

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 713

Representative Ginter

A BILL

To amend section 4513.34 of the Revised Code to
require the Ohio Department of Transportation
and local authorities to issue special regional
heavy hauling permits within every county that
borders Pennsylvania.

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

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

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

(a) At a size or weight of vehicle or load exceeding the
maximum specified in sections 5577.01 to 5577.09 of the Revised
Code, or otherwise not in conformity with sections 4513.01 to
4513.37 of the Revised Code, but that is in conformity with the
size or weight of vehicle or load requirements of any other

bordering state to which the vehicle is traveling; 20

(b) Upon any highway under the jurisdiction of the 21
authority granting the permit except those highways with a 22
condition insufficient to bear the weight of the vehicle or 23
combination of vehicles as stated in the application. 24

Issuance of a special regional heavy hauling permit is 25
subject to the payment of a reasonable fee established by the 26
director or local authority in accordance with this section. The 27
general assembly has determined that special regional heavy 28
hauling permits should be issued in every county that borders 29
Pennsylvania. Therefore, the director and local authorities, at 30
a minimum, shall issue special regional heavy hauling permits 31
within every county in this state that borders Pennsylvania. 32

(2) In circumstances where a person is not eligible to 33
receive a permit under division (A) (1) of this section, the 34
director of transportation with respect to all highways that are 35
a part of the state highway system and local authorities with 36
respect to highways under their jurisdiction, upon application 37
in writing and for good cause shown, may issue a special permit 38
in writing authorizing the applicant to operate or move a 39
vehicle or combination of vehicles of a size or weight of 40
vehicle or load exceeding the maximum specified in sections 41
5577.01 to 5577.09 of the Revised Code, or otherwise not in 42
conformity with sections 4513.01 to 4513.37 of the Revised Code, 43
upon any highway under the jurisdiction of the authority 44
granting the permit. 45

(3) For purposes of this section, the director may 46
designate certain state highways or portions of state highways 47
as special economic development highways. If an application 48
submitted to the director under this section involves travel of 49

a nonconforming vehicle or combination of vehicles upon a 50
special economic development highway, the director, in 51
determining whether good cause has been shown that issuance of a 52
permit is justified, shall consider the effect the travel of the 53
vehicle or combination of vehicles will have on the economic 54
development in the area in which the designated highway or 55
portion of highway is located. 56

(B) Notwithstanding sections 715.22 and 723.01 of the 57
Revised Code, the holder of a permit issued by the director 58
under this section may move the vehicle or combination of 59
vehicles described in the permit on any highway that is a part 60
of the state highway system when the movement is partly within 61
and partly without the corporate limits of a municipal 62
corporation. No local authority shall require any other permit 63
or license or charge any license fee or other charge against the 64
holder of a permit for the movement of a vehicle or combination 65
of vehicles on any highway that is a part of the state highway 66
system. The director shall not require the holder of a permit 67
issued by a local authority to obtain a special permit for the 68
movement of vehicles or combination of vehicles on highways 69
within the jurisdiction of the local authority. Permits may be 70
issued for any period of time not to exceed one year, as the 71
director in the director's discretion or a local authority in 72
its discretion determines advisable, or for the duration of any 73
public construction project. 74

(C) (1) The application for a permit issued under this 75
section shall be in the form that the director or local 76
authority prescribes. The director or local authority may 77
prescribe a reasonable permit fee to be imposed and collected 78
when any permit described in this section is issued. The permit 79
fee may be in an amount sufficient to reimburse the director or 80

local authority for the administrative costs incurred in issuing 81
the permit, and also to cover the cost of the normal and 82
expected damage caused to the roadway or a street or highway 83
structure as the result of the operation of the nonconforming 84
vehicle or combination of vehicles. The director, in accordance 85
with Chapter 119. of the Revised Code, shall establish a 86
schedule of fees for permits issued by the director under this 87
section; however, the fee to operate a triple trailer unit, at 88
locations authorized under federal law, shall be one hundred 89
dollars. 90

(2) For the purposes of this section and of rules adopted 91
by the director under this section, milk transported in bulk by 92
vehicle is deemed a nondivisible load. 93

(3) For purposes of this section and of rules adopted by 94
the director under this section, three or fewer aluminum coils, 95
transported by a vehicle, are deemed a nondivisible load. The 96
director shall adopt rules establishing requirements for an 97
aluminum coil permit that are substantially similar to the 98
requirements for a steel coil permit under Chapter 5501:2-1 of 99
the Administrative Code. 100

