



Sub. S.B. 300*

126th General Assembly

(As Reported by S. Highways and Transportation)

Sen. Armbruster

BILL SUMMARY

- Allows the Director of Transportation to enter into agreements and cooperate with the Secretary of Transportation to perform environmental reviews and gives the Director rulemaking authority for this purpose.
- Revises ODOT's procedures for qualifying and debarring construction project bidders.
- Authorizes the Director of Transportation to approve the participation of a "qualified attraction" in the business logo sign program, which allows placement of business logos on state directional signs of certain highways.
- Requires the Registrar of Motor Vehicles to use money from the Automated Title Processing Fund to acquire or develop and to maintain and upgrade a computer program enabling electronic motor vehicle dealers to access the Automated Title Processing System for the purpose of processing electronic titles and title applications.
- Adds two voting members to the Automated Title Processing Board, the president of the Ohio Automobile Dealers Association and one licensed motor vehicle dealer appointed by the Governor.
- Establishes that a commercial driver's license (CDL) holder who violates the general implied consent law by refusing to submit to a blood, breath, or urine test after being arrested for an OVI offense is subject to the

* *This analysis was prepared before the report of the Senate Highways and Transportation Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

disqualification sanctions applicable for a CDL implied consent conviction.

- Requires a driver to pull over or slow down upon approaching a stationary road service vehicle that is displaying a flashing, oscillating, or rotation amber lights while servicing a disabled vehicle.
- Permits the Director of Transportation, a board of county commissioners, or a board of township trustees to require that vehicles display lighted lights during hours of actual work within a construction zone and assesses one point against an offender's driver's license for a violation of the requirement, in addition to a criminal penalty.
- Allows a driver licensing exemption and a driver examination waiver for a person who was working in a combat zone pursuant to a contract between the person's employer and a department, agency, or other entity of the United States government.
- Defines a "multifunction school activity bus" and establishes the conditions under which such a vehicle may be operated.
- Defines a "low-speed vehicle" and establishes the conditions under which such a vehicle may be operated.
- Exempts certain utility vehicles used exclusively within state park boundaries by park employees or volunteers from registration and license taxes, certificate of title motor vehicle law, driver's license laws, and motor vehicle dealer law.
- Extends to the operator of a four-wheel drive motor vehicle the immunity from liability that private property owners or lessees have concerning recreational use of their property with permission and without paying a charge.
- Prohibits the Registrar of Motor Vehicles from implementing legislation creating new special license plates until the Registrar has at least 1,000 signatures indicating intent to purchase the new license plates.
- Adds a police command vehicle to the list of vehicles the operation of which does not require a CDL.



- Eliminates references to a "temporary instruction permit identification card" while retaining references to the "temporary instruction permit" as the single item necessary to operate a motor vehicle before obtaining a driver's license.
- Allows a licensed auctioneer to conduct not more than two auctions of classic motor vehicles (over 26 years old) per year without being licensed by the Registrar of Motor Vehicles to sell or auction motor vehicles.
- Allows a licensed motor vehicle auction owner to conduct an auction at a motor vehicle dealer's place of business and auction vehicles at that location to any person.
- Establishes that a violation of an Ohio Turnpike Commission rule relating to an axle load, vehicle load, or vehicle dimension limit is subject to a fine based on the amount by which the overweight vehicle exceeds the established weight limits, in accordance with the existing general vehicle weight limit violations, or possible imprisonment for not more than 30 days.
- Makes other changes to the law governing driver's licenses and vehicle safety programs.

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CONTENT AND OPERATION

Department of Transportation, environmental review process

(R.C. 5531.11)

Pursuant to federal authorization, the bill allows the Director of Transportation to enter into agreements and cooperate with the U.S. Secretary of Transportation to perform environmental reviews, consult, make decisions, assume specified federal environmental review responsibilities, and take other necessary actions required by the agreement and authorized under federal law. The Director may adopt rules for these purposes. The bill specifies that any expenditure of money by the Director in connection with authorized agreements must be payable from funds available to the Director.

