, the director shall issue the debarment decision without 224
a hearing and shall notify the person of the decision by 225
certified mail, return receipt requested. The debarment period 226
may be of any length determined by the director, and the 227
director may modify or rescind the debarment at any time. During 228
the period of debarment, the director shall not issue, or 229
consider issuing, a permit under this section to any 230
partnership, association, or corporation that is affiliated with 231
a debarred person. After the debarment period expires, the 232
person, and any partnership, association, or corporation 233
affiliated with the person, may reapply for a permit. 234

(H) (1) No person shall violate the terms of a permit 235
issued under this section that relate to gross load limits. 236

(2) No person shall violate the terms of a permit issued 237
under this section that relate to axle load by more than two 238
thousand pounds per axle or group of axles. 239

(3) No person shall violate the terms of a permit issued 240
under this section that relate to an approved route except upon 241
order of a law enforcement officer or authorized agent of the 242
issuing authority. 243

(I) Whoever violates division (H) of this section shall be 244
punished as provided in section 4513.99 of the Revised Code. 245

(J) A permit issued by the department of transportation or 246
a local authority under this section for the operation of a 247
vehicle or combination of vehicles is valid for the purposes of 248
the vehicle operation in accordance with the conditions and 249
limitations specified on the permit. Such a permit is voidable 250
by law enforcement only for operation of a vehicle or 251
combination of vehicles in violation of the weight, dimension, 252
or route provisions of the permit. However, a permit is not 253
voidable for operation in violation of a route provision of a 254
permit if the operation is upon the order of a law enforcement 255
officer. 256

Sec. 5577.15. (A) The size and weight provisions of this 257
chapter do not apply to a-any of the following: 258

(1) A person who is engaged in the initial towing or 259
removal of a wrecked or disabled motor vehicle from the site of 260
an emergency on a public highway where the vehicle became 261
wrecked or disabled to the nearest site where the vehicle can be 262
brought into conformance with the requirements of this chapter 263
or to the nearest qualified repair facility; 264

(2) A person who is en route to the site of an emergency 265
on a public highway to remove a wrecked or disabled motor 266
vehicle; 267

(3) A person who is returning from delivering a wrecked or 268
disabled motor vehicle to a site or repair facility as specified 269
in division (A) (1) of this section. 270

(B) Any subsequent towing of a wrecked or disabled vehicle 271
shall comply with the size and weight provisions of this 272
chapter. 273

(C) No court shall impose any penalty prescribed in 274

section 5577.99 of the Revised Code or the civil liability	275
established in section 5577.12 of the Revised Code upon a person	276
towing or removing who is operating a vehicle in the manner	277
described in division (A) of this section.	278
Section 2. That existing sections 4511.84, 4513.34, and	279
5577.15 of the Revised Code are hereby repealed.	280