

**As Reported by the Senate Highways and Transportation  
Committee**

**129th General Assembly  
Regular Session  
2011-2012**

**Sub. H. B. No. 514**

**Representative Newbold**

**Cosponsors: Representatives Antonio, Barnes, Boyd, Celebrezze,  
Damschroder, Fende, Hackett, Kozlowski, Luckie, Mallory, Murray, O'Brien,  
Patmon, Ruhl, Sykes, Szollosi, Winburn, Yuko Speaker Batchelder  
Senator LaRose**

—

**A B I L L**

To amend sections 4511.01, 4511.04, 4511.213, 1  
5501.03, and 5525.16 of the Revised Code to 2  
authorize the Director of Transportation to enter 3  
into an agreement or contract with any entity to 4  
establish a traveler information program to 5  
provide real-time traffic conditions and travel 6  
time information at no cost to the traveler, to 7  
require motor vehicle operators to take certain 8  
actions upon approaching a highway maintenance 9  
vehicle, and to modify the standard for 10  
determining the amount of the performance and 11  
payment bonds for certain Department of 12  
Transportation contracts. 13

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

**Section 1.** That sections 4511.01, 4511.04, 4511.213, 5501.03, 14  
and 5525.16 of the Revised Code be amended to read as follows: 15

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 16  
the Revised Code: 17

(A) "Vehicle" means every device, including a motorized 18  
bicycle, in, upon, or by which any person or property may be 19  
transported or drawn upon a highway, except that "vehicle" does 20  
not include any motorized wheelchair, any electric personal 21  
assistive mobility device, any device that is moved by power 22  
collected from overhead electric trolley wires or that is used 23  
exclusively upon stationary rails or tracks, or any device, other 24  
than a bicycle, that is moved by human power. 25

(B) "Motor vehicle" means every vehicle propelled or drawn by 26  
power other than muscular power or power collected from overhead 27  
electric trolley wires, except motorized bicycles, road rollers, 28  
traction engines, power shovels, power cranes, and other equipment 29  
used in construction work and not designed for or employed in 30  
general highway transportation, hole-digging machinery, 31  
well-drilling machinery, ditch-digging machinery, farm machinery, 32  
and trailers designed and used exclusively to transport a boat 33  
between a place of storage and a marina, or in and around a 34  
marina, when drawn or towed on a street or highway for a distance 35  
of no more than ten miles and at a speed of twenty-five miles per 36  
hour or less. 37

(C) "Motorcycle" means every motor vehicle, other than a 38  
tractor, having a seat or saddle for the use of the operator and 39  
designed to travel on not more than three wheels in contact with 40  
the ground, including, but not limited to, motor vehicles known as 41  
"motor-driven cycle," "motor scooter," or "motorcycle" without 42  
regard to weight or brake horsepower. 43

(D) "Emergency vehicle" means emergency vehicles of 44  
municipal, township, or county departments or public utility 45  
corporations when identified as such as required by law, the 46

director of public safety, or local authorities, and motor 47  
vehicles when commandeered by a police officer. 48

(E) "Public safety vehicle" means any of the following: 49

(1) Ambulances, including private ambulance companies under 50  
contract to a municipal corporation, township, or county, and 51  
private ambulances and nontransport vehicles bearing license 52  
plates issued under section 4503.49 of the Revised Code; 53

(2) Motor vehicles used by public law enforcement officers or 54  
other persons sworn to enforce the criminal and traffic laws of 55  
the state; 56

(3) Any motor vehicle when properly identified as required by 57  
the director of public safety, when used in response to fire 58  
emergency calls or to provide emergency medical service to ill or 59  
injured persons, and when operated by a duly qualified person who 60  
is a member of a volunteer rescue service or a volunteer fire 61  
department, and who is on duty pursuant to the rules or directives 62  
of that service. The state fire marshal shall be designated by the 63  
director of public safety as the certifying agency for all public 64  
safety vehicles described in division (E)(3) of this section. 65