The bill waives the state's immunity from civil liability and consents, only in regard to actions arising from the assumption of federal functions, as described above, to be sued, and have its civil liability determined, in an appropriate federal court in accordance with the same rules of law applicable to suits against a federal agency.

Department of Transportation bidding and debarment procedures

(R.C. 5525.03 and 5525.09)

The bill revises ODOT's procedures for qualifying construction project bidders as follows:

- Requires the Director of Transportation to act upon a prospective bidder's application within 30 days after the Director receives the application, rather than within 30 days after it is presented to the Director as in current law;
- In determining whether an applicant is competent and responsible, requires the Director to examine any information the Director considers relevant, not just the application;
- Specifically allows the Director to adopt rules to determine whether the applicant is competent and responsible, replacing the current authority to adopt rules for applicant qualifications;
- Specifies that the Director must issue a certificate of qualification if an applicant is found to possess the required financial resources, as well as the other required qualifications;
- Revises requirements for the certificate of qualification so that (1) the statement fixing the aggregate amount of uncompleted work includes work for any or all "project owners," rather than "owners," and (2) the applicant may be limited to the submission of bids upon one or more classes of work, rather than a single class of work;
- When an applicant seeks an amendment of a certificate of qualification as to the amount or class of work, requires the Director to review any information the Director considers relevant, as well as the documentation the applicant submits, and requires the Director to amend the certificate or deny the request within 15 days after receiving the information, rather than within 15 days after the documentation is submitted.

The bill revises ODOT's debarment procedures for qualified construction project bidders as follows:

- Allows the Director to debar any person from continuing with existing contracts, not just from participating in future contracts, with ODOT;



- Allows debarment of any person due to the actions or omissions of that person or of any of that person's personnel, rather than a bidding company and any partner of a partnership, or the officers and directors of an association or corporation whose certificate of qualification is revoked or not renewed by the Director;
- Instead of requiring the Director to revoke a certificate of qualification, establishes that during the period of debarment, any existing certificate of qualification of the debarred person is automatically revoked, and prohibits the Director from issuing a certificate of qualification to the debarred person or to any other person affiliated with or employing the debarred person, rather than prohibiting the Director from issuing a certificate for any company, partnership, association, or corporation affiliated with a debarred individual, as under current law.

Current law prohibits any applicant for qualification as a bidder from knowingly making a false statement with respect to the person's financial worth in any written documents filed with ODOT concerning the bidding qualification process; any person who violates the prohibition is disqualified from submitting bids on ODOT contracts for two years following the date of the person's conviction. Under the bill, the disqualification is permissive, rather than mandatory, and is for any length of time determined by the Director, rather than two years. The bill also allows the Director to modify or rescind the disqualification at any time.

Business logo signs

(R.C. 4511.101)

Current law requires the Director of Transportation to establish a program for the placement of business logos on state directional signs within the rights-of-way of divided, multi-lane, limited access highways. The businesses participating in the program must pay all direct and indirect costs of the program, with the costs for a particular sign being divided equally among the businesses with logos on that sign.

The bill authorizes the Director to approve the participation of a "qualified attraction" in the business logo sign program, subject to terms and conditions that the Director establishes by rule. Qualified attractions approved by the Director are excepted from the general requirement for a business to pay the cost of participating in the business logo program. The bill does not define or describe the phrase "qualified attraction."

The bill specifies that the Director must adopt rules to implement the business logo program.

Automated title processing

(R.C. 4505.09 and 4505.25; Section 4)

Current law creates the automated title processing system (ATPS), the Automated Title Processing Fund, and the Automated Title Processing Board. A variety of title information is incorporated in the ATPS, including certificate of title issuance, liens, odometer statements, and other title information. The Automated Title Processing Fund consists of \$2 from each motor vehicle, off-highway motorcycle, and all-purpose vehicle certificate of title and \$1 from each watercraft and outboard motor certificate of title. Money in the fund is used to implement and maintain the ATPS. The purpose of the Board is to facilitate the operation and maintenance of the ATPS and to approve the procurement of ATPS equipment.