(D) The director or a local authority shall issue a 101
special regional heavy hauling permit under division (A) (1) of 102
this section upon application and payment of the applicable fee. 103
However, the director or local authority may issue or withhold a 104
special permit specified in division (A) (2) of this section. If 105
a permit is to be issued, the director or local authority may 106
limit or prescribe conditions of operation for the vehicle and 107
may require the posting of a bond or other security conditioned 108
upon the sufficiency of the permit fee to compensate for damage 109
caused to the roadway or a street or highway structure. In 110

addition, a local authority, as a condition of issuance of an 111
overweight permit, may require the applicant to develop and 112
enter into a mutual agreement with the local authority to 113
compensate for or to repair excess damage caused to the roadway 114
by travel under the permit. 115

For a permit that will allow travel of a nonconforming 116
vehicle or combination of vehicles on a special economic 117
development highway, the director, as a condition of issuance, 118
may require the applicant to agree to make periodic payments to 119
the department to compensate for damage caused to the roadway by 120
travel under the permit. 121

(E) Every permit issued under this section shall be 122
carried in the vehicle or combination of vehicles to which it 123
refers and shall be open to inspection by any police officer or 124
authorized agent of any authority granting the permit. No person 125
shall violate any of the terms of a permit. 126

(F) The director may debar an applicant from applying for 127
a permit under this section upon a finding based on a reasonable 128
belief that the applicant has done any of the following: 129

(1) Abused the process by repeatedly submitting false 130
information or false travel plans or by using another company or 131
individual's name, insurance, or escrow account without proper 132
authorization; 133

(2) Failed to comply with or substantially perform under a 134
previously issued permit according to its terms, conditions, and 135
specifications within specified time limits; 136

(3) Failed to cooperate in the application process for the 137
permit or in any other procedures that are related to the 138
issuance of the permit by refusing to provide information or 139

documents required in a permit or by failing to respond to and	140
correct matters related to the permit;	141
(4) Accumulated repeated justified complaints regarding	142
performance under a permit that was previously issued to the	143
applicant or previously failed to obtain a permit when such a	144
permit was required;	145
(5) Attempted to influence a public employee to breach	146
ethical conduct standards;	147
(6) Been convicted of a disqualifying offense as	148
determined under section 9.79 of the Revised Code;	149
(7) Accumulated repeated convictions under a state or	150
federal safety law governing commercial motor vehicles or a rule	151
or regulation adopted under such a law;	152
(8) Accumulated repeated convictions under a law, rule, or	153
regulation governing the movement of traffic over the public	154
streets and highways;	155
(9) Failed to pay any fees associated with any permitted	156
operation or move;	157
(10) Deliberately or willfully submitted false or	158
misleading information in connection with the application for,	159
or performance under, a permit issued under this section.	160
If the applicant is a partnership, association, or	161
corporation, the director also may debar from consideration for	162
permits any partner of the partnership, or the officers,	163
directors, or employees of the association or corporation being	164
debarred.	165
The director may adopt rules in accordance with Chapter	166
119. of the Revised Code governing the debarment of an	167

applicant. 168

(G) When the director reasonably believes that grounds for 169
debarment exist, the director shall send the person that is 170
subject to debarment a notice of the proposed debarment. A 171
notice of proposed debarment shall indicate the grounds for the 172
debarment of the person and the procedure for requesting a 173
hearing. The notice and hearing shall be in accordance with 174
Chapter 119. of the Revised Code. If the person does not respond 175
with a request for a hearing in the manner specified in that 176
chapter, the director shall issue the debarment decision without 177
a hearing and shall notify the person of the decision by 178
certified mail, return receipt requested. The debarment period 179
may be of any length determined by the director, and the 180
director may modify or rescind the debarment at any time. During 181
the period of debarment, the director shall not issue, or 182
consider issuing, a permit under this section to any 183
partnership, association, or corporation that is affiliated with 184
a debarred person. After the debarment period expires, the 185
person, and any partnership, association, or corporation 186
affiliated with the person, may reapply for a permit. 187

(H) (1) No person shall violate the terms of a permit 188
issued under this section that relate to gross load limits. 189

(2) No person shall violate the terms of a permit issued 190
under this section that relate to axle load by more than two 191
thousand pounds per axle or group of axles. 192

(3) No person shall violate the terms of a permit issued 193
under this section that relate to an approved route except upon 194
order of a law enforcement officer or authorized agent of the 195
issuing authority. 196

(I) Whoever violates division (H) of this section shall be	197
punished as provided in section 4513.99 of the Revised Code.	198
(J) A permit issued by the department of transportation or	199
a local authority under this section for the operation of a	200
vehicle or combination of vehicles is valid for the purposes of	201
the vehicle operation in accordance with the conditions and	202
limitations specified on the permit. Such a permit is voidable	203
by law enforcement only for operation of a vehicle or	204
combination of vehicles in violation of the weight, dimension,	205
or route provisions of the permit. However, a permit is not	206
voidable for operation in violation of a route provision of a	207
permit if the operation is upon the order of a law enforcement	208
officer.	209
Section 2. That existing section 4513.34 of the Revised	210
Code is hereby repealed.	211