(4) Vehicles used by fire departments, including motor 66  
vehicles when used by volunteer fire fighters responding to 67  
emergency calls in the fire department service when identified as 68  
required by the director of public safety. 69

Any vehicle used to transport or provide emergency medical 70  
service to an ill or injured person, when certified as a public 71  
safety vehicle, shall be considered a public safety vehicle when 72  
transporting an ill or injured person to a hospital regardless of 73  
whether such vehicle has already passed a hospital. 74

(5) Vehicles used by the motor carrier enforcement unit for 75  
the enforcement of orders and rules of the public utilities 76  
commission as specified in section 5503.34 of the Revised Code. 77

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

(G) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having two tandem wheels, or one wheel in the front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.

(H) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than

twenty miles per hour on a level surface. 110

(I) "Commercial tractor" means every motor vehicle having 111  
motive power designed or used for drawing other vehicles and not 112  
so constructed as to carry any load thereon, or designed or used 113  
for drawing other vehicles while carrying a portion of such other 114  
vehicles, or load thereon, or both. 115

(J) "Agricultural tractor" means every self-propelling 116  
vehicle designed or used for drawing other vehicles or wheeled 117  
machinery but having no provision for carrying loads independently 118  
of such other vehicles, and used principally for agricultural 119  
purposes. 120

(K) "Truck" means every motor vehicle, except trailers and 121  
semitrailers, designed and used to carry property. 122

(L) "Bus" means every motor vehicle designed for carrying 123  
more than nine passengers and used for the transportation of 124  
persons other than in a ridesharing arrangement, and every motor 125  
vehicle, automobile for hire, or funeral car, other than a taxicab 126  
or motor vehicle used in a ridesharing arrangement, designed and 127  
used for the transportation of persons for compensation. 128

(M) "Trailer" means every vehicle designed or used for 129  
carrying persons or property wholly on its own structure and for 130  
being drawn by a motor vehicle, including any such vehicle when 131  
formed by or operated as a combination of a "semitrailer" and a 132  
vehicle of the dolly type, such as that commonly known as a 133  
"trailer dolly," a vehicle used to transport agricultural produce 134  
or agricultural production materials between a local place of 135  
storage or supply and the farm when drawn or towed on a street or 136  
highway at a speed greater than twenty-five miles per hour, and a 137  
vehicle designed and used exclusively to transport a boat between 138  
a place of storage and a marina, or in and around a marina, when 139  
drawn or towed on a street or highway for a distance of more than 140

ten miles or at a speed of more than twenty-five miles per hour. 141

(N) "Semitrailer" means every vehicle designed or used for 142  
carrying persons or property with another and separate motor 143  
vehicle so that in operation a part of its own weight or that of 144  
its load, or both, rests upon and is carried by another vehicle. 145

(O) "Pole trailer" means every trailer or semitrailer 146  
attached to the towing vehicle by means of a reach, pole, or by 147  
being boomed or otherwise secured to the towing vehicle, and 148  
ordinarily used for transporting long or irregular shaped loads 149  
such as poles, pipes, or structural members capable, generally, of 150  
sustaining themselves as beams between the supporting connections. 151

(P) "Railroad" means a carrier of persons or property 152  
operating upon rails placed principally on a private right-of-way. 153

(Q) "Railroad train" means a steam engine or an electric or 154  
other motor, with or without cars coupled thereto, operated by a 155  
railroad. 156

(R) "Streetcar" means a car, other than a railroad train, for 157  
transporting persons or property, operated upon rails principally 158  
within a street or highway. 159

(S) "Trackless trolley" means every car that collects its 160  
power from overhead electric trolley wires and that is not 161  
operated upon rails or tracks. 162

