

As Introduced

136th General Assembly

Regular Session

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H. B. No. 630

Representative Dean

To amend section 4513.34 of the Revised Code 1
regarding police escorts for farm equipment and 2
vehicles that haul agricultural equipment and 3
produce. 4

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

Section 1. That section 4513.34 of the Revised Code be 5
amended to read as follows: 6

Sec. 4513.34. (A) (1) The director of transportation with 7
respect to all highways that are a part of the state highway 8
system and local authorities with respect to highways under 9
their jurisdiction, upon application in writing, shall issue a 10
special regional heavy hauling permit authorizing the applicant 11
to operate or move a vehicle or combination of vehicles as 12
follows: 13

(a) At a size or weight of vehicle or load exceeding the 14
maximum specified in sections 5577.01 to 5577.09 of the Revised 15
Code, or otherwise not in conformity with sections 4513.01 to 16
4513.37 of the Revised Code; 17

(b) Upon any highway under the jurisdiction of the 18
authority granting the permit except those highways with a 19
condition insufficient to bear the weight of the vehicle or 20

combination of vehicles as stated in the application. 21

Issuance of a special regional heavy hauling permit is 22
subject to the payment of a fee established by the director or 23
local authority in accordance with this section. 24

(2) In circumstances where a person is not eligible to 25
receive a permit under division (A) (1) of this section, the 26
director of transportation with respect to all highways that are 27
a part of the state highway system and local authorities with 28
respect to highways under their jurisdiction, upon application 29
in writing and for good cause shown, may issue a special permit 30
in writing authorizing the applicant to operate or move a 31
vehicle or combination of vehicles of a size or weight of 32
vehicle or load exceeding the maximum specified in sections 33
5577.01 to 5577.09 of the Revised Code, or otherwise not in 34
conformity with sections 4513.01 to 4513.37 of the Revised Code, 35
upon any highway under the jurisdiction of the authority 36
granting the permit. 37

(3) For purposes of this section, the director may 38
designate certain state highways or portions of state highways 39
as special economic development highways. If an application 40
submitted to the director under this section involves travel of 41
a nonconforming vehicle or combination of vehicles upon a 42
special economic development highway, the director, in 43
determining whether good cause has been shown that issuance of a 44
permit is justified, shall consider the effect the travel of the 45
vehicle or combination of vehicles will have on the economic 46
development in the area in which the designated highway or 47
portion of highway is located. 48

(B) (1) Notwithstanding sections 715.22 and 723.01 of the 49
Revised Code, the holder of a permit issued by the director 50

under this section may move the vehicle or combination of 51
vehicles described in the permit on any highway that is a part 52
of the state highway system when the movement is partly within 53
and partly without the corporate limits of a municipal 54
corporation. No local authority shall require any other permit 55
or license or charge any license fee or other charge against the 56
holder of a permit for the movement of a vehicle or combination 57
of vehicles on any highway that is a part of the state highway 58
system. The director shall not require the holder of a permit 59
issued by a local authority to obtain a special permit for the 60
movement of vehicles or combination of vehicles on highways 61
within the jurisdiction of the local authority. 62

(2) Except as provided in division (B) (3) of this section, 63
permits may be issued for any period of time not to exceed one 64
year, as the director in the director's discretion or a local 65
authority in its discretion determines advisable, or for the 66
duration of any public construction project. 67

(3) The director and every county shall issue an annual 68
permit under division (A) (2) of this section for: 69

(a) A vehicle or combination of vehicles that haul farm 70
machinery, provided that the farm machinery otherwise qualifies 71
for the farm equipment permit or a similar permit offered by the 72
county for farm machinery or equipment; 73

(b) A vehicle or combination of vehicles that haul 74
agricultural produce or agricultural production materials that 75
otherwise could be hauled by farm machinery or equipment under 76
the farm equipment permit or a similar permit offered by the 77
county for farm machinery or equipment. 78

(4) In addition to the annual permit issued under division 79

(B) (3) of this section, the director and every county may 80
continue to issue a permit under division (A) (2) of this section 81
for the vehicles specified in division (B) (3) of this section, 82
for any period of time up to one year. 83

(5) If the director issues a permit with respect to farm 84
machinery or farm equipment, the director shall not require a 85
law enforcement escort if both of the following conditions are 86
met: 87

(a) The permit holder operates the farm machinery or farm 88
equipment on a state route other than an interstate highway; 89

(b) The permit holder moves the farm machinery or farm 90
equipment a distance that is less than ten miles. 91

(C) (1) The application for a permit issued under this 92
section shall be in the form that the director or local 93
authority prescribes. The director or local authority may 94
prescribe a permit fee to be imposed and collected when any 95
permit described in this section is issued. The permit fee may 96
be in an amount sufficient to reimburse the director or local 97
authority for the administrative costs incurred in issuing the 98
permit, and also to cover the cost of the normal and expected 99
damage caused to the roadway or a street or highway structure as 100
the result of the operation of the nonconforming vehicle or 101
combination of vehicles. The director, in accordance with 102
Chapter 119. of the Revised Code, shall establish a schedule of 103
fees for permits issued by the director under this section; 104
however, the fee to operate a triple trailer unit, at locations 105
authorized under federal law, shall be one hundred dollars. 106

