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Representatives Wiggam, Kick

Cosponsors: Representatives Stein, Riedel, Cross, Cera, Hillyer, West, Roemer, Green, Carruthers, Fraizer, Galonski, Hambley, Jones, Miller, A., Miller, J., O'Brien, Sheehy

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, 4513.114, and 4513.115; and 3
to repeal sections 4513.111 and 5733.44 of the 4
Revised Code to clarify the law governing slow- 5
moving 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, 4513.114, and 4513.115 of the Revised Code be enacted 11
to read as 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,~~ 20
~~including animal drawn vehicles and vehicles referred to in~~ 21
~~division (G) of section 4513.02 of the Revised Code, not~~ 22
~~specifically required to be equipped with lamps or other~~ 23
~~lighting devices by sections 4513.03 to 4513.10 of the Revised~~ 24
~~Code, shall, at the times specified in section 4513.03 of the~~ 25
~~Revised Code, be equipped with at least one lamp displaying a~~ 26
~~white light visible from a distance of not less than one~~ 27
~~thousand feet to the front of the vehicle, and also shall be~~ 28
~~equipped with two lamps displaying red light visible from a~~ 29
~~distance of not less than one thousand feet to the rear of the~~ 30
~~vehicle, or as an alternative, one lamp displaying a red light~~ 31
~~visible from a distance of not less than one thousand feet to~~ 32
~~the rear and two red reflectors visible from all distances of~~ 33
~~six hundred feet to one hundred feet to the rear when~~ 34
~~illuminated by the lawful lower beams of headlamps.~~ 35

~~Lamps and reflectors required or authorized by this~~ 36
~~section shall meet standards adopted by the director of public~~ 37
~~safety.~~ 38

~~(B) All boat trailers, farm machinery, and other~~ 39
~~machinery, including all road construction machinery, upon a~~ 40
~~street or highway, except when being used in actual construction~~ 41
~~and maintenance work in an area guarded by a flagperson, or~~ 42
~~where flares are used, or when operating or traveling within the~~ 43
~~limits of a construction area designated by the director of~~ 44
~~transportation, a city engineer, or the county engineer of the~~ 45
~~several counties, when such construction area is marked in~~ 46
~~accordance with requirements of the director and the manual of~~ 47

~~uniform traffic control devices, as set forth in section 4511.09~~ 48
~~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 emblem mounting device as specified in division (B) of this section.~~ 78
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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 shall at all times be equipped in one of the following ways:~~ 108
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~~(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~~ 127
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~~which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.~~ 137
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~~If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour is being operated on a street or highway at a speed greater than twenty five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.~~ 140
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~~(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour is being operated on a street or highway at a speed greater than twenty five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.~~ 149
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~~(I) Whoever violates this section is guilty of a minor misdemeanor.~~ 157
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~~(J) As used in this section, "boat sections 4513.11 to 4513.114 of the Revised Code:"~~ 159
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(A) "Boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. 161
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(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/ASAE 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/ASAE 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 253
emblem. The standards and specifications for the SMV emblem 254
shall correlate with and, so far as possible, conform with those 255
approved by the American society of agricultural engineers. 256

(C) A person may operate an SMV on a street or highway 257
without displaying the triangular SMV emblem when any of the 258
following apply: 259

(1) The SMV is being used in actual construction and 260
maintenance work in an area guarded by a flagperson, or where 261
flares are used. 262

(2) The SMV is operating or traveling within the limits of 263
a construction area designated by the director of 264
transportation, a city engineer, or the county engineer of the 265
several counties, when such construction area is marked in 266
accordance with requirements of the director and the manual of 267
uniform traffic control devices, as set forth in section 4511.09 268
of the Revised Code. 269

(D) No person shall display an SMV emblem on any of the 270
following: 271

(1) Any vehicle not required to use the SMV emblem by this 272
section or section 4513.113 or 4513.114 of the Revised Code; 273

(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, 276
except a unit designed to be completely mounted on a primary 277
power unit that is manufactured or assembled on or after April 278
1, 1966, unless it is equipped with an SMV emblem mounting 279

<u>device.</u>	280
<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/ASAE 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

identification symbol required to be displayed on the 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 the times specified in section 4513.03 of the 320
Revised Code, both of the following: 321

(1) At least one lamp displaying a white light visible 322
from a distance of not less than one thousand feet to the front 323
of the animal-drawn vehicle; 324

(2) Two lamps displaying red light visible from a distance 325
of not less than one thousand feet to the rear of the animal- 326
drawn vehicle, or as an alternative, one lamp displaying a red 327
light visible from a distance of not less than one thousand feet 328
to the rear and two red reflectors visible from all distances of 329
six hundred feet to one hundred feet to the rear when 330
illuminated by the lawful lower beams of headlamps. 331