Current law allows the Registrar to use the Automated Title Processing Fund to implement the provisions of Sub. S.B. 59 of the 124th General Assembly, which allowed various actions relating to the titling of vehicles, watercraft, and outboard motors to be completed by electronic means, including the issuance of electronic certificates of title, and allowed the appointment of certain motor vehicle dealers as electronic dealers. The bill specifies that the Registrar must use money from the fund to acquire or develop and to maintain and upgrade as necessary a computer program enabling electronic motor vehicle dealers to access the ATPS for the purpose of processing electronic titles and title applications.

Further, the bill states that it is the intent of the General Assembly that the Bureau of Motor Vehicles develop or acquire a computer program enabling electronic motor vehicle dealers to access the ATPS for the purpose of processing electronic titles and title applications not later than six months after the effective date of the bill. Costs related to the computer program must be considered part of the expense of implementing Sub. S.B. 59 of the 124th General Assembly and must be paid from the Automated Title Processing Fund.

Under current law the Automated Title Processing Board has the following five voting members: (1) the Registrar or the Registrar's representative, (2) a person selected by the Registrar, (3) the President of the Ohio Clerks of Court Association or the President's representative, and (4) two clerks of courts of common pleas appointed by the Governor. Additionally, the Director of Budget and Management or the Director's designee, the Chief of the Division of Watercraft in the Department of Natural Resources or the Chief's designee, and the Tax Commissioner or the Commissioner's designee are nonvoting members of the

Board. The bill adds two additional voting members, the President of the Ohio Automobile Dealers Association, and one licensed motor vehicle dealer appointed by the Governor.

Commercial driver's licenses (CDL), implied consent refusal

(R.C. 4506.16)

Under the current commercial driver's license (CDL) law, a person who drives a commercial motor vehicle in Ohio is deemed to have given consent to having the person's blood, breath, or urine tested for alcohol or a controlled substance; this implied consent is specific to persons operating a commercial motor vehicle and is in addition to the general implied consent provision applicable to any person who operates or is in control of a vehicle in Ohio who is arrested for operating a vehicle under the influence of alcohol or drugs (R.C. 4511.191, not in the bill). A person who refuses to submit to the blood, breathe, or urine test after being requested under the CDL law is disqualified from operating a commercial motor vehicle for one year on a first conviction and is disqualified for life upon a second conviction.

Under the bill, a CDL holder who violates the general implied consent law by refusing to submit to a blood, breath, or urine test after being arrested for an OVI offense is subject to the disqualification sanctions applicable for a CDL implied consent conviction. Upon a first license suspension imposed under the general implied consent law, a CDL holder is subject to a one-year disqualification and upon a second such license suspension, the person is disqualified for life from operating a commercial motor vehicle. These disqualification sanctions apply whether the person was operating a commercial or noncommercial motor vehicle at the time of the violation of the general implied consent law.

Exempt operation of certain vehicles

(R.C. 4506.03)

In general, no person may operate a commercial motor vehicle unless the person holds a CDL. Under current law, a CDL is not required to operate certain vehicles that otherwise fit the weight, size, or other criteria for being considered a commercial motor vehicle and therefore would require the operator to have a CDL; the vehicles for which a CDL is not required currently include a farm truck, fire equipment, certain public safety vehicles, recreational vehicles, snow and ice removal vehicles (under certain circumstances), military vehicles, certain vehicles used for noncommercial purposes, and a police SWAT team vehicle. The bill adds a police command vehicle to the list of vehicles the operation of which does not require a CDL.

Driver's licenses

Temporary instruction permit

(R.C. 4507.05 and 4507.23)

Prior to obtaining an initial driver's license, a person learning to drive currently is issued a temporary instruction permit and a temporary instruction permit card, both of which must be in the person's possession when operating a motor vehicle. The bill eliminates references to a "temporary instruction permit identification card" while retaining references to the "temporary instruction permit" as the single item necessary to operate a motor vehicle before obtaining a driver's license.

