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Representative Dean

Cosponsors: Representatives Willis, Brennan, Claggett, Daniels, Deeter, Ghanbari, Holmes, John, Kishman, Klopfenstein, Lampton, LaRe, Lawson-Rowe, Mathews, A., Mathews, T., Miller, J., Peterson, Rader, Robb Blasdel, Russo, Salvo, Schmidt, Sigrist, Swearingen, Thomas, C., Tims, Williams

To amend sections 4511.051 and 4513.34 and to enact 1
section 4513.341 of the Revised Code regarding 2
police escorts for farm equipment and vehicles 3
that haul agricultural equipment and produce and 4
the operation of farm equipment and machinery on 5
limited access highways and freeways. 6

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

Section 1. That sections 4511.051 and 4513.34 be amended 7
and section 4513.341 of the Revised Code be enacted to read as 8
follows: 9

Sec. 4511.051. (A) No person, unless otherwise directed by 10
a police officer, shall: 11

(1) As a pedestrian, occupy any space within the limits of 12
the right-of-way of a freeway, except: in a rest area; on a 13
facility that is separated from the roadway and shoulders of the 14
freeway and is designed and appropriately marked for pedestrian 15
use; in the performance of public works or official duties; as a 16
result of an emergency caused by an accident or breakdown of a 17

motor vehicle; or to obtain assistance; 18

(2) Occupy any space within the limits of the right-of-way 19
of a freeway, with: an animal-drawn vehicle; a ridden or led 20
animal; herded animals; a pushcart; a bicycle, except on a 21
facility that is separated from the roadway and shoulders of the 22
freeway and is designed and appropriately marked for bicycle 23
use; an electric bicycle; a bicycle with motor attached; a motor 24
driven cycle with a motor which produces not to exceed five 25
brake horsepower; ~~an agricultural tractor; farm machinery;~~ 26
except in the performance of public works or official duties; 27

(3) Occupy any space within the limits of the right-of-way 28
of a freeway with an agricultural tractor or farm machinery 29
unless that person is issued a permit in accordance with section 30
4513.341 of the Revised Code. 31

(B) Except as otherwise provided in this division, whoever 32
violates this section is guilty of a minor misdemeanor. If, 33
within one year of the offense, the offender previously has been 34
convicted of or pleaded guilty to one predicate motor vehicle or 35
traffic offense, whoever violates this section is guilty of a 36
misdemeanor of the fourth degree. If, within one year of the 37
offense, the offender previously has been convicted of two or 38
more predicate motor vehicle or traffic offenses, whoever 39
violates this section is guilty of a misdemeanor of the third 40
degree. 41

If the offender commits the offense while distracted and 42
the distracting activity is a contributing factor to the 43
commission of the offense, the offender is subject to the 44
additional fine established under section 4511.991 of the 45
Revised Code. 46

Sec. 4513.34. (A) (1) The director of transportation with 47
respect to all highways that are a part of the state highway 48
system and local authorities with respect to highways under 49
their jurisdiction, upon application in writing, shall issue a 50
special regional heavy hauling permit authorizing the applicant 51
to operate or move a vehicle or combination of vehicles as 52
follows: 53

(a) At a size or weight of vehicle or load exceeding the 54
maximum specified in sections 5577.01 to 5577.09 of the Revised 55
Code, or otherwise not in conformity with sections 4513.01 to 56
4513.37 of the Revised Code; 57

(b) Upon any highway under the jurisdiction of the 58
authority granting the permit except those highways with a 59
condition insufficient to bear the weight of the vehicle or 60
combination of vehicles as stated in the application. 61

Issuance of a special regional heavy hauling permit is 62
subject to the payment of a fee established by the director or 63
local authority in accordance with this section. 64

(2) In circumstances where a person is not eligible to 65
receive a permit under division (A) (1) of this section, the 66
director of transportation with respect to all highways that are 67
a part of the state highway system and local authorities with 68
respect to highways under their jurisdiction, upon application 69
in writing and for good cause shown, may issue a special permit 70
in writing authorizing the applicant to operate or move a 71
vehicle or combination of vehicles of a size or weight of 72
vehicle or load exceeding the maximum specified in sections 73
5577.01 to 5577.09 of the Revised Code, or otherwise not in 74
conformity with sections 4513.01 to 4513.37 of the Revised Code, 75
upon any highway under the jurisdiction of the authority 76

granting the permit. 77

(3) For purposes of this section, the director may 78
designate certain state highways or portions of state highways 79
as special economic development highways. If an application 80
submitted to the director under this section involves travel of 81
a nonconforming vehicle or combination of vehicles upon a 82
special economic development highway, the director, in 83
determining whether good cause has been shown that issuance of a 84
permit is justified, shall consider the effect the travel of the 85
vehicle or combination of vehicles will have on the economic 86
development in the area in which the designated highway or 87
portion of highway is located. 88