(T) "Explosives" means any chemical compound or mechanical 163  
mixture that is intended for the purpose of producing an explosion 164  
that contains any oxidizing and combustible units or other 165  
ingredients in such proportions, quantities, or packing that an 166  
ignition by fire, by friction, by concussion, by percussion, or by 167  
a detonator of any part of the compound or mixture may cause such 168  
a sudden generation of highly heated gases that the resultant 169  
gaseous pressures are capable of producing destructive effects on 170  
contiguous objects, or of destroying life or limb. Manufactured 171

articles shall not be held to be explosives when the individual 172  
units contain explosives in such limited quantities, of such 173  
nature, or in such packing, that it is impossible to procure a 174  
simultaneous or a destructive explosion of such units, to the 175  
injury of life, limb, or property by fire, by friction, by 176  
concussion, by percussion, or by a detonator, such as fixed 177  
ammunition for small arms, firecrackers, or safety fuse matches. 178

(U) "Flammable liquid" means any liquid that has a flash 179  
point of seventy degrees fahrenheit, or less, as determined by a 180  
tagliabue or equivalent closed cup test device. 181

(V) "Gross weight" means the weight of a vehicle plus the 182  
weight of any load thereon. 183

(W) "Person" means every natural person, firm, 184  
co-partnership, association, or corporation. 185

(X) "Pedestrian" means any natural person afoot. 186

(Y) "Driver or operator" means every person who drives or is 187  
in actual physical control of a vehicle, trackless trolley, or 188  
streetcar. 189

(Z) "Police officer" means every officer authorized to direct 190  
or regulate traffic, or to make arrests for violations of traffic 191  
regulations. 192

(AA) "Local authorities" means every county, municipal, and 193  
other local board or body having authority to adopt police 194  
regulations under the constitution and laws of this state. 195

(BB) "Street" or "highway" means the entire width between the 196  
boundary lines of every way open to the use of the public as a 197  
thoroughfare for purposes of vehicular travel. 198

(CC) "Controlled-access highway" means every street or 199  
highway in respect to which owners or occupants of abutting lands 200  
and other persons have no legal right of access to or from the 201

same except at such points only and in such manner as may be 202  
determined by the public authority having jurisdiction over such 203  
street or highway. 204

(DD) "Private road or driveway" means every way or place in 205  
private ownership used for vehicular travel by the owner and those 206  
having express or implied permission from the owner but not by 207  
other persons. 208

(EE) "Roadway" means that portion of a highway improved, 209  
designed, or ordinarily used for vehicular travel, except the berm 210  
or shoulder. If a highway includes two or more separate roadways 211  
the term "roadway" means any such roadway separately but not all 212  
such roadways collectively. 213

(FF) "Sidewalk" means that portion of a street between the 214  
curb lines, or the lateral lines of a roadway, and the adjacent 215  
property lines, intended for the use of pedestrians. 216

(GG) "Laned highway" means a highway the roadway of which is 217  
divided into two or more clearly marked lanes for vehicular 218  
traffic. 219

(HH) "Through highway" means every street or highway as 220  
provided in section 4511.65 of the Revised Code. 221

(II) "State highway" means a highway under the jurisdiction 222  
of the department of transportation, outside the limits of 223  
municipal corporations, provided that the authority conferred upon 224  
the director of transportation in section 5511.01 of the Revised 225  
Code to erect state highway route markers and signs directing 226  
traffic shall not be modified by sections 4511.01 to 4511.79 and 227  
4511.99 of the Revised Code. 228

(JJ) "State route" means every highway that is designated 229  
with an official state route number and so marked. 230

(KK) "Intersection" means: 231



(1) The area embraced within the prolongation or connection 232  
of the lateral curb lines, or, if none, the lateral boundary lines 233  
of the roadways of two highways that join one another at, or 234  
approximately at, right angles, or the area within which vehicles 235  
traveling upon different highways that join at any other angle 236  
might come into conflict. The junction of an alley or driveway 237  
with a roadway or highway does not constitute an intersection 238  
unless the roadway or highway at the junction is controlled by a 239  
traffic control device. 240