(B) No person shall operate an animal-drawn vehicle on a 332
street or highway unless it is equipped with and displays, at 333
all times, all of the following: 334

(1) One yellow flashing lamp displaying yellow light 335
mounted on the top most portion of the rear of the animal-drawn 336

vehicle visible from all sides of the animal-drawn vehicle; 337

(2) At least one of the following: 338

(a) An SMV emblem mounted in accordance with division (B) 339
of section 4513.112 of the Revised Code; 340

(b) Micro-prism reflective tape that is visible from a 341
distance of not less than five hundred feet to the rear when 342
illuminated by the lawful lower beams of headlamps; 343

(c) Both an SMV emblem and micro-prism reflective tape, as 344
specified in this division. 345

Lamps and micro-prism reflective tape required by this 346
section shall meet standards and specifications adopted by the 347
director of public safety under this section. 348

(C) The director of public safety, in accordance with 349
Chapter 119. of the Revised Code, shall adopt rules establishing 350
standards and specifications for the position and mounting of 351
the lamps and micro-prism reflective tape required by this 352
section. The rules shall only permit the micro-prism reflective 353
tape to be red, amber, white, or silver in color. 354

(D) Whoever violates this section is guilty of a minor 355
misdemeanor. 356

Sec. 4513.115. The offenses established under sections 357
4513.111 to 4513.115 of the Revised Code are strict liability 358
offenses, and section 2901.20 of the Revised Code does not 359
apply. The designation of these offenses as strict liability 360
offenses shall not be construed to imply that any other offense, 361
for which there is no specified degree of culpability, is not a 362
strict liability offense. 363

Sec. 5733.98. (A) To provide a uniform procedure for 364

calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:

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

The credit allowed for financial institutions under section 5733.45 of the Revised Code;

The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;

The subsidiary corporation credit under section 5733.067 of the Revised Code;

The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;

The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;

The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;

~~The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;~~

The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;

The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised

Code;	392
The job training credit under section 5733.42 of the	393
Revised Code;	394
The credit for qualified research expenses under section	395
5733.351 of the Revised Code;	396
The enterprise zone credit under section 5709.66 of the	397
Revised Code;	398
The credit for the eligible costs associated with a	399
voluntary action under section 5733.34 of the Revised Code;	400
The credit for employers that establish on-site child day-	401
care centers under section 5733.37 of the Revised Code;	402
The credit for purchases of qualifying grape production	403
property under section 5733.32 of the Revised Code;	404
The export sales credit under section 5733.069 of the	405
Revised Code;	406
The enterprise zone credits under section 5709.65 of the	407
Revised Code;	408
The credit for using Ohio coal under section 5733.39 of	409
the Revised Code;	410
The credit for purchases of qualified low-income community	411
investments under section 5733.58 of the Revised Code;	412
The credit for small telephone companies under section	413
5733.57 of the Revised Code;	414
The credit for eligible nonrecurring 9-1-1 charges under	415
section 5733.55 of the Revised Code;	416
For tax year 2005, the credit for providing programs to	417

aid the communicatively impaired under division (A) of section	418
5733.56 of the Revised Code;	419
The research and development credit under section 5733.352	420
of the Revised Code;	421
For tax years 2006 and subsequent tax years, the credit	422
for taxes paid by a qualifying pass-through entity allowed under	423
section 5733.0611 of the Revised Code;	424
The refundable credit for rehabilitating a historic	425
building under section 5733.47 of the Revised Code;	426
The refundable jobs creation credit or job retention	427
credit under division (A) of section 5733.0610 of the Revised	428
Code;	429
The refundable credit for tax withheld under division (B)	430
(2) of section 5747.062 of the Revised Code;	431
The refundable credit under section 5733.49 of the Revised	432
Code for losses on loans made to the Ohio venture capital	433
program under sections 150.01 to 150.10 of the Revised Code;	434
For tax years 2006, 2007, and 2008, the refundable credit	435
allowable under division (B) of section 5733.56 of the Revised	436
Code;	437
The refundable motion picture and Broadway theatrical	438
production credit under section 5733.59 of the Revised Code.	439
(B) For any credit except the refundable credits	440
enumerated in this section, the amount of the credit for a tax	441
year shall not exceed the tax due after allowing for any other	442
credit that precedes it in the order required under this	443
section. Any excess amount of a particular credit may be carried	444
forward if authorized under the section creating that credit.	445

Section 2. That existing sections 4511.216, 4513.11, and	446
5733.98 of the Revised Code are hereby repealed.	447
Section 3. That sections 4513.111 and 5733.44 of the	448
Revised Code are hereby repealed.	449
Section 4. Division (F) of section 121.95 of the Revised	450
Code does not apply to any rules adopted under this act.	451