Digitalized photographs

(R.C. 4507.53)

Currently, digitalized photographic records of the Department of Public Safety may be released only to state, local, or federal governmental agencies for criminal justice purposes and to any court. In addition to these authorized releases, the bill allows digitalized photographic records to be released to any State Highway Patrol driver's license examiner or examination personnel for the purpose of verifying the identity of a driver's license applicant.

Road service vehicle using amber lights along a highway

(R.C. 4511.231)

Under current law, when the driver of a motor vehicle approaches a stationary public safety vehicle (generally an ambulance, police, or fire vehicle) that is displaying its emergency lights, the driver must change lanes into a lane that is not adjacent to that of the stationary public safety vehicle if the highway configuration allows such movement and the movement can be done safely; if the driver cannot safely move to an adjacent lane of travel, the driver must proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions. Violation of this law is a minor misdemeanor on a first offense; if, within one year, the offender has been convicted of or pleaded guilty to one violation of certain similar offenses, the offense is a misdemeanor of the fourth degree; and upon a third or subsequent violation of certain similar offenses within one year, the offense is a misdemeanor of the third degree.

Under the bill, a driver also must pull over or slow down as described above upon approaching a stationary road service vehicle that is displaying

flashing, oscillating, or rotating amber lights as authorized under existing law when a road service vehicle is servicing or towing a disabled vehicle (R.C. 4511.213 and 4513.17 (not in the bill)).

When vehicles must display lighted lights; penalty for violation

Current law generally requires a motor vehicle to display lights and illuminating devices prescribed by law for that class of vehicle during the following times:

(1) From sunset to sunrise;

(2) At any other time when there are unfavorable atmospheric conditions or when natural light is insufficient to render substantial objects discernible at a distance of 1,000 feet ahead (R.C. 4513.03).

The bill requires vehicles to display their respective lighted lights and illuminating devices during hours of actual work within a construction zone if signs giving notice of that requirement have been erected on the authority of the Director of Transportation, a board of county commissioners, or a board of township trustees (R.C. 4511.98 and 4513.03(A)(1)(c)).¹ Under the bill, the signs must also notify drivers that increased penalties apply for violating this requirement. The increased penalty and the requirement to display lighted lights are effective only when the signs meet the Director of Transportation's guidelines and design specifications and when a violation occurs during hours of actual work within the construction zone (R.C. 4511.98).

Violators are guilty of a minor misdemeanor on a first offense; a second such offense within one year after the first offense is a fourth degree misdemeanor; and each subsequent offense within one year after the first offense is a third degree misdemeanor (R.C. 4513.03(E)).²

¹ By cross-reference to R.C. 5501.27, "construction zone" means "that lane or portion of a street or highway open to vehicular traffic and adjacent to a lane, berm, or shoulder of a street or highway within which lane, berm, or shoulder construction, reconstruction, resurfacing, or any other work of a repair or maintenance nature, including public utility work, is being conducted, commencing with the point where the first worker or piece of equipment is located and ending where the last worker or piece of equipment is located."

² The penalty for a violation of this requirement is covered by the motor vehicle equipment "catchall" penalty provision (R.C. 4513.99, not in the bill).

Penalty of one point against a person's driver's license for violating the new lighted light requirement

The driver's license of a person who pleads guilty to or is convicted of a traffic law violation involving a *moving* motor vehicle, such as speeding, is assessed a number of points by the Registrar of Motor Vehicles. The assessments range from two points for less serious violations to six points for more serious violations. The accumulation of 12 points against a person's driver's license within a period of two years results in the suspension of that license for a period of six months.

Under the bill, if a driver fails to turn on his or her lights while driving during hours of actual work in a construction zone that has been properly marked by the necessary signs, the Registrar must assess one point against that person's driver's license (R.C. 4510.036(C)(13)).