(2) If a highway includes two roadways that are thirty feet 241  
or more apart, then every crossing of each roadway of such divided 242  
highway by an intersecting highway constitutes a separate 243  
intersection. If both intersecting highways include two roadways 244  
thirty feet or more apart, then every crossing of any two roadways 245  
of such highways constitutes a separate intersection. 246

(3) At a location controlled by a traffic control signal, 247  
regardless of the distance between the separate intersections as 248  
described in division (KK)(2) of this section: 249

(a) If a stop line, yield line, or crosswalk has not been 250  
designated on the roadway within the median between the separate 251  
intersections, the two intersections and the roadway and median 252  
constitute one intersection. 253

(b) Where a stop line, yield line, or crosswalk line is 254  
designated on the roadway on the intersection approach, the area 255  
within the crosswalk and any area beyond the designated stop line 256  
or yield line constitute part of the intersection. 257

(c) Where a crosswalk is designated on a roadway on the 258  
departure from the intersection, the intersection includes the 259  
area that extends to the far side of the crosswalk. 260

(LL) "Crosswalk" means: 261

(1) That part of a roadway at intersections ordinarily 262

included within the real or projected prolongation of property 263  
lines and curb lines or, in the absence of curbs, the edges of the 264  
traversable roadway; 265

(2) Any portion of a roadway at an intersection or elsewhere, 266  
distinctly indicated for pedestrian crossing by lines or other 267  
markings on the surface; 268

(3) Notwithstanding divisions (LL)(1) and (2) of this 269  
section, there shall not be a crosswalk where local authorities 270  
have placed signs indicating no crossing. 271

(MM) "Safety zone" means the area or space officially set 272  
apart within a roadway for the exclusive use of pedestrians and 273  
protected or marked or indicated by adequate signs as to be 274  
plainly visible at all times. 275

(NN) "Business district" means the territory fronting upon a 276  
street or highway, including the street or highway, between 277  
successive intersections within municipal corporations where fifty 278  
per cent or more of the frontage between such successive 279  
intersections is occupied by buildings in use for business, or 280  
within or outside municipal corporations where fifty per cent or 281  
more of the frontage for a distance of three hundred feet or more 282  
is occupied by buildings in use for business, and the character of 283  
such territory is indicated by official traffic control devices. 284

(OO) "Residence district" means the territory, not comprising 285  
a business district, fronting on a street or highway, including 286  
the street or highway, where, for a distance of three hundred feet 287  
or more, the frontage is improved with residences or residences 288  
and buildings in use for business. 289

(PP) "Urban district" means the territory contiguous to and 290  
including any street or highway which is built up with structures 291  
devoted to business, industry, or dwelling houses situated at 292  
intervals of less than one hundred feet for a distance of a 293

quarter of a mile or more, and the character of such territory is 294  
indicated by official traffic control devices. 295

(QQ) "Traffic control device" means a flagger, sign, signal, 296  
marking, or other device used to regulate, warn, or guide traffic, 297  
placed on, over, or adjacent to a street, highway, private road 298  
open to public travel, pedestrian facility, or shared-use path by 299  
authority of a public agency or official having jurisdiction, or, 300  
in the case of a private road open to public travel, by authority 301  
of the private owner or private official having jurisdiction. 302

(RR) "Traffic control signal" means any highway traffic 303  
signal by which traffic is alternately directed to stop and 304  
permitted to proceed. 305

(SS) "Railroad sign or signal" means any sign, signal, or 306  
device erected by authority of a public body or official or by a 307  
railroad and intended to give notice of the presence of railroad 308  
tracks or the approach of a railroad train. 309

(TT) "Traffic" means pedestrians, ridden or herded animals, 310  
vehicles, streetcars, trackless trolleys, and other devices, 311  
either singly or together, while using for purposes of travel any 312  
highway or private road open to public travel. 313

