

As Passed by the Senate

**130th General Assembly
Regular Session
2013-2014**

Am. S. B. No. 137

Senator Patton

**Cosponsors: Senators Gardner, Balderson, Manning, Beagle, Brown,
Eklund, Hughes, Kearney, LaRose, Oelslager, Schiavoni, Smith, Tavares,
Turner, Widener**

—

A B I L L

To amend sections 4511.01, 4511.04, 4511.213, and 1
4513.17 to require motor vehicle operators to take 2
certain actions upon approaching a highway 3
maintenance vehicle, or a stationary vehicle used 4
by the Public Utilities Commission to conduct 5
motor vehicle inspections, to repeal the version 6
of section 4511.01 of the Revised Code that is 7
scheduled to take effect on January 1, 2017, and 8
to declare an emergency. 9

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

Section 1. That sections 4511.01, 4511.04, 4511.213, and 10
4513.17 of the Revised Code be amended to read as follows: 11

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 12
the Revised Code: 13

(A) "Vehicle" means every device, including a motorized 14
bicycle, in, upon, or by which any person or property may be 15
transported or drawn upon a highway, except that "vehicle" does 16
not include any motorized wheelchair, any electric personal 17

assistive mobility device, any device that is moved by power 18
collected from overhead electric trolley wires or that is used 19
exclusively upon stationary rails or tracks, or any device, other 20
than a bicycle, that is moved by human power. 21

(B) "Motor vehicle" means every vehicle propelled or drawn by 22
power other than muscular power or power collected from overhead 23
electric trolley wires, except motorized bicycles, road rollers, 24
traction engines, power shovels, power cranes, and other equipment 25
used in construction work and not designed for or employed in 26
general highway transportation, hole-digging machinery, 27
well-drilling machinery, ditch-digging machinery, farm machinery, 28
and trailers designed and used exclusively to transport a boat 29
between a place of storage and a marina, or in and around a 30
marina, when drawn or towed on a street or highway for a distance 31
of no more than ten miles and at a speed of twenty-five miles per 32
hour or less. 33

(C)(1) Until January 1, 2017, "Motorcycle motorcycle" means 34
every motor vehicle, other than a tractor, having a seat or saddle 35
for the use of the operator and designed to travel on not more 36
than three wheels in contact with the ground, including, but not 37
limited to, motor vehicles known as "motor-driven cycle," "motor 38
scooter," or "motorcycle" without regard to weight or brake 39
horsepower. 40

(2) Effective January 1, 2017, "motorcycle" means every motor 41
vehicle, other than a tractor, having a seat or saddle for the use 42
of the operator and designed to travel on not more than three 43
wheels in contact with the ground, including, but not limited to, 44
motor vehicles known as "motor-driven cycle," "motor scooter," 45
"cab-enclosed motorcycle," or "motorcycle" without regard to 46
weight or brake horsepower. 47

(D) "Emergency vehicle" means emergency vehicles of 48
municipal, township, or county departments or public utility 49

corporations when identified as such as required by law, the 50
director of public safety, or local authorities, and motor 51
vehicles when commandeered by a police officer. 52

(E) "Public safety vehicle" means any of the following: 53

(1) Ambulances, including private ambulance companies under 54
contract to a municipal corporation, township, or county, and 55
private ambulances and nontransport vehicles bearing license 56
plates issued under section 4503.49 of the Revised Code; 57

(2) Motor vehicles used by public law enforcement officers or 58
other persons sworn to enforce the criminal and traffic laws of 59
the state; 60

(3) Any motor vehicle when properly identified as required by 61
the director of public safety, when used in response to fire 62
emergency calls or to provide emergency medical service to ill or 63
injured persons, and when operated by a duly qualified person who 64
is a member of a volunteer rescue service or a volunteer fire 65
department, and who is on duty pursuant to the rules or directives 66
of that service. The state fire marshal shall be designated by the 67
director of public safety as the certifying agency for all public 68
safety vehicles described in division (E)(3) of this section. 69

(4) Vehicles used by fire departments, including motor 70
vehicles when used by volunteer fire fighters responding to 71
emergency calls in the fire department service when identified as 72
required by the director of public safety. 73

Any vehicle used to transport or provide emergency medical 74
service to an ill or injured person, when certified as a public 75
safety vehicle, shall be considered a public safety vehicle when 76
transporting an ill or injured person to a hospital regardless of 77
whether such vehicle has already passed a hospital. 78

(5) Vehicles used by the motor carrier enforcement unit for 79
the enforcement of orders and rules of the public utilities 80

commission as specified in section 5503.34 of the Revised Code. 81

(F) "School bus" means every bus designed for carrying more 82
than nine passengers that is owned by a public, private, or 83
governmental agency or institution of learning and operated for 84
the transportation of children to or from a school session or a 85
school function, or owned by a private person and operated for 86
compensation for the transportation of children to or from a 87
school session or a school function, provided "school bus" does 88
not include a bus operated by a municipally owned transportation 89
system, a mass transit company operating exclusively within the 90
territorial limits of a municipal corporation, or within such 91
limits and the territorial limits of municipal corporations 92
immediately contiguous to such municipal corporation, nor a common 93
passenger carrier certified by the public utilities commission 94
unless such bus is devoted exclusively to the transportation of 95
children to and from a school session or a school function, and 96
"school bus" does not include a van or bus used by a licensed 97
child day-care center or type A family day-care home to transport 98
children from the child day-care center or type A family day-care 99
home to a school if the van or bus does not have more than fifteen 100
children in the van or bus at any time. 101

