



H.B. 136

123rd General Assembly
(As Introduced)

Rep. Carey

BILL SUMMARY

- Provides that under certain circumstances, coal trucks that exceed by not more than 5% the existing motor vehicle weight limit provisions are not subject to the penalties for violating those provisions.

CONTENT AND OPERATION

Vehicle loads on highways, generally

Current law prescribes maximum wheel loads and maximum vehicle and load weights that may be imposed upon highways, streets, bridges, and culverts by vehicles, trackless trolleys, and any other objects or structures. For example, the maximum wheel load of any one wheel of any vehicle, trackless trolley, load, object, or structure operated or moved upon improved public highways, streets, bridges, or culverts cannot exceed 650 pounds per inch width of pneumatic tire. (Sec. 5577.04(A), not in the bill.)

There are a number of existing provisions regarding the maximum vehicle weights and their loads that can be imposed upon a road surface by vehicles with pneumatic tires. For example, one such limitation is 20,000 pounds for any one axle of a vehicle. Another is that the maximum overall gross weight of a vehicle and its load that may be imposed upon a road surface is 80,000 pounds. (Sec. 5577.04(B)(1) and (E), not in the bill.)

Current law prohibits any trackless trolley, traction engine, steam roller, or other vehicle, load, object, or structure, whether propelled by muscular or motor power but with certain specified exceptions, from being operated or moved over or upon the improved public streets, highways, bridges, or culverts in Ohio, upon wheels, rollers, or otherwise, that weigh in excess of the prescribed statutory weight limits, except upon special permission, which also is provided for in current law (sec. 5577.02).

The penalties for weight violations, including those reviewed above, include civil liability for any resulting roadway damage and criminal sanctions, which start at an \$80 fine for the first 2,000 pounds or fraction thereof of excess weight and increase thereafter, with a term of imprisonment of not more than 30 days a possibility for the most serious offenders (secs. 5577.12 and 5577.99(A), neither of which are in the bill).

Limited exception relating to farm trucks, farm machinery, and log trucks

Current law

Current law contains a limited exception to the weight limitations and prohibition reviewed in the preceding portion of this analysis. The exception provides that a farm truck or farm machinery transporting farm commodities, or a log truck transporting timber, from the place of production to the first point of delivery where the commodities are weighed and title to the commodities or timber is transferred, may exceed by no more than 5% the statutory weight limitations, and the prescribed criminal penalty that otherwise would be applicable cannot be imposed. If a farm truck or farm machinery that is so transporting farm commodities, or a timber truck that is so transporting timber, exceeds by more than 5% the statutory weight provisions, the applicable criminal penalty and civil penalty both apply, irrespective of the 5% allowance. (Sec. 5577.042(B).)

This 5% overage does not apply to the operation of a farm truck, log truck, or farm machinery transporting farm commodities during the months of February and March (sec. 5577.042(C)(1)). In addition, regardless of when the operation occurs, the 5% overage does not apply to the operation of a farm truck, log truck, or farm machinery transporting farm commodities on either of the following:

- (1) A highway that is part of the interstate system (sec. 5577.042(C)(2)(a)).
- (2) A highway, road, or bridge that is subject to reduced maximum weights under specified provisions of current law (sec. 5577.042(C)(2)(b)).

Operation of the bill

The bill retains the current limited exception reviewed in the immediately preceding portion of this analysis but extends its scope to also include coal trucks. This is done by adding "coal truck" or "a coal truck transporting coal" in the proper places. The result is that, under the bill, notwithstanding the weight limitations and prohibition relating to vehicle weights contained in current law, a farm truck or farm machinery transporting farm commodities, a log truck transporting timber, or a coal truck transporting coal from the place of production to the first point of delivery where the farm commodities are weighed and title to the farm

commodities is transferred or where title to the timber or coal is transferred, may exceed by no more than 5% the statutory weight provisions, and the prescribed criminal penalty that otherwise would be applicable cannot be imposed. If a farm truck or farm machinery that is transporting farm commodities, a timber truck that is transporting timber, or a coal truck that is transporting coal exceeds by more than 5% the statutory weight provisions, the respective criminal penalty and civil penalty both apply, irrespective of the 5% allowance.

The bill provides that this 5% overage does not apply to the operation of a farm truck, log truck, coal truck, or farm machinery transporting farm commodities during the months of February and March. In addition, regardless of when the operation occurs, the 5% overage does not apply to the operation of a farm truck, log truck, coal truck, or farm machinery transporting farm commodities on either of the following:

(1) A highway that is part of the interstate system.

(2) A highway, road, or bridge that is subject to reduced maximum weights under specified provisions of current law.

The bill defines "coal truck" for purposes of its provisions as "a truck used in the transportation of coal from the site of its extraction when the truck is operated in accordance with this section" (sec. 5577.042(A)(5)).

HISTORY

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