Signage requirements

Under the bill, the Director of Transportation must adopt rules governing the posting of signs advising motorists of the bill's requirements. The rules must include guidelines to determine which areas are appropriate for the signs, based on such factors as the duration of work or volume of traffic on the street or highway.

Driver licensing and examination exemptions for certain private employees working in a combat zone

(R.C. 4507.03 and 4507.10)

Driver licensing exemption

Under current law the following persons are exempt from driver licensing requirements during the period of the person's active duty or service and for six months after the active duty or service: (1) every person on active duty in the United States military or naval forces and (2) every person in service with the Peace Corps, Volunteers in Service to America, and the United States foreign service. This exemption applies only if the person was a licensee upon commencing the duty or service, but specifically does not prevent the person from renewing a license during the duty or service.

In addition to the current law exemptions from driver licensing requirements, the bill exempts every person who is working in a combat zone pursuant to a contract between the person's employer and a department, agency, or other entity of the United States government. The bill gives "combat zone" the same meaning as under federal law, meaning any area which the President of the United States by Executive Order designates, for purposes of income tax laws, as

an area in which armed forces of the United States are or have (after June 24, 1950) engaged in combat.

Driver examination waiver

In general, the Registrar of Motor Vehicles must examine every applicant for a temporary instruction permit, driver's license, or motorcycle operator's endorsement before issuing the permit, license, or endorsement. The Registrar may waive the examination if the person has either an unexpired license or a license that has expired not more than six months previously; this waiver also may apply to a person who has a valid license issued by another state and the license is unexpired or expired not more than six months previously.

Regardless of whether the person has a license that is unexpired or expired not more than six months previously, the Registrar may waive the examination of a person who is or was on active duty in the armed forces of the United States or in service with the Peace Corps, Volunteers in Service to America, or the United States foreign service, or the spouse or dependent of any such person if the person's active duty caused the spouse or dependent to relocate outside of the United States. Generally, such persons must have held an Ohio license at the time of commencing the applicable service. The applicants may be required to present additional documents relating to the service to claim the exemption and to apply within a specified time frame.

In addition to the classes of persons who may claim an examination waiver under current law, the bill allows an examination waiver for a person who was working in a combat zone pursuant to a contract between the person's employer and a department, agency, or other entity of the United States government, who presents evidence of such employment as the Registrar prescribes, was an Ohio licensee at the time of employment in a combat zone, and makes application not more than six months after returning from the combat zone.

The bill makes a number of revisions to current law to clarify that the following apply to each applicant who is claiming an examination waiver: (1) the applicant is subject to the required vision screening, (2) the applicant must have no physical or mental disability that would affect the applicant's driving ability, and (3) the applicant's license must not be under suspension or revocation by this state or any other jurisdiction.

Special license plates

(R.C. 4503.77 and 4503.78)

Currently, unless the law specifically provides otherwise, the Registrar of Motor Vehicles is "not required to" implement legislation creating a license plate until the Registrar receives written statements from at least 1,000 people indicating that they intend to obtain the special license plate being created. Rather than giving the Registrar the option of not implementing the legislation, the bill specifically prohibits the Registrar from implementing legislation creating new special license plates until the Registrar has at least 1,000 signatures indicating intent to purchase the new license plates.

The bill also clarifies that, if the special license plate remains serviceable, the Registrar may accept a registration renewal for a special license plate that is subject to cancellation because fewer than 1,000 plates of that type have been issued.

School buses

Multifunction school activity bus

(R.C. 4511.01, 4511.75, 4511.762, 4511.77, and 4511.771)

For purposes of traffic laws, "school bus" generally is defined as every bus designed for carrying more than nine passengers that is operated for the transportation of children to or from a school session or a school function. The bill expands the definition of school bus to include a "multifunction school activity bus," which the bill further defines as a school bus that does not transport children to or from their residence and does not receive or discharge children at designated bus stops along a roadway. The bill then excepts a multifunction school activity bus from several provisions that otherwise apply to school buses, including the requirement that a school bus be painted school bus yellow, be marked with the words "school bus" and "stop" in specified lettering, and be equipped with amber and red lights. As a school bus, a multifunction school activity bus is required to be inspected by the State Highway Patrol and may not be operated unless the bus displays a decal indicating that it has passed the required annual inspection. The bill also makes conforming changes to the existing law provisions requiring the removal of distinctive features when a bus no longer is used to transport children to and from school or school functions.