(G) "Bicycle" means every device, other than a device that is 102
designed solely for use as a play vehicle by a child, that is 103
propelled solely by human power upon which a person may ride, and 104
that has two or more wheels, any of which is more than fourteen 105
inches in diameter. 106

(H)(1) Until January 1, 2017, "Motorized motorized bicycle" 107
means any vehicle having either two tandem wheels or one wheel in 108
the front and two wheels in the rear, that is capable of being 109
pedaled and is equipped with a helper motor of not more than fifty 110
cubic centimeters piston displacement that produces no more than 111
one brake horsepower and is capable of propelling the vehicle at a 112

speed of no greater than twenty miles per hour on a level surface. 113

(2) Effective January 1, 2017, "motorized bicycle" or "moped" 114
means any vehicle having either two tandem wheels or one wheel in 115
the front and two wheels in the rear, that may be pedaled, and 116
that is equipped with a helper motor of not more than fifty cubic 117
centimeters piston displacement that produces not more than one 118
brake horsepower and is capable of propelling the vehicle at a 119
speed of not greater than twenty miles per hour on a level 120
surface. 121

(I) "Commercial tractor" means every motor vehicle having 122
motive power designed or used for drawing other vehicles and not 123
so constructed as to carry any load thereon, or designed or used 124
for drawing other vehicles while carrying a portion of such other 125
vehicles, or load thereon, or both. 126

(J) "Agricultural tractor" means every self-propelling 127
vehicle designed or used for drawing other vehicles or wheeled 128
machinery but having no provision for carrying loads independently 129
of such other vehicles, and used principally for agricultural 130
purposes. 131

(K) "Truck" means every motor vehicle, except trailers and 132
semitrailers, designed and used to carry property. 133

(L) "Bus" means every motor vehicle designed for carrying 134
more than nine passengers and used for the transportation of 135
persons other than in a ridesharing arrangement, and every motor 136
vehicle, automobile for hire, or funeral car, other than a taxicab 137
or motor vehicle used in a ridesharing arrangement, designed and 138
used for the transportation of persons for compensation. 139

(M) "Trailer" means every vehicle designed or used for 140
carrying persons or property wholly on its own structure and for 141
being drawn by a motor vehicle, including any such vehicle when 142
formed by or operated as a combination of a "semitrailer" and a 143

vehicle of the dolly type, such as that commonly known as a 144
"trailer dolly," a vehicle used to transport agricultural produce 145
or agricultural production materials between a local place of 146
storage or supply and the farm when drawn or towed on a street or 147
highway at a speed greater than twenty-five miles per hour, and a 148
vehicle designed and used exclusively to transport a boat between 149
a place of storage and a marina, or in and around a marina, when 150
drawn or towed on a street or highway for a distance of more than 151
ten miles or at a speed of more than twenty-five miles per hour. 152

(N) "Semitrailer" means every vehicle designed or used for 153
carrying persons or property with another and separate motor 154
vehicle so that in operation a part of its own weight or that of 155
its load, or both, rests upon and is carried by another vehicle. 156

(O) "Pole trailer" means every trailer or semitrailer 157
attached to the towing vehicle by means of a reach, pole, or by 158
being boomed or otherwise secured to the towing vehicle, and 159
ordinarily used for transporting long or irregular shaped loads 160
such as poles, pipes, or structural members capable, generally, of 161
sustaining themselves as beams between the supporting connections. 162

(P) "Railroad" means a carrier of persons or property 163
operating upon rails placed principally on a private right-of-way. 164

(Q) "Railroad train" means a steam engine or an electric or 165
other motor, with or without cars coupled thereto, operated by a 166
railroad. 167

(R) "Streetcar" means a car, other than a railroad train, for 168
transporting persons or property, operated upon rails principally 169
within a street or highway. 170

(S) "Trackless trolley" means every car that collects its 171
power from overhead electric trolley wires and that is not 172
operated upon rails or tracks. 173

(T) "Explosives" means any chemical compound or mechanical 174

mixture that is intended for the purpose of producing an explosion 175
that contains any oxidizing and combustible units or other 176
ingredients in such proportions, quantities, or packing that an 177
ignition by fire, by friction, by concussion, by percussion, or by 178
a detonator of any part of the compound or mixture may cause such 179
a sudden generation of highly heated gases that the resultant 180
gaseous pressures are capable of producing destructive effects on 181
contiguous objects, or of destroying life or limb. Manufactured 182
articles shall not be held to be explosives when the individual 183
units contain explosives in such limited quantities, of such 184
nature, or in such packing, that it is impossible to procure a 185
simultaneous or a destructive explosion of such units, to the 186
injury of life, limb, or property by fire, by friction, by 187
concussion, by percussion, or by a detonator, such as fixed 188
ammunition for small arms, firecrackers, or safety fuse matches. 189