(UU) "Right-of-way" means either of the following, as the 314  
context requires: 315

(1) The right of a vehicle, streetcar, trackless trolley, or 316  
pedestrian to proceed uninterruptedly in a lawful manner in the 317  
direction in which it or the individual is moving in preference to 318  
another vehicle, streetcar, trackless trolley, or pedestrian 319  
approaching from a different direction into its or the 320  
individual's path; 321

(2) A general term denoting land, property, or the interest 322  
therein, usually in the configuration of a strip, acquired for or 323  
devoted to transportation purposes. When used in this context, 324

right-of-way includes the roadway, shoulders or berm, ditch, and 325  
slopes extending to the right-of-way limits under the control of 326  
the state or local authority. 327

(VV) "Rural mail delivery vehicle" means every vehicle used 328  
to deliver United States mail on a rural mail delivery route. 329

(WW) "Funeral escort vehicle" means any motor vehicle, 330  
including a funeral hearse, while used to facilitate the movement 331  
of a funeral procession. 332

(XX) "Alley" means a street or highway intended to provide 333  
access to the rear or side of lots or buildings in urban districts 334  
and not intended for the purpose of through vehicular traffic, and 335  
includes any street or highway that has been declared an "alley" 336  
by the legislative authority of the municipal corporation in which 337  
such street or highway is located. 338

(YY) "Freeway" means a divided multi-lane highway for through 339  
traffic with all crossroads separated in grade and with full 340  
control of access. 341

(ZZ) "Expressway" means a divided arterial highway for 342  
through traffic with full or partial control of access with an 343  
excess of fifty per cent of all crossroads separated in grade. 344

(AAA) "Thruway" means a through highway whose entire roadway 345  
is reserved for through traffic and on which roadway parking is 346  
prohibited. 347

(BBB) "Stop intersection" means any intersection at one or 348  
more entrances of which stop signs are erected. 349

(CCC) "Arterial street" means any United States or state 350  
numbered route, controlled access highway, or other major radial 351  
or circumferential street or highway designated by local 352  
authorities within their respective jurisdictions as part of a 353  
major arterial system of streets or highways. 354

(DDD) "Ridesharing arrangement" means the transportation of 355  
persons in a motor vehicle where such transportation is incidental 356  
to another purpose of a volunteer driver and includes ridesharing 357  
arrangements known as carpools, vanpools, and buspools. 358

(EEE) "Motorized wheelchair" means any self-propelled vehicle 359  
designed for, and used by, a handicapped person and that is 360  
incapable of a speed in excess of eight miles per hour. 361

(FFF) "Child day-care center" and "type A family day-care 362  
home" have the same meanings as in section 5104.01 of the Revised 363  
Code. 364

(GGG) "Multi-wheel agricultural tractor" means a type of 365  
agricultural tractor that has two or more wheels or tires on each 366  
side of one axle at the rear of the tractor, is designed or used 367  
for drawing other vehicles or wheeled machinery, has no provision 368  
for carrying loads independently of the drawn vehicles or 369  
machinery, and is used principally for agricultural purposes. 370

(HHH) "Operate" means to cause or have caused movement of a 371  
vehicle, streetcar, or trackless trolley. 372

(III) "Predicate motor vehicle or traffic offense" means any 373  
of the following: 374

(1) A violation of section 4511.03, 4511.051, 4511.12, 375  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 376  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 377  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 378  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 379  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 380  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 381  
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 382  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 383  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 384  
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 385

(2) A violation of division (A)(2) of section 4511.17, 386  
divisions (A) to (D) of section 4511.51, or division (A) of 387  
section 4511.74 of the Revised Code; 388

(3) A violation of any provision of sections 4511.01 to 389  
4511.76 of the Revised Code for which no penalty otherwise is 390  
provided in the section that contains the provision violated; 391

