

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 501

Representatives Wiggam, Kick

Cosponsors: Representatives Stein, Riedel, Cross, Cera, Hillyer, West, Roemer

A BILL

To amend sections 4511.216, 4513.11, and 5733.98; 1
to enact new section 4513.111 and sections 2
4513.112, 4513.113, and 4513.114; and to repeal 3
sections 4513.111 and 5733.44 of the Revised 4
Code to clarify the law governing slow-moving 5
vehicles and to revise the lighting and 6
reflective material requirements applicable to 7
animal-drawn vehicles. 8

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

Section 1. That sections 4511.216, 4513.11, and 5733.98 be 9
amended and new section 4513.111 and sections 4513.112, 10
4513.113, and 4513.114 of the Revised Code be enacted to read as 11
follows: 12

Sec. 4511.216. Notwithstanding sections 4511.214 and 13
4511.215 of the Revised Code, a person may operate a utility 14
vehicle on any public roads or right-of-way, other than a 15
freeway, when traveling from one farm field to another for 16
agricultural purposes if the vehicle is displaying a triangular 17
slow-moving vehicle emblem as described in section ~~4513.11~~ 18

4513.112 of the Revised Code. 19

~~Sec. 4513.11. (A) All vehicles other than bicycles, including animal drawn vehicles and vehicles referred to in division (C) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.~~ 20
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~~Lamps and reflectors required or authorized by this section shall meet standards adopted by the director of public safety.~~ 36
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~~(B) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09~~ 39
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~~of the Revised Code, which is designed for operation at a speed- 49
of twenty five miles per hour or less shall be operated at a- 50
speed not exceeding twenty five miles per hour, and shall- 51
display a triangular slow moving vehicle emblem (SMV). The- 52
emblem shall be mounted so as to be visible from a distance of- 53
not less than five hundred feet to the rear. The director of- 54
public safety shall adopt standards and specifications for the- 55
design and position of mounting the SMV emblem. The standards- 56
and specifications for SMV emblems referred to in this section- 57
shall correlate with and, so far as possible, conform with those- 58
approved by the American society of agricultural engineers. 59~~

~~A unit of farm machinery that is designed by its- 60
manufacturer to operate at a speed greater than twenty five- 61
miles per hour may be operated on a street or highway at a speed- 62
greater than twenty five miles per hour provided it is operated- 63
in accordance with this section. 64~~

~~As used in this division, "machinery" does not include any- 65
vehicle designed to be drawn by an animal. 66~~

~~(C) The use of the SMV emblem shall be restricted to- 67
animal drawn vehicles, and to the slow moving vehicles specified- 68
in division (B) of this section operating or traveling within- 69
the limits of the highway. Its use on slow moving vehicles being- 70
transported upon other types of vehicles or on any other type of- 71
vehicle or stationary object on the highway is prohibited. 72~~

~~(D) (1) No person shall sell, lease, rent, or operate any- 73
boat trailer, farm machinery, or other machinery defined as a- 74
slow moving vehicle in division (B) of this section, except- 75
those units designed to be completely mounted on a primary power- 76
unit, which is manufactured or assembled on or after April 1,- 77
1966, unless the vehicle is equipped with a slow moving vehicle- 78~~

~~emblem mounting device as specified in division (B) of this section.~~ 79
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~~(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour unless the unit displays a slow moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS).~~ 81
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~~(E) Any boat trailer, farm machinery, or other machinery defined as a slow moving vehicle in division (B) of this section, in addition to the use of the slow moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double faced light is used, it shall display amber light to the front and red light to the rear.~~ 90
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~~In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.~~ 102
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~~(F) Every animal drawn vehicle upon a street or highway~~ 108

~~shall at all times be equipped in one of the following ways:~~ 109

~~(1) With a slow moving vehicle emblem complying with
division (B) of this section;~~ 110
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~~(2) With alternate reflective material complying with
rules adopted under this division;~~ 112
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~~(3) With both a slow moving vehicle emblem and alternate
reflective material as specified in this division.~~ 114
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~~The director of public safety, subject to Chapter 119. of
the Revised Code, shall adopt rules establishing standards and
specifications for the position of mounting of the alternate
reflective material authorized by this division. The rules shall
permit, as a minimum, the alternate reflective material to be
black, gray, or silver in color. The alternate reflective
material shall be mounted on the animal-drawn vehicle so as to
be visible, at all times specified in section 4513.03 of the
Revised Code, from a distance of not less than five hundred feet
to the rear when illuminated by the lawful lower beams of
headlamps.~~ 116
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~~(G) Every unit of farm machinery that is designed by its
manufacturer to operate at a speed greater than twenty-five
miles per hour shall display a slow moving vehicle emblem and a
speed identification symbol that meets the specifications
contained in the American society of agricultural engineers
standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed
identification symbol (SIS) when the unit is operated upon a
street or highway, irrespective of the speed at which the unit
is operated on the street or highway. The speed identification
symbol shall indicate the maximum speed in miles per hour at
which the unit of farm machinery is designed by its manufacturer.~~ 127
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~~to operate. The display of the speed identification symbol shall~~ 138
~~be in accordance with the standard prescribed in this division.~~ 139