(B) (1) Notwithstanding sections 715.22 and 723.01 of the 89
Revised Code, the holder of a permit issued by the director 90
under this section may move the vehicle or combination of 91
vehicles described in the permit on any highway that is a part 92
of the state highway system when the movement is partly within 93
and partly without the corporate limits of a municipal 94
corporation. No local authority shall require any other permit 95
or license or charge any license fee or other charge against the 96
holder of a permit for the movement of a vehicle or combination 97
of vehicles on any highway that is a part of the state highway 98
system. The director shall not require the holder of a permit 99
issued by a local authority to obtain a special permit for the 100
movement of vehicles or combination of vehicles on highways 101
within the jurisdiction of the local authority. 102

(2) Except as provided in division (B) (3) of this section, 103
permits may be issued for any period of time not to exceed one 104
year, as the director in the director's discretion or a local 105
authority in its discretion determines advisable, or for the 106

duration of any public construction project. 107

(3) The director and every county shall issue an annual 108
permit under division (A) (2) of this section for: 109

(a) A vehicle or combination of vehicles that haul farm 110
machinery, provided that the farm machinery otherwise qualifies 111
for the farm equipment permit or a similar permit offered by the 112
county for farm machinery or equipment; 113

(b) A vehicle or combination of vehicles that haul 114
agricultural produce or agricultural production materials that 115
otherwise could be hauled by farm machinery or equipment under 116
the farm equipment permit or a similar permit offered by the 117
county for farm machinery or equipment. 118

(4) In addition to the annual permit issued under division 119
(B) (3) of this section, the director and every county may 120
continue to issue a permit under division (A) (2) of this section 121
for the vehicles specified in division (B) (3) of this section, 122
for any period of time up to one year. 123

(5) If the director issues a permit with respect to farm 124
machinery or farm equipment, the director shall not require a 125
law enforcement escort if both of the following conditions are 126
met: 127

(a) The permit holder operates the farm machinery or farm 128
equipment on a state route other than an interstate highway; 129

(b) The permit holder moves the farm machinery or farm 130
equipment a distance that is less than ten miles. 131

(C) (1) The application for a permit issued under this 132
section shall be in the form that the director or local 133
authority prescribes. The director or local authority may 134

prescribe a permit fee to be imposed and collected when any 135
permit described in this section is issued. The permit fee may 136
be in an amount sufficient to reimburse the director or local 137
authority for the administrative costs incurred in issuing the 138
permit, and also to cover the cost of the normal and expected 139
damage caused to the roadway or a street or highway structure as 140
the result of the operation of the nonconforming vehicle or 141
combination of vehicles. The director, in accordance with 142
Chapter 119. of the Revised Code, shall establish a schedule of 143
fees for permits issued by the director under this section; 144
however, the fee to operate a triple trailer unit, at locations 145
authorized under federal law, shall be one hundred dollars. 146

(2) For the purposes of this section and of rules adopted 147
by the director under this section, milk transported in bulk by 148
vehicle is deemed a nondivisible load. 149

(3) For purposes of this section and of rules adopted by 150
the director under this section, three or fewer aluminum coils, 151
transported by a vehicle, are deemed a nondivisible load. The 152
director shall adopt rules establishing requirements for an 153
aluminum coil permit that are substantially similar to the 154
requirements for a steel coil permit under Chapter 5501:2-1 of 155
the Administrative Code. 156

(D) The director or a local authority shall issue a 157
special regional heavy hauling permit under division (A) (1) of 158
this section upon application and payment of the applicable fee. 159
Except when required to issue a special permit under division 160
(B) (3) of this section, the director or local authority may 161
issue or withhold a special permit specified in division (A) (2) 162
of this section. If a permit is to be issued, the director or 163
local authority may limit or prescribe conditions of operation 164

for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

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

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

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

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

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

(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;	194 195 196 197 198
(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;	199 200 201 202
(5) Attempted to influence a public employee to breach ethical conduct standards;	203 204
(6) Been convicted of a disqualifying offense as determined under section 9.79 of the Revised Code;	205 206
(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;	207 208 209
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	210 211 212
(9) Failed to pay any fees associated with any permitted operation or move;	213 214
(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.	215 216 217
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	218 219 220 221