(U) "Flammable liquid" means any liquid that has a flash 190
point of seventy degrees fahrenheit, or less, as determined by a 191
tagliabue or equivalent closed cup test device. 192

(V) "Gross weight" means the weight of a vehicle plus the 193
weight of any load thereon. 194

(W) "Person" means every natural person, firm, 195
co-partnership, association, or corporation. 196

(X) "Pedestrian" means any natural person afoot. 197

(Y) "Driver or operator" means every person who drives or is 198
in actual physical control of a vehicle, trackless trolley, or 199
streetcar. 200

(Z) "Police officer" means every officer authorized to direct 201
or regulate traffic, or to make arrests for violations of traffic 202
regulations. 203

(AA) "Local authorities" means every county, municipal, and 204
other local board or body having authority to adopt police 205

regulations under the constitution and laws of this state.	206
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	207 208 209
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	210 211 212 213 214 215
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	216 217 218 219
(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.	220 221 222 223 224
(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.	225 226 227
(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.	228 229 230
(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.	231 232
(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon	233 234 235

the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.

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

(KK) "Intersection" means:

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

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

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

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

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area

within the crosswalk and any area beyond the designated stop line 267
or yield line constitute part of the intersection. 268

(c) Where a crosswalk is designated on a roadway on the 269
departure from the intersection, the intersection includes the 270
area that extends to the far side of the crosswalk. 271

(LL) "Crosswalk" means: 272

(1) That part of a roadway at intersections ordinarily 273
included within the real or projected prolongation of property 274
lines and curb lines or, in the absence of curbs, the edges of the 275
traversable roadway; 276

(2) Any portion of a roadway at an intersection or elsewhere, 277
distinctly indicated for pedestrian crossing by lines or other 278
markings on the surface; 279

(3) Notwithstanding divisions (LL)(1) and (2) of this 280
section, there shall not be a crosswalk where local authorities 281
have placed signs indicating no crossing. 282

(MM) "Safety zone" means the area or space officially set 283
apart within a roadway for the exclusive use of pedestrians and 284
protected or marked or indicated by adequate signs as to be 285
plainly visible at all times. 286

(NN) "Business district" means the territory fronting upon a 287
street or highway, including the street or highway, between 288
successive intersections within municipal corporations where fifty 289
per cent or more of the frontage between such successive 290
intersections is occupied by buildings in use for business, or 291
within or outside municipal corporations where fifty per cent or 292
more of the frontage for a distance of three hundred feet or more 293
is occupied by buildings in use for business, and the character of 294
such territory is indicated by official traffic control devices. 295

(OO) "Residence district" means the territory, not comprising 296

a business district, fronting on a street or highway, including 297
the street or highway, where, for a distance of three hundred feet 298
or more, the frontage is improved with residences or residences 299
and buildings in use for business. 300

(PP) "Urban district" means the territory contiguous to and 301
including any street or highway which is built up with structures 302
devoted to business, industry, or dwelling houses situated at 303
intervals of less than one hundred feet for a distance of a 304
quarter of a mile or more, and the character of such territory is 305
indicated by official traffic control devices. 306

(QQ) "Traffic control device" means a flagger, sign, signal, 307
marking, or other device used to regulate, warn, or guide traffic, 308
placed on, over, or adjacent to a street, highway, private road 309
open to public travel, pedestrian facility, or shared-use path by 310
authority of a public agency or official having jurisdiction, or, 311
in the case of a private road open to public travel, by authority 312
of the private owner or private official having jurisdiction. 313

(RR) "Traffic control signal" means any highway traffic 314
signal by which traffic is alternately directed to stop and 315
permitted to proceed. 316

(SS) "Railroad sign or signal" means any sign, signal, or 317
device erected by authority of a public body or official or by a 318
railroad and intended to give notice of the presence of railroad 319
tracks or the approach of a railroad train. 320

(TT) "Traffic" means pedestrians, ridden or herded animals, 321
vehicles, streetcars, trackless trolleys, and other devices, 322
either singly or together, while using for purposes of travel any 323
highway or private road open to public travel. 324

(UU) "Right-of-way" means either of the following, as the 325
context requires: 326

(1) The right of a vehicle, streetcar, trackless trolley, or 327

pedestrian to proceed uninterruptedly in a lawful manner in the 328
direction in which it or the individual is moving in preference to 329
another vehicle, streetcar, trackless trolley, or pedestrian 330
approaching from a different direction into its or the 331
individual's path; 332

(2) A general term denoting land, property, or the interest 333
therein, usually in the configuration of a strip, acquired for or 334
devoted to transportation purposes. When used in this context, 335
right-of-way includes the roadway, shoulders or berm, ditch, and 336
slopes extending to the right-