~~If an agricultural tractor that is designed by its~~ 140
~~manufacturer to operate at a speed greater than twenty-five~~ 141
~~miles per hour is being operated on a street or highway at a~~ 142
~~speed greater than twenty-five miles per hour and is towing,~~ 143
~~pulling, or otherwise drawing a unit of farm machinery, the unit~~ 144
~~of farm machinery shall display a slow moving vehicle emblem and~~ 145
~~a speed identification symbol that is the same as the speed~~ 146
~~identification symbol that is displayed on the agricultural~~ 147
~~tractor.~~ 148

~~(H) When an agricultural tractor that is designed by its~~ 149
~~manufacturer to operate at a speed greater than twenty-five~~ 150
~~miles per hour is being operated on a street or highway at a~~ 151
~~speed greater than twenty-five miles per hour, the operator~~ 152
~~shall possess some documentation published or provided by the~~ 153
~~manufacturer indicating the maximum speed in miles per hour at~~ 154
~~which the manufacturer designed the agricultural tractor to~~ 155
~~operate.~~ 156

~~(I) Whoever violates this section is guilty of a minor~~ 157
~~misdemeanor.~~ 158

~~(J) As used in this section, "boat sections 4513.11 to~~ 159
~~4513.114 of the Revised Code:~~ 160

~~(A) "Boat trailer" means any vehicle designed and used~~ 161
~~exclusively to transport a boat between a place of storage and a~~ 162
~~marina, or in and around a marina, when drawn or towed on a~~ 163
~~street or highway for a distance of no more than ten miles and~~ 164
~~at a speed of twenty-five miles per hour or less.~~ 165

~~(B) "Slow-moving vehicle" and "SMV" mean a boat trailer,~~ 166

unit of farm machinery, road construction machinery, or other 167
machinery designed by the manufacturer to operate at a speed of 168
twenty-five miles per hour or less. "Slow-moving vehicle" and 169
"SMV" do not include a bicycle, motorized bicycle, electric 170
bicycle, or animal-drawn vehicle. 171

Sec. 4513.111. (A) At the times specified in section 172
4513.03 of the Revised Code, no person shall operate either of 173
the following vehicles unless it is equipped with and displays 174
the lamps described in division (B) of this section: 175

(1) A vehicle not specifically required to be equipped 176
with lamps or other lighting devices by sections 4513.03 to 177
4513.10 of the Revised Code; 178

(2) A vehicle referred to in division (G) of section 179
4513.02 of the Revised Code. 180

(B) Vehicles described in division (A) of this section 181
shall be equipped with both of the following: 182

(1) At least one lamp displaying a white light visible 183
from a distance of not less than one thousand feet to the front 184
of the vehicle; 185

(2) Two lamps displaying red light visible from a distance 186
of not less than one thousand feet to the rear of the vehicle, 187
or as an alternative, one lamp displaying a red light visible 188
from a distance of not less than one thousand feet to the rear 189
and two red reflectors visible from all distances of six hundred 190
feet to one hundred feet to the rear when illuminated by the 191
lawful lower beams of headlamps. 192

(C) (1) At the times specified in section 4513.03 of the 193
Revised Code, no person shall operate a multi-wheel agricultural 194
tractor model year 2001 or earlier on a street or highway unless 195

it is equipped with and displays reflectors and illuminated 196
amber lamps so that the extreme left and right projections of 197
the tractor are indicated by all of the following: 198

(a) Flashing lamps displaying amber light, visible to the 199
front and the rear. The lamps need not flash simultaneously and 200
need not flash in conjunction with any directional signals of 201
the tractor. 202

(b) Amber reflectors, all visible to the front; 203

(c) Red reflectors, all visible to the rear. 204

(2) Rules adopted by the director of public safety under 205
this section governing the lamps and reflectors described in 206
division (C) (1) of this section and their placement shall 207
correlate with and, as far as possible, conform with paragraphs 208
4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American 209
society of agricultural engineers standard ANSI/SAE S279.10 OCT 210
98, lighting and marking of agricultural equipment on highways. 211