debarred.	222
The director may adopt rules in accordance with Chapter	223
119. of the Revised Code governing the debarment of an	224
applicant.	225
(G) When the director reasonably believes that grounds for	226
debarment exist, the director shall send the person that is	227
subject to debarment a notice of the proposed debarment. A	228
notice of proposed debarment shall indicate the grounds for the	229
debarment of the person and the procedure for requesting a	230
hearing. The notice and hearing shall be in accordance with	231
Chapter 119. of the Revised Code. If the person does not respond	232
with a request for a hearing in the manner specified in that	233
chapter, the director shall issue the debarment decision without	234
a hearing and shall notify the person of the decision by	235
certified mail, return receipt requested. The debarment period	236
may be of any length determined by the director, and the	237
director may modify or rescind the debarment at any time. During	238
the period of debarment, the director shall not issue, or	239
consider issuing, a permit under this section to any	240
partnership, association, or corporation that is affiliated with	241
a debarred person. After the debarment period expires, the	242
person, and any partnership, association, or corporation	243
affiliated with the person, may reapply for a permit.	244
(H) (1) No person shall violate the terms of a permit	245
issued under this section that relate to gross load limits.	246
(2) No person shall violate the terms of a permit issued	247
under this section that relate to axle load by more than two	248
thousand pounds per axle or group of axles.	249
(3) No person shall violate the terms of a permit issued	250

under this section that relate to an approved route except upon 251
order of a law enforcement officer or authorized agent of the 252
issuing authority. 253

(I) Whoever violates division (H) of this section shall be 254
punished as provided in section 4513.99 of the Revised Code. 255

(J) A permit issued by the department of transportation or 256
a local authority under this section for the operation of a 257
vehicle or combination of vehicles is valid for the purposes of 258
the vehicle operation in accordance with the conditions and 259
limitations specified on the permit. Such a permit is voidable 260
by law enforcement only for operation of a vehicle or 261
combination of vehicles in violation of the weight, dimension, 262
or route provisions of the permit. However, a permit is not 263
voidable for operation in violation of a route provision of a 264
permit if the operation is upon the order of a law enforcement 265
officer. 266

Sec. 4513.341. (A) In addition to the permits issued in 267
accordance with section 4513.34 of the Revised Code, the 268
director of transportation, upon application in writing and 269
payment of the permit fee, shall issue an annual permit 270
authorizing an applicant to operate or move farm machinery or 271
farm equipment on any limited access highway or freeway under 272
the jurisdiction of the department of transportation, other than 273
an interstate highway. 274

(B) The director shall prescribe both of the following: 275

(1) The form and manner of the application for a permit 276
issued under this section; 277

(2) A permit fee to be imposed and collected when a permit 278
is issued under this section. The permit fee shall not exceed 279

one hundred dollars. 280

(C) The director, in consultation with the superintendent 281
of the state highway patrol, may limit or prescribe conditions 282
of operation, including route restrictions, for the farm 283
machinery or farm equipment on the limited access highway or 284
freeway. 285

(D) No person shall knowingly violate the terms of a 286
permit issued under this section, including any limitations, 287
conditions, or route restrictions specified on the permit, 288
except upon order of a law enforcement officer or an authorized 289
agent of the department. 290

(E) A permit holder shall ensure that a permit issued 291
under this section is carried in the farm machinery or farm 292
equipment to which it refers and that it is open to inspection 293
by any law enforcement officer or authorized agent of the 294
department. 295

(F) A local authority may issue a permit authorizing a 296
person to operate or move farm machinery or farm equipment on a 297
limited access highway or freeway under its jurisdiction, other 298
than an interstate highway. The local authority may establish 299
any fees, limitations, conditions, or route restrictions it 300
considers necessary for such a permit. 301

Section 2. That existing sections 4511.051 and 4513.34 of 302
the Revised Code are hereby repealed. 303

Section 3. Section 4511.051 of the Revised Code is 304
presented in this act as a composite of the section as amended 305
by both H.B. 95 and H.B. 250 of the 132nd General Assembly. The 306
General Assembly, applying the principle stated in division (B) 307
of section 1.52 of the Revised Code that amendments are to be 308

harmonized if reasonably capable of simultaneous operation,	309
finds that the composite is the resulting version of the section	310
in effect prior to the effective date of the section as	311
presented in this act.	312