(4) A violation of a municipal ordinance that is 392  
substantially similar to any section or provision set forth or 393  
described in division (III)(1), (2), or (3) of this section. 394

(JJJ) "Road service vehicle" means wreckers, utility repair 395  
vehicles, and state, county, and municipal service vehicles 396  
equipped with visual signals by means of flashing, rotating, or 397  
oscillating lights. 398

(KKK) "Beacon" means a highway traffic signal with one or 399  
more signal sections that operate in a flashing mode. 400

(LLL) "Hybrid beacon" means a type of beacon that is 401  
intentionally placed in a dark mode between periods of operation 402  
where no indications are displayed and, when in operation, 403  
displays both steady and flashing traffic control signal 404  
indications. 405

(MMM) "Highway traffic signal" means a power-operated traffic 406  
control device by which traffic is warned or directed to take some 407  
specific action. "Highway traffic signal" does not include a 408  
power-operated sign, steadily illuminated pavement marker, warning 409  
light, or steady burning electric lamp. 410

(NNN) "Median" means the area between two roadways of a 411  
divided highway, measured from edge of traveled way to edge of 412  
traveled way, but excluding turn lanes. The width of a median may 413  
be different between intersections, between interchanges, and at 414  
opposite approaches of the same intersection. 415

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users.

(OOO) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

**Sec. 4511.04.** (A) Sections 4511.01 to 4511.18, 4511.20 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(B) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or

highway, provided the highway maintenance vehicle is equipped with 447  
flashing lights and such other markings as are required by law and 448  
such lights are in operation when the driver and vehicle are so 449  
engaged, shall be exempt from criminal prosecution for violations 450  
of sections 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 451  
4511.31, 4511.33, 4511.35, 4511.66, 4513.02, and 5577.01 to 452  
5577.09 of the Revised Code. 453

(C)(1) This section does not exempt a driver of a highway 454  
maintenance vehicle from civil liability arising from a violation 455  
of section 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 456  
4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or sections 5577.01 457  
to 5577.09 of the Revised Code. 458

(2) This section does not exempt the driver of a vehicle that 459  
is engaged in the transport of highway maintenance equipment from 460  
criminal liability for a violation of sections 5577.01 to 5577.09 461  
of the Revised Code. 462

~~(D) As used in this section, "highway maintenance vehicle" 463  
means a vehicle used in snow and ice removal or road surface 464  
maintenance, including a snow plow, traffic line striper, road 465  
sweeper, mowing machine, asphalt distributing vehicle, or other 466  
such vehicle designed for use in specific highway maintenance 467  
activities. 468~~

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 469  
approaching a stationary public safety vehicle, an emergency 470  
vehicle, ~~or a road service vehicle,~~ or highway maintenance 471  
vehicle, that is displaying the appropriate visual signals by 472  
means of flashing, oscillating, or rotating lights, as prescribed 473  
in section 4513.17 of the Revised Code, shall do either of the 474  
following: 475

(1) If the driver of the motor vehicle is traveling on a 476  
highway that consists of at least two lanes that carry traffic in 477



the same direction of travel as that of the driver's motor 478  
vehicle, the driver shall proceed with due caution and, if 479  
possible and with due regard to the road, weather, and traffic 480  
conditions, shall change lanes into a lane that is not adjacent to 481  
that of the stationary public safety vehicle, ~~an~~ emergency 482  
vehicle, ~~or a~~ road service vehicle, or highway maintenance 483  
vehicle. 484

(2) If the driver is not traveling on a highway of a type 485  
described in division (A)(1) of this section, or if the driver is 486  
traveling on a highway of that type but it is not possible to 487  
change lanes or if to do so would be unsafe, the driver shall 488  
proceed with due caution, reduce the speed of the motor vehicle, 489  
and maintain a safe speed for the road, weather, and traffic 490  
conditions. 491