(D) At the times specified in section 4513.03 of the 212
Revised Code, no person shall operate a unit of farm machinery 213
model year 2002 or later on a street or highway unless it is 214
equipped with and displays markings and illuminated lamps that 215
meet or exceed the lighting, illumination, and marking standards 216
and specifications that are applicable to that type of farm 217
machinery for the unit's model year specified in the American 218
society of agricultural engineers standard ANSI/SAE S279.10 OCT 219
98, lighting and marking of agricultural equipment on highways. 220

(E) Any unit of farm machinery designed by its 221
manufacturer to operate at a speed of twenty-five miles per hour 222
or greater or any SMV may be equipped with and display a red 223
flashing light that is visible from a distance of not less than 224

one thousand feet to the rear at all times specified in section 225
4513.03 of the Revised Code. When a double-faced light is used, 226
it shall display amber light to the front and red light to the 227
rear. 228

(F) Lights and reflectors required under divisions (C) and 229
(D) of this section and authorized under division (E) of this 230
section are in addition to other lights required or permitted by 231
this section or section 4513.17 of the Revised Code. 232

(G) The director of public safety shall adopt rules in 233
accordance with Chapter 119. of the Revised Code that establish 234
standards and specifications for lamps and reflectors required 235
or authorized by this section. Lamps and reflectors required or 236
authorized by this section shall meet those standards and 237
specifications. 238

(H) This section does not apply to a bicycle, motorized 239
bicycle, electric bicycle, or animal-drawn vehicle. 240

(I) Whoever violates this section is guilty of a minor 241
misdemeanor. 242

Sec. 4513.112. (A) Except as otherwise provided in 243
division (B) (1) of this section, no person shall operate an SMV 244
on a street or highway as follows: 245

(1) At a speed exceeding twenty-five miles per hour; 246

(2) Without displaying the triangular SMV emblem mounted 247
in accordance with division (B) of this section. 248

(B) The SMV emblem shall be mounted so as to be visible 249
from a distance of not less than five hundred feet to the rear. 250
In accordance with Chapter 119. of the Revised Code, the 251
director of public safety shall adopt standards and 252

specifications for the design and position of mounting the SMV emblem. The standards and specifications for the SMV emblem shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers. 253
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(C) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply: 257
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(1) The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used. 260
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(2) The SMV is operating or traveling within the limits of a construction area designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Revised Code. 263
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(D) No person shall display an SMV emblem on any of the following: 270
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(1) Any vehicle not required to use the SMV emblem by this section or section 4513.113 or 4513.114 of the Revised Code; 272
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(2) An SMV being transported upon any other vehicle; 274

(3) Any stationary object on the highway. 275

(E) No person shall sell, lease, rent, or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device. 276
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<u>(F) Whoever violates this section is guilty of a minor</u>	281
<u>misdemeanor.</u>	282
<u>Sec. 4513.113.</u> (A) <u>No person shall sell, lease, rent, or</u>	283
<u>operate on a street or highway any unit of farm machinery that</u>	284
<u>is designed by its manufacturer to operate at a speed greater</u>	285
<u>than twenty-five miles per hour unless the unit displays both of</u>	286
<u>the following:</u>	287
<u>(1) The SMV emblem mounted in accordance with division (B)</u>	288
<u>of section 4513.112 of the Revised Code;</u>	289
<u>(2) A speed identification symbol that does both of the</u>	290
<u>following:</u>	291
<u>(a) Meets the specifications contained in the American</u>	292
<u>society of agricultural engineers standard ANSI/SAE S584</u>	293
<u>JAN2005, agricultural equipment: speed identification symbol</u>	294
<u>(SIS);</u>	295
<u>(b) Indicates the maximum speed in miles per hour at which</u>	296
<u>the unit of farm machinery is designed by its manufacturer to</u>	297
<u>operate.</u>	298
<u>(B) No person operating a tractor on a street or highway</u>	299
<u>that is designed by its manufacturer to operate at a speed</u>	300
<u>greater than twenty-five miles per hour and that is towing,</u>	301
<u>pulling, or otherwise drawing a unit of farm machinery while</u>	302
<u>operating at a speed greater than twenty-five miles per hour</u>	303
<u>shall fail to display both of the following on the unit of farm</u>	304
<u>machinery:</u>	305
<u>(1) The SMV emblem;</u>	306
<u>(2) The speed identification symbol that matches the speed</u>	307
<u>identification symbol required to be displayed on the</u>	308

agricultural tractor. 309

(C) No person shall operate an agricultural tractor that 310
is designed by its manufacturer to operate at a speed greater 311
than twenty-five miles per hour unless the person possesses 312
documentation published or provided by the manufacturer 313
indicating the maximum speed in miles per hour at which the 314
manufacturer designed the agricultural tractor to operate. 315