School bus markings

(R.C. 4511.762)

Under current law, a bus that previously was registered and marked as a school bus must be repainted a different color and have the words "stop" and "school bus" obliterated when it no longer is used as a school bus. In addition, the bill specifies that the flashing red and amber lights must be removed, the automatically extended stop warning sign must be removed, the safety inspection decal must be removed, and the school bus identification number must be obliterated. Violation of this provision is a minor misdemeanor on a first offense and a fourth degree misdemeanor upon a subsequent violation of this provision or specified related provisions.

School bus rules

(R.C. 4511.75)

Current law requires a school bus driver to actuate the red and amber school bus lights and automatically extended stop warning sign only when the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending head start programs. Current law requires the visual signals and stop warning sign to "be synchronized or otherwise operated as required by rule of the board." The bill establishes that the signal and stop warning signs be operated as required by rules adopted jointly by the Department of Public Safety and the Department of Education.

Head start buses

(R.C. 4511.75)

Under current law if a bus owned and operated by a head start agency is painted and equipped as a school bus, irrespective of whether or not the bus has 15 or more children aboard at any time, it is a school bus for which motor vehicle operators must stop. The bill removes the specific references to paint and equipment and establishes that "school bus," as used in relation to children who attend a head start program, means a school bus as generally defined for purposes of traffic laws, irrespective of whether or not the bus has 15 or more children aboard at any time.

State Highway Patrol bus inspections

(R.C. 4503.07, 4511.761, and 4513.50)

The bill authorizes the owner or operator of a school bus or a church bus to drive the bus directly to a State Highway Patrol inspection site and back to the person's place of business without a valid registration and without displaying a safety inspection decal; however, no passengers may occupy the bus when it is being driven to and from the inspection site.

Under current law, the commercial bus inspection program conducted by the State Highway Patrol generally applies to buses other than school buses, church buses, and vehicles owned or leased by government agencies or political subdivisions. The bill specifies that the vehicles subject to the commercial bus inspection program are those that are registered in this state.

Low-speed vehicles

(R.C. 4501.01(WW), 4511.214, and 4513.42)

The bill defines a "low-speed vehicle" and establishes the conditions under which such a vehicle may be operated in Ohio. A low-speed vehicle is a four-wheeled motor vehicle with a maximum attainable speed of at least 20 mph but not more than 25 mph and complies with federal safety standards for such vehicles. The bill prohibits the operation of a low-speed vehicle on any street or highway having a speed limit greater than 35 mph, but specifically does not prohibit a person operating a low-speed vehicle from proceeding across an intersection of a street or highway having a greater speed limit. Operating a low-speed vehicle on a street or highway with a speed limit greater than 35 mph is a minor misdemeanor. Under the bill, no person who is operating a low-speed vehicle that complies with the applicable federal safety standards may be required to comply with any conflicting equipment provisions of state law.

State park utility vehicles

(R.C. 4501.01)

Current law exempts certain "utility vehicles" from the definition of "motor vehicle" that generally applies throughout Motor Vehicle Law (Title 45 of the Revised Code). Utility vehicles that are not "motor vehicles" are exempt from registration and license taxes (including local motor vehicle license taxes), certificate of title motor vehicle law, driver's license laws, and motor vehicle dealer law. Such vehicles generally are subject to traffic laws and financial responsibility requirements.