(B) This section does not relieve the driver of a public 492  
safety vehicle, ~~an~~ emergency vehicle, ~~or a~~ road service vehicle, 493  
or highway maintenance vehicle from the duty to drive with due 494  
regard for the safety of all persons and property upon the 495  
highway. 496

(C) No person shall fail to drive a motor vehicle in 497  
compliance with division (A)(1) or (2) of this section when so 498  
required by division (A) of this section. 499

(D)(1) Except as otherwise provided in this division, whoever 500  
violates this section is guilty of a minor misdemeanor. If, within 501  
one year of the offense, the offender previously has been 502  
convicted of or pleaded guilty to one predicate motor vehicle or 503  
traffic offense, whoever violates this section is guilty of a 504  
misdemeanor of the fourth degree. If, within one year of the 505  
offense, the offender previously has been convicted of two or more 506  
predicate motor vehicle or traffic offenses, whoever violates this 507  
section is guilty of a misdemeanor of the third degree. 508

(2) Notwithstanding section 2929.28 of the Revised Code, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

**Sec. 5501.03.** (A) The department of transportation shall:

(1) Exercise and perform such other duties, powers, and functions as are conferred by law on the director, the department, the assistant directors, the deputy directors, or on the divisions of the department;

(2) Coordinate and develop, in cooperation with local, regional, state, and federal planning agencies and authorities, comprehensive and balanced state policy and planning to meet present and future needs for adequate transportation facilities in this state, including recommendations for adequate funding of the implementation of such planning;

(3) Coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions;

(4) Cooperate with and assist the public utilities commission in the commission's administration of sections 4907.47 to 4907.476 of the Revised Code, particularly with respect to the federal highway administration;

(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code;

(6) Give particular consideration to the development of policy and planning for public transportation facilities, and to the coordination of associated activities relating thereto, as

prescribed under divisions (A)(2) and (3) of this section; 539

(7) Conduct, in cooperation with the Ohio legislative service 540  
commission, any studies or comparisons of state traffic laws and 541  
local traffic ordinances with model laws and ordinances that may 542  
be required to meet program standards adopted by the United States 543  
department of transportation pursuant to the "Highway Safety Act 544  
of 1966," 80 Stat. 731, U.S.C.A. 401; 545

(8) Prepare, print, distribute, and advertise books, maps, 546  
pamphlets, and other information that, in the judgment of the 547  
director, will inform the public and other governmental 548  
departments, agencies, and authorities as to the duties, powers, 549  
and functions of the department; 550

(9) In its research and development program, consider 551  
technologies for improving roadways, including construction 552  
techniques and materials to prolong project life, being used or 553  
developed by other states that have geographic, geologic, or 554  
climatic features similar to this state's, and collaborate with 555  
those states in that development. 556

(B) Nothing contained in division (A)(1) of this section 557  
shall be held to in any manner affect, limit, restrict, or 558  
otherwise interfere with the exercise of powers relating to 559  
transportation facilities by appropriate agencies of the federal 560  
government, or by counties, municipal corporations, or other 561  
political subdivisions or special districts in this state 562  
authorized by law to exercise such powers. 563

(C) The department may use all appropriate sources of revenue 564  
to assist in the development and implementation of rail service as 565  
defined by division (C) of section 4981.01 of the Revised Code. 566

(D) The director of transportation may enter into contracts 567  
with public agencies including political subdivisions, other state 568  
agencies, boards, commissions, regional transit authorities, 569

county transit boards, and port authorities, to administer the 570  
design, qualification of bidders, competitive bid letting, 571  
construction inspection, and acceptance of any projects 572  
administered by the department, provided the administration of 573  
such projects is performed in accordance with all applicable state 574  
and federal laws and regulations with oversight by the department. 575