(2) For the purposes of this section and of rules adopted 107
by the director under this section, milk transported in bulk by 108

vehicle is deemed a nondivisible load. 109

(3) For purposes of this section and of rules adopted by 110
the director under this section, three or fewer aluminum coils, 111
transported by a vehicle, are deemed a nondivisible load. The 112
director shall adopt rules establishing requirements for an 113
aluminum coil permit that are substantially similar to the 114
requirements for a steel coil permit under Chapter 5501:2-1 of 115
the Administrative Code. 116

(D) The director or a local authority shall issue a 117
special regional heavy hauling permit under division (A)(1) of 118
this section upon application and payment of the applicable fee. 119
Except when required to issue a special permit under division 120
(B)(3) of this section, the director or local authority may 121
issue or withhold a special permit specified in division (A)(2) 122
of this section. If a permit is to be issued, the director or 123
local authority may limit or prescribe conditions of operation 124
for the vehicle and may require the posting of a bond or other 125
security conditioned upon the sufficiency of the permit fee to 126
compensate for damage caused to the roadway or a street or 127
highway structure. In addition, a local authority, as a 128
condition of issuance of an overweight permit, may require the 129
applicant to develop and enter into a mutual agreement with the 130
local authority to compensate for or to repair excess damage 131
caused to the roadway by travel under the permit. 132

For a permit that will allow travel of a nonconforming 133
vehicle or combination of vehicles on a special economic 134
development highway, the director, as a condition of issuance, 135
may require the applicant to agree to make periodic payments to 136
the department to compensate for damage caused to the roadway by 137
travel under the permit. 138

(E) Every permit issued under this section shall be 139
carried in the vehicle or combination of vehicles to which it 140
refers and shall be open to inspection by any police officer or 141
authorized agent of any authority granting the permit. No person 142
shall violate any of the terms of a permit. 143

(F) The director may debar an applicant from applying for 144
a permit under this section upon a finding based on a reasonable 145
belief that the applicant has done any of the following: 146

(1) Abused the process by repeatedly submitting false 147
information or false travel plans or by using another company or 148
individual's name, insurance, or escrow account without proper 149
authorization; 150

(2) Failed to comply with or substantially perform under a 151
previously issued permit according to its terms, conditions, and 152
specifications within specified time limits; 153

(3) Failed to cooperate in the application process for the 154
permit or in any other procedures that are related to the 155
issuance of the permit by refusing to provide information or 156
documents required in a permit or by failing to respond to and 157
correct matters related to the permit; 158

(4) Accumulated repeated justified complaints regarding 159
performance under a permit that was previously issued to the 160
applicant or previously failed to obtain a permit when such a 161
permit was required; 162

(5) Attempted to influence a public employee to breach 163
ethical conduct standards; 164

(6) Been convicted of a disqualifying offense as 165
determined under section 9.79 of the Revised Code; 166

(7) Accumulated repeated convictions under a state or 167
federal safety law governing commercial motor vehicles or a rule 168
or regulation adopted under such a law; 169

(8) Accumulated repeated convictions under a law, rule, or 170
regulation governing the movement of traffic over the public 171
streets and highways; 172

(9) Failed to pay any fees associated with any permitted 173
operation or move; 174

(10) Deliberately or willfully submitted false or 175
misleading information in connection with the application for, 176
or performance under, a permit issued under this section. 177

If the applicant is a partnership, association, or 178
corporation, the director also may debar from consideration for 179
permits any partner of the partnership, or the officers, 180
directors, or employees of the association or corporation being 181
debarred. 182

The director may adopt rules in accordance with Chapter 183
119. of the Revised Code governing the debarment of an 184
applicant. 185

(G) When the director reasonably believes that grounds for 186
debarment exist, the director shall send the person that is 187
subject to debarment a notice of the proposed debarment. A 188
notice of proposed debarment shall indicate the grounds for the 189
debarment of the person and the procedure for requesting a 190
hearing. The notice and hearing shall be in accordance with 191
Chapter 119. of the Revised Code. If the person does not respond 192
with a request for a hearing in the manner specified in that 193
chapter, the director shall issue the debarment decision without 194
a hearing and shall notify the person of the decision by 195

certified mail, return receipt requested. The debarment period 196
may be of any length determined by the director, and the 197
director may modify or rescind the debarment at any time. During 198
the period of debarment, the director shall not issue, or 199
consider issuing, a permit under this section to any 200
partnership, association, or corporation that is affiliated with 201
a debarred person. After the debarment period expires, the 202
person, and any partnership, association, or corporation 203
affiliated with the person, may reapply for a permit. 204

(H) (1) No person shall violate the terms of a permit 205
issued under this section that relate to gross load limits. 206

(2) No person shall violate the terms of a permit issued 207
under this section that relate to axle load by more than two 208
thousand pounds per axle or group of axles. 209

(3) No person shall violate the terms of a permit issued 210
under this section that relate to an approved route except upon 211
order of a law enforcement officer or authorized agent of the 212
issuing authority. 213

(I) Whoever violates division (H) of this section shall be 214
punished as provided in section 4513.99 of the Revised Code. 215

(J) A permit issued by the department of transportation or 216
a local authority under this section for the operation of a 217
vehicle or combination of vehicles is valid for the purposes of 218
the vehicle operation in accordance with the conditions and 219
limitations specified on the permit. Such a permit is voidable 220
by law enforcement only for operation of a vehicle or 221
combination of vehicles in violation of the weight, dimension, 222
or route provisions of the permit. However, a permit is not 223
voidable for operation in violation of a route provision of a 224

permit if the operation is upon the order of a law enforcement	225
officer.	226
Section 2. That existing section 4513.34 of the Revised	227
Code is hereby repealed.	228