The utility vehicles that are exempt under current law include "self-propelled vehicle[s] designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities." The bill includes within the definition of a "utility vehicle" a vehicle with a maximum attainable speed of 20 miles per hour or less that is used exclusively within the boundaries of state parks by state park employees or volunteers for the operation or maintenance of state park facilities. As described above, these state park utility vehicles are exempt from registration and license taxes, certificate of title motor vehicle law, driver's license laws, and motor vehicle dealer law.

Property owner immunity for recreational four-wheel drive motor vehicle operation on privately owned or leased property

(R.C. 1533.18)

Current law establishes that no owner, lessee, or occupant of premises (1) owes any duty to a recreational user to keep the premises safe for entry or use, (2) extends any assurance to a recreational user that the premises are safe for entry or use, or (3) assumes responsibility for or incurs liability for any injury to person or property caused by any act of a recreational user (R.C. 1533.181, not in the bill). For purposes of this immunity from liability, "premises" generally are privately owned or leased property and a "recreational user" includes a person to whom permission has been granted, without charge, to enter upon premises to hunt, fish, trap, camp, hike, swim, operate a snowmobile or all-purpose vehicle, or engage in other recreational pursuits. Under the bill, a recreational user also includes a person who operates a four-wheel drive motor vehicle on the property, with permission, and without paying a charge.

Ohio Turnpike vehicle weight violations

(R.C. 5537.99)

Current law authorizes the Ohio Turnpike Commission to adopt rules for the control and regulation of traffic on any turnpike project. The rules with respect to speed, axle loads, vehicle loads, and vehicle dimensions apply notwithstanding the provisions of the Revised Code that otherwise would control and regulate traffic. A violation of the rules of the Ohio Turnpike Commission is a minor misdemeanor on a first offense and a fourth degree misdemeanor on subsequent offenses. Fines for a violation of the Ohio Turnpike Commission rules are distributed in accordance with the provisions governing the distribution of fines collected from persons apprehended or arrested by the State Highway Patrol, with a portion credited to the General Revenue Fund (after sufficient revenue is

credited to the Security, Investigations, and Policing Fund to support specific activities of the Patrol), a small portion credited to the Trauma and Emergency Medical Services Grants Fund, and the remainder distributed based on the court that imposes the fine.

Under the bill, an axle load, vehicle load, or vehicle dimension violation of the Turnpike Commission rules is subject to a fine based on the amount by which the overweight vehicle exceeds the established weight limits, in accordance with the existing general vehicle weight limit violations in regard to highways. Existing fines are \$80 for the first 2,000 pounds, or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000, the fine is \$100 and an additional \$1 dollar per 100 pounds of overload; and for overloads in excess of 5,000 pounds, but not in excess of 10,000 pounds, the fine is \$130 and an additional \$2 per 100 pounds of overload. For all overloads in excess of 10,000 pounds, the fine is \$160 and an additional \$3 per 100 pounds of overload. A violation relating to gross load limits is subject to a fine of not less than \$100. In addition to the fine, a person who violates the general weight limits for overloads in excess of 5,000 pounds or in excess of 10,000 pounds may be imprisoned not more than 30 days. (R.C. 5577.99, not in the bill.)

Maximum lengths for vehicles being operated on public highways

(R.C. 5577.05)

Current law establishes the maximum lengths for various types and combinations of vehicles being operated on public highways. The bill revises the maximum length permitted for a type of vehicle known as a "saddlemount." A "saddlemount vehicle transporter combination" is defined as "any combination of vehicles in which a straight truck or commercial tractor tows one or more straight trucks or commercial tractors, each connected by a saddle to the frame or fifth wheel of the straight truck or commercial tractor in front of it" (R.C. 5577.01, not in the bill). Under current law drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations may not exceed 75 feet in length. Under the bill, such vehicles may not exceed 75 feet when operated on any roadway not designated as an interstate, United States route, or state route. The bill establishes 97 feet as the maximum allowable length for such vehicles when operated on any interstate, United States route, or state route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or state route.

