



Ohio Legislative Service Commission

Final Analysis

Joseph G. Aninao

Sub. S.B. 187

129th General Assembly
(As Passed by the General Assembly)

Sens. Grendell, Patton, LaRose, Coley, Jordan, Lehner, Wilson, Turner, Schiavoni, Beagle, Brown, Cafaro, Daniels, Faber, Hite, Hughes, Jones, Manning, Obhof, Oelslager, Sawyer, Schaffer, Seitz, Skindell, Stewart, Tavares, Wagoner, Widener

Reps. Amstutz, Anielski, Beck, Blair, Bubp, Buchy, Budish, Butler, Combs, Derickson, Dovilla, Fende, Gardner, Gerberry, Grossman, Hackett, Henne, Hottinger, Letson, Luckie, Maag, Mallory, McClain, Rosenberger, Ruhl, Schuring, Slaby, Uecker, Wachtmann, Young, Batchelder

Effective date: October 27, 2011; emergency for certain provisions effective July 27, 2011

ACT SUMMARY

- Designates a portion of United States Route 322 within Geauga County only as the "Chief Warrant Officer Christopher R. Thibodeau Memorial Highway."
- Designates part of Interstate 71 within southern Franklin County as the "Deputy Marty Martin Memorial Highway."
- Modifies the designation of part of Interstate 77 in Stark County from the "Heath Warner Memorial Highway" to the "U.S.M.C. Pvt. Heath Warner Memorial Highway."
- Allows a truck hauling minerals, hot mix asphalt, concrete, lawn products, or wood products in accordance with certain specified requirements to exceed the gross vehicle weight provisions of the law by 7.5%, rather than 5.0%, before a penalty is imposed.
- Imposes a penalty if any such truck or a unit of farm machinery, a farm truck, or a truck hauling logs, coal, or solid waste that is operated in accordance with certain specified requirements exceeds the wheel or axle-load limits of the law by more than 7.5%.

* This version updates the effective date of the act.

- Declares an emergency.

CONTENT AND OPERATION

Memorial highways

The act designates three memorial highways and in each case authorizes the Director of Transportation to erect suitable markers along the designated portion of the highway indicating the assigned name.

The act designates part of United States Route 322, commencing at the boundary of Cuyahoga and Geauga counties and proceeding in an easterly direction to Caves Road within the community of Chesterland in Geauga County, as the "Chief Warrant Officer Christopher R. Thibodeau Memorial Highway."¹ Chief Warrant Officer Christopher R. Thibodeau was killed in Afghanistan on May 26, 2011.

The act designates part of Interstate 71, running in a northerly and southerly direction within southern Franklin County, between the intersection of that highway and Interstate 270 and the intersection of that highway and Stringtown Road, as the "Deputy Marty Martin Memorial Highway."² Franklin County Deputy Sheriff Marty Martin was killed in an automobile accident while on duty on September 6, 2008.

The act revises the designation of the part of Interstate 77 in Stark County from the "Heath Warner Memorial Highway" to the "U.S.M.C. Pvt. Heath Warner Memorial Highway."³ Private Heath Warner was killed in Iraq on November 22, 2006.

Weight provisions for farm machinery, farm trucks, and trucks hauling logs, coal, and solid waste

The act provides that if a unit of farm machinery, a farm truck, or a truck hauling logs, coal, or solid waste is operated in accordance with certain specified requirements and does not exceed by more than 7.5% the gross vehicle weight provisions of continuing law and does not exceed the existing wheel or axle-load limits by more than 7.5%, no penalty prescribed in continuing law for wheel or axle overload may be imposed. This is a change from prior law, which provided that if such a vehicle was operated in accordance with the specified requirements and did not exceed by more

¹ R.C. 5533.622.

² R.C. 5533.623.

³ R.C. 5533.374.

than 7.5% the gross vehicle weight provisions of continuing law, no wheel or axle-load limits applied and no penalty for wheel or axle overload could be imposed.⁴

The act does not substantively change the provision of continuing law that provides that if such a vehicle exceeds the existing gross vehicle weight limit by more than 7.5%, both the prescribed criminal and civil penalties apply.⁵

Weight provisions for trucks hauling minerals, hot mix asphalt, concrete, lawn products, or wood products

The act provides that if a truck hauling minerals, hot mix asphalt, concrete, lawn products (manure, turf, sod, or silage), or wood products (chips, sawdust, mulch, bark, pulpwood, biomass, or firewood) is operated in accordance with certain specified requirements and does not exceed by more than 7.5% the gross vehicle weight provisions of continuing law and does not exceed the continuing wheel or axle-load limits by more than 7.5%, no penalty prescribed in continuing law for wheel or axle overload may be imposed.⁶ This is a change from prior law, which provided that if such a vehicle was operated in accordance with the specified requirements and did not exceed by more than 5.0% the gross vehicle weight and load limits prescribed in continuing law, no wheel or axle-load limits applied and no penalty for wheel or axle overload could be imposed.

The act makes a corresponding change to the provision of continuing law that provides that if such a vehicle exceeds any of the continuing weight or load limits by more than 5.0% both the prescribed criminal and civil penalties apply by increasing the 5.0% limit to 7.5%.⁷

HISTORY

ACTION	DATE
Introduced	06-14-11
Reported, S. Highways & Transportation	06-22-11
Passed Senate (33-0)	06-22-11
Reported, H. Transportation, Public Safety & Homeland Security	07-13-11
Passed House (92-0)	07-13-11
Senate concurred in House amendments (29-0)	07-13-11

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⁴ R.C. 5577.042(B)(2).

⁵ R.C. 5577.042(C).

⁶ R.C. 5577.043(B).

⁷ R.C. 5577.043(C).

