

AN ACT

To amend sections 4511.216, 4513.11, 4513.17, and 5733.98; to enact new section 4513.111 and sections 4513.112, 4513.113, 4513.114, and 4513.115; and to repeal sections 4513.111 and 5733.44 of the Revised Code to clarify the law governing slow-moving vehicles and to revise the lighting and reflective material requirements applicable to animal-drawn vehicles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4511.216, 4513.11, 4513.17, and 5733.98 be amended and new section 4513.111 and sections 4513.112, 4513.113, 4513.114, and 4513.115 of the Revised Code be enacted to read as follows:

Sec. 4511.216. Notwithstanding sections 4511.214 and 4511.215 of the Revised Code, a person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in section ~~4513.11~~ 4513.112 of the Revised Code.

Sec. 4513.11. ~~(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) 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.~~

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

~~(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 of the Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall~~

~~display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The director of public safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.~~

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

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

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

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

~~(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/SAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS).~~

~~(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.~~

~~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.~~

~~(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:~~

- ~~(1) With a slow-moving vehicle emblem complying with division (B) of this section;~~
- ~~(2) With alternate reflective material complying with rules adopted under this division;~~
- ~~(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in~~

this division:

~~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.~~

~~(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 to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.~~

~~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.~~

~~(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.~~

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

~~(J) As used in this section, "boat sections 4513.11 to 4513.115 of the Revised Code:~~

~~(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.~~

~~(B) "Slow-moving vehicle" and "SMV" mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five miles per hour or less. "Slow-moving vehicle" and "SMV" do not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.~~

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

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

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

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

(1) 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;

(2) 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.

(C)(1) At the times specified in section 4513.03 of the Revised Code, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by all of the following:

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

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

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

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

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

(E) Any unit of farm machinery designed by its manufacturer to operate at a speed of twenty-five miles per hour or greater or any SMV may be equipped with and display a red flashing light that is 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.

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

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

(H) This section does not apply to a bicycle, motorized bicycle, electric bicycle, or animal-

drawn vehicle.

(1) Whoever violates this section is guilty of a minor misdemeanor.

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

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

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

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

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

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

(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.

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

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

(2) An SMV being transported upon any other vehicle;

(3) Any stationary object on the highway.

(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.

(F) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 4513.113. (A) 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 both of the following:

(1) The SMV emblem mounted in accordance with division (B) of section 4513.112 of the Revised Code;

(2) A speed identification symbol that does both of the following:

(a) Meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS);

(b) Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate.

(B) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour and that is towing, pulling, or otherwise drawing a unit of farm machinery while operating at a speed greater than twenty-five miles per hour

shall fail to display both of the following on the unit of farm machinery:

(1) The SMV emblem;

(2) The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor.

(C) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the person possesses 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.

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

Sec. 4513.114. (A) Except as otherwise provided in division (D) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in section 4513.03 of the Revised Code, both of the following:

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

(2) Two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the animal-drawn 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.

(B) Except as otherwise provided in division (D) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:

(1) One yellow flashing lamp displaying yellow light that is visible from a distance of not less than one thousand feet and that is mounted in either of the following positions:

(a) On the top most portion of the rear of the animal-drawn vehicle;

(b) On the top of the animal-drawn vehicle.

(2) At least one of the following:

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

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

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

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

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

(D)(1) Divisions (A) and (B) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.

(2) No operator described in division (D)(1) of this section shall operate animal-drawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem

mounted in accordance with division (B) of section 4513.112 of the Revised Code.

(3) As used in divisions (D)(1) to (3) of this section, "animal-drawn agricultural equipment" means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. "Animal-drawn agricultural equipment" includes any of the following:

(a) A plow;

(b) A manure spreader;

(c) A thresher.

(E) Whoever violates this section is guilty of a minor misdemeanor.

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

Sec. 4513.17. (A) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(C)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in section 4513.182 of the Revised Code, highway maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by section ~~4513.11~~ 4513.111 of the Revised Code to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in division (C)(1) of this section does not apply to such machinery or vehicles. Farm machinery also may display the lights described in section ~~4513.11~~ 4513.111 of the Revised Code.

(3) Division (C)(1) of this section does not apply to animal-drawn vehicles subject to section 4513.114 of the Revised Code.

(D) Except a person operating a public safety vehicle, as defined in division (E) of section 4511.01 of the Revised Code, or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an

oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(E) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(F) Whoever violates this section is guilty of a minor misdemeanor.

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

The job training credit under section 5733.42 of the Revised Code;

The credit for qualified research expenses under section 5733.351 of the Revised Code;

The enterprise zone credit under section 5709.66 of the Revised Code;

The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;

The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;

The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;

The export sales credit under section 5733.069 of the Revised Code;
The enterprise zone credits under section 5709.65 of the Revised Code;
The credit for using Ohio coal under section 5733.39 of the Revised Code;
The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;
The credit for small telephone companies under section 5733.57 of the Revised Code;
The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;
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;
The research and development credit under section 5733.352 of the Revised Code;
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;
The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;
The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;
The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;
The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;
For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;
The refundable motion picture and Broadway theatrical production credit under section 5733.59 of the Revised Code.

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

SECTION 2. That existing sections 4511.216, 4513.11, 4513.17, and 5733.98 of the Revised Code are hereby repealed.

SECTION 3. That sections 4513.111 and 5733.44 of the Revised Code are hereby repealed.

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____