Current law excludes specific parts and vehicle accessories from being measured to determine whether a vehicle conforms to the maximum vehicle lengths. The following items currently are not measured when determining

vehicle length: safety devices, bumpers attached to the front or rear of a bus or combination, a B-train assembly used between the first and second semitrailers of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices, and any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. The bill adds nonproperty carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading to the list of those items not considered when determining vehicle length.

Motor vehicle auctions

Classic motor vehicle auctions

(R.C. 4517.021)

In general, current law requires any person who engages in the business of selling new or used motor vehicles to be licensed as a motor vehicle dealer or salesperson. A person who engages in the business of motor vehicle auctioning must be licensed as a motor vehicle auction owner and a motor vehicle auction owner must use a licensed auctioneer to conduct motor vehicle auctions. The Bureau of Motor Vehicles issues licenses to motor vehicle dealers, salespersons, and motor vehicle auction owners.

An auctioneer, who is licensed by the Ohio Department of Agriculture, is not required to obtain a license from the Bureau of Motor Vehicles as a dealer or salesperson when conducting an auction sale for a licensed motor vehicle dealer on the dealer's premises, or when conducting an auction sale for a licensed motor vehicle auction owner. A licensed auctioneer also is not required to obtain a motor vehicle auction owner's license when engaged in auctioning for a licensed motor vehicle auction owner. (R.C. 4517.02, not in the bill.)

The bill establishes that the motor vehicle dealer, salesperson, and auction owner licensing provisions of current law do not apply to a licensed auctioneer when auctioning classic motor vehicles (26 years old or older), provided the auctioneer does all of the following:

(1) Conducts not more than two auctions of classic motor vehicles per year, with no auction lasting more than one day;

(2) Requests and receives permission for the auction from the Registrar of Motor Vehicles by filing an application for each proposed auction of classic motor vehicles, at least 30 days before the auction, in a form prescribed by the Registrar, signed and sworn to by the auctioneer. The form must contain (a) the auctioneer's name and business address, (b) the location at which the auctioneer will hold the

auction, (c) information concerning the last classic motor vehicle auction the auctioneer conducted, if any, including the date and location of the auction, (d) evidence that the auctioneer does not exclusively sell motor vehicles, and (e) any other necessary and reasonable information that the Registrar may require.

(3) Auctions the classic motor vehicle to the general public for the legal owner of the vehicle.

The bill allows the Registrar to refuse permission to hold an auction if the Registrar finds that the auctioneer has not complied with the bill's requirements or has made a false statement of a material fact in the application for the auction of classic motor vehicles.

A violation of the provisions related to auctioning classic motor vehicles is a fourth degree misdemeanor.

Motor vehicle auction owners auctioning vehicles at a motor vehicle dealer's place of business to anyone

(R.C. 4517.21)

Under current law, the Bureau of Motor Vehicles licenses motor vehicle auction owners to engage in the business of auctioning motor vehicles. A licensed motor vehicle auction owner currently cannot permit the sale of motor vehicles to any person except a licensed motor vehicle dealer and cannot permit the sale of a motor vehicle by any person who is not licensed by the Bureau of Motor Vehicles to engage in businesses related to motor vehicle sales. By rule of the Registrar, auction owners also auction repossessed motor vehicles to the general public (Ohio Admin. Code 4501:1-3-33).

Notwithstanding any contrary provisions of the motor vehicle dealer licensing laws, the bill allows a motor vehicle auction owner to conduct an auction at a licensed dealer's place of business (provided such dealer's place of business is not owned, operated, or in any way managed by a motor vehicle auction owner or subsidiary) to a person other than a dealer. The bill specifies that a licensed auction owner is not required to obtain an additional license for each dealer's premises at which the auction owner is engaging in the business of auctioning motor vehicles, regardless of whether the dealer's premises are located in another county. The auction owner must have a certified copy of the auction owner's license available for inspection when auctioning motor vehicles at a licensed dealer's established place of business.

HISTORY

ACTION

DATE

Introduced

03-23-06

Reported, S. Highways & Transportation

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