(D) Whoever violates this section is guilty of a minor 316
misdemeanor. 317

Sec. 4513.114. (A) No person shall operate an animal-drawn 318
vehicle on a street or highway unless it is equipped with and 319
displays, at all times, all of the following: 320

(1) At least one lamp displaying a white light visible 321
from a distance of not less than one thousand feet to the front 322
of the vehicle; 323

(2) Two lamps displaying red light visible from a distance 324
of not less than one thousand feet to the rear of the vehicle; 325

(3) One yellow flashing lamp displaying yellow light 326
mounted on the top most portion of the rear of the vehicle; 327

(4) An SMV emblem mounted in accordance with division (B) 328
of section 4513.112 of the Revised Code; 329

(5) Micro-prism reflective tape that is visible from a 330
distance of not less than five hundred feet to the rear when 331
illuminated by the lawful lower beams of headlamps. 332

Lamps and micro-prism reflective tape required by this 333
section shall meet standards and specifications adopted by the 334
director of public safety under this section. 335

(B) The director of public safety, in accordance with 336
Chapter 119. of the Revised Code, shall adopt rules establishing 337
standards and specifications for the position and mounting of 338
the lamps and micro-prism reflective tape required by this 339
section. The rules shall only permit the micro-prism reflective 340
tape to be red, amber, white, or silver in color. 341

(C) Whoever violates this section is guilty of a minor 342
misdemeanor. 343

Sec. 5733.98. (A) To provide a uniform procedure for 344
calculating the amount of tax imposed by section 5733.06 of the 345
Revised Code that is due under this chapter, a taxpayer shall 346
claim any credits to which it is entitled in the following 347
order, except as otherwise provided in section 5733.058 of the 348
Revised Code: 349

(1) For tax year 2005, the credit for taxes paid by a 350
qualifying pass-through entity allowed under section 5733.0611 351
of the Revised Code; 352

(2) The credit allowed for financial institutions under 353
section 5733.45 of the Revised Code; 354

(3) The credit for qualifying affiliated groups under 355
section 5733.068 of the Revised Code; 356

(4) The subsidiary corporation credit under section 357
5733.067 of the Revised Code; 358

(5) The credit for recycling and litter prevention 359
donations under section 5733.064 of the Revised Code; 360

(6) The credit for employers that enter into agreements 361
with child day-care centers under section 5733.36 of the Revised 362
Code; 363

(7) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	364 365
(8) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	366 367
(9) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	368 369
(10) <u>(9)</u> The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	370 371 372
(11) <u>(10)</u> The job training credit under section 5733.42 of the Revised Code;	373 374
(12) <u>(11)</u> The credit for qualified research expenses under section 5733.351 of the Revised Code;	375 376
(13) <u>(12)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	377 378
(14) <u>(13)</u> The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	379 380 381
(15) <u>(14)</u> The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	382 383 384
(16) <u>(15)</u> The ethanol plant investment credit under section 5733.46 of the Revised Code;	385 386
(17) <u>(16)</u> The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	387 388
(18) <u>(17)</u> The export sales credit under section 5733.069 of the Revised Code;	389 390

(19) <u>(18)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	391 392
(20) <u>(19)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code;	393 394
(21) <u>(20)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	395 396
(22) <u>(21)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	397 398
(23) <u>(22)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	399 400
(24) <u>(23)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	401 402 403
(25) <u>(24)</u> The research and development credit under section 5733.352 of the Revised Code;	404 405
(26) <u>(25)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	406 407 408
(27) <u>(26)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	409 410
(28) <u>(27)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	411 412 413
(29) <u>(28)</u> The refundable credit for tax withheld under division (B) (2) of section 5747.062 of the Revised Code;	414 415
(30) <u>(29)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture	416 417

capital program under sections 150.01 to 150.10 of the Revised Code; 418
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~~(31)~~ (30) For tax years 2006, 2007, and 2008, the 420
refundable credit allowable under division (B) of section 421
5733.56 of the Revised Code; 422

~~(32)~~ (31) The refundable motion picture and Broadway 423
theatrical production credit under section 5733.59 of the 424
Revised Code. 425

(B) For any credit except the refundable credits 426
enumerated in this section, the amount of the credit for a tax 427
year shall not exceed the tax due after allowing for any other 428
credit that precedes it in the order required under this 429
section. Any excess amount of a particular credit may be carried 430
forward if authorized under the section creating that credit. 431

Section 2. That existing sections 4511.216, 4513.11, and 432
5733.98 of the Revised Code are hereby repealed. 433

Section 3. That sections 4513.111 and 5733.44 of the 434
Revised Code are hereby repealed. 435

Section 4. Division (F) of section 121.95 of the Revised 436
Code does not apply to any rules adopted under this act. 437