(E) The director may enter into cooperative or contractual 576  
agreements with any individual, organization, or business related 577  
to the creation or promotion of a traveler information program. 578  
The traveler information program shall provide real-time traffic 579  
conditions and travel time information to travelers at no cost to 580  
the traveler. The director may contract with a program manager for 581  
the traveler information program. The program manager shall be 582  
responsible for all costs associated with the development and 583  
operation of the traveler information program. The compensation 584  
due to a program manager or vendor under any of these agreements 585  
may include deferred compensation in an amount determined by the 586  
director. Excess revenue shall be remitted to the department for 587  
deposit into the highway operating fund. 588

(F) Any materials or data submitted to, made available to, or 589  
received by the director of transportation, to the extent that the 590  
materials or data consist of trade secrets, as defined in section 591  
1333.61 of the Revised Code, or commercial or financial 592  
information, are confidential and are not public records for the 593  
purposes of section 149.43 of the Revised Code. 594

**Sec. 5525.16.** (A) Before entering into a contract, the 595  
director of transportation shall require a contract performance 596  
bond and a payment bond with sufficient sureties, as follows: 597

(1) A contract performance bond in an amount equal to one 598  
hundred per cent of the ~~estimated cost of the work~~ contract 599  
amount, conditioned, among other things, that the contractor will 600

perform the work upon the terms proposed, within the time 601  
prescribed, and in accordance with the plans and specifications, 602  
will indemnify the state against any damage that may result from 603  
any failure of the contractor to so perform, and, further, in case 604  
of a grade separation will indemnify any railroad company involved 605  
against any damage that may result by reason of the negligence of 606  
the contractor in making the improvement. 607

(2) A payment bond in an amount equal to one hundred per cent 608  
of the ~~estimated cost of the work~~ contract amount, conditioned for 609  
the payment by the contractor and all subcontractors for labor or 610  
work performed or materials furnished in connection with the work, 611  
improvement, or project involved. 612

(B) In no case is the state liable for damages sustained in 613  
the construction of any work, improvement, or project under this 614  
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 615  
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 616  
5535. of the Revised Code. 617

This section does not require the director to take bonds as 618  
described in division (A) of this section in connection with any 619  
force account work, but the director may require those bonds in 620  
connection with force account work. 621

If any bonds taken under this section are executed by a 622  
surety company, the director may not approve such bonds unless 623  
there is attached a certificate of the superintendent of insurance 624  
that the company is authorized to transact business in this state, 625  
and a copy of the power of attorney of the agent of the company. 626  
The superintendent, upon request, shall issue to any licensed 627  
agent of such company the certificate without charge. 628

The bonds required to be taken under this section shall be 629  
executed by the same surety, approved by the director as to 630  
sufficiency of the sureties, and be in the form prescribed by the 631

attorney general. 632

(C) Any person to whom any money is due for labor or work 633  
performed or materials furnished in connection with a work, 634  
improvement, or project, at any time after performing the labor or 635  
furnishing the materials but not later than ninety days after the 636  
acceptance of the work, improvement, or project by the director, 637  
may furnish to the sureties on the payment bond a statement of the 638  
amount due the person. If the indebtedness is not paid in full at 639  
the expiration of sixty days after the statement is furnished, the 640  
person may commence an action in the person's own name upon the 641  
bond as provided in sections 2307.06 and 2307.07 of the Revised 642  
Code. 643

An action shall not be commenced against the sureties on a 644  
payment bond until sixty days after the furnishing of the 645  
statement described in this section or, notwithstanding section 646  
2305.12 of the Revised Code, later than one year after the date of 647  
the acceptance of the work, improvement, or project. 648

(D) As used in this section, "improvement," "subcontractor," 649  
"material supplier," and "materials" have the same meanings as in 650  
section 1311.01 of the Revised Code, and "contractor" has the same 651  
meaning as "original contractor" as defined in that section. 652

**Section 2.** That existing sections 4511.01, 4511.04, 4511.213, 653  
5501.03, and 5525.16 of the Revised Code are hereby repealed. 654

655