



Sub. H.B. 627*

126th General Assembly

(As Reported by H. Transportation, Public Safety, and Homeland Security)

Reps. Carmichael, D. Evans

BILL SUMMARY

- Permits a unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour ("fast farm machinery") to travel on a public street or road faster than 25 m.p.h. so long as the unit displays both a slow moving vehicle emblem and a special speed identification symbol.
- Requires the operator of a unit of fast farm machinery who wishes to travel on a public street or road faster than 25 m.p.h. to have a valid driver's or commercial driver's license.
- Applies the "reasonable control" motor vehicle statute to agricultural tractors and other farm machinery when on any street or highway.
- Provides for a trade-in allowance for construction equipment and certain farm machinery when purchased from a dealer, thereby lowering the selling price upon which the applicable sales tax is calculated.

CONTENT AND OPERATION

Overview

Under current law, farm machinery is exempt from the definition of "motor vehicle." Thus, units of farm machinery such as tractors are not required to have all the equipment that a passenger car is required to have, such as turn signals. Farm machinery cannot be operated on public streets or roads faster than 25 miles

* This analysis was prepared before the report of the House Transportation, Public Safety, and Homeland Security Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

per hour and must display an approved triangular, orange slow-moving vehicle (SMV) emblem when being operated there. A person is not required to possess a driver's license to operate farm machinery on a public street or road; normally this occurs when the farm machinery is moved from one field to another.

The bill permits any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 m.p.h. ("fast farm machinery") to travel on a public street or road faster than 25 m.p.h. so long as the unit displays both an SMV emblem and a special speed identification symbol. In addition, the operator of a unit of fast farm machinery who wishes to travel on a public street or road faster than 25 m.p.h. must have a valid driver's or commercial driver's license. Finally, the bill makes changes in relevant definitions.

Signs and lights on fast farm machinery

Under current law, when a unit of farm machinery is operated on a street or highway, it must display an SMV emblem and cannot travel faster than 25 m.p.h. (R.C. 4513.11(B).) The bill prohibits any person from selling, leasing, renting, or operating on a street or highway any unit of fast farm machinery unless it displays an SMV emblem and a speed identification symbol (SIS) that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS). The SIS indicates the maximum speed in miles per hour at which the unit of fast farm machinery is designed by its manufacturer to travel. (R.C. 4513.11(D)(2).)

Current law permits slow-moving vehicles, including farm machinery, to be equipped with not only an SMV emblem but also with a red flashing light that is visible from a distance of not less than 1,000 feet to the rear at all times of reduced visibility and at night (R.C. 4513.11(E)). The bill permits a unit of fast farm machinery to display such a red flashing light in addition to the SMV emblem and the SIS.

Under the bill, every unit of fast farm machinery must display both an SMV emblem and an approved SIS when being operated upon a street or highway, irrespective of the speed at which the unit is actually traveling. The SIS must indicate the maximum speed at which the unit of farm machinery is designed by its manufacturer to operate and the display of the SIS must be in accordance with the ANSI/ASAE standard. (R.C. 4513.11(G).)

If a fast agricultural tractor is being operated on a street or highway at a speed exceeding 25 m.p.h. and it is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery must display an SMV emblem and an

SIS symbol that is the same as the SIS symbol displayed on the tractor (R.C. 4513.11(G)).

Document showing maximum speed of a fast agricultural tractor

The bill provides that when a fast agricultural tractor is being operated on a street or highway at a speed greater than 25 m.p.h., the operator must possess some documentation published or provided by the manufacturer indicating the maximum speed at which the manufacturer designed the tractor to operate (R.C. 4513.11(H)). There is no criminal penalty for a violation of this requirement (R.C. 4513.99(A)).

Application of the "reasonable control" motor vehicle statute to agricultural tractors and other farm machinery

Current law prohibits any person from operating a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of it (R.C. 4511.202(A)). This prohibition does not apply to agricultural tractors and other farm machinery when traveling on streets and highways because farm machinery is exempted from the applicable definition of "motor vehicle." Whoever violates this prohibition is guilty of a minor misdemeanor (R.C. 4511.202(B)).¹

The bill retains this prohibition and makes it applicable to farm machinery too by prohibiting any person from operating an agricultural tractor or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the agricultural tractor or unit of farm machinery. The penalty remains unchanged.

Driver's license requirement to drive a fast tractor on a street or highway

Under current law, a person is not required to obtain a driver's or commercial driver's license to drive or operate any farm tractor or implement of husbandry (farm machinery) or draw, move, or propel it upon a highway (R.C. 4507.03). The bill provides instead that no person is required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of 25 m.p.h. or less (R.C. 4507.03(A)(2)).

The bill then prohibits any person from driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a

¹ Punishable by a fine of not more than \$150; no jail term is possible.

street or highway at a speed greater than 25 m.p.h. unless the person has a current, valid driver's or commercial driver's license (R.C. 4507.03(A)(3)). Violation of this prohibition is a first-degree misdemeanor (R.C. 4507.03(C)).²

Trade-in allowance

Under current law, when a person purchases a new motor vehicle from a new motor vehicle dealer and the dealer takes the person's current motor vehicle in trade, the value of the trade-in is deducted from the sale price of the new motor vehicle to arrive at the price upon which the amount of sales tax is calculated. For example, if the new motor vehicle sells for \$20,000 and the value of the buyer's trade-in is \$7,000, the amount of sales tax due is calculated on a price of \$13,000. (R.C. 5739.01(H)(2).)

The bill extends this tax treatment to the following sales as well:

(1) The sale by a dealer of any new farm machinery, including compact tractors, not used in farming or agricultural purposes in which another item of farm machinery is accepted by the dealer as part of the consideration received (R.C. 5739.01(H)(4)(a)); and

(2) The sale by a dealer of any new construction equipment in which another item of construction equipment is accepted by the dealer as part of the consideration received (R.C. 5739.01(H)(4)(b)).

HISTORY

ACTION	DATE
Introduced	07-05-06
Reported, H. Transportation, Public Safety, & Homeland Security	---

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² Punishable by a jail term of not more than six months, a fine of not more than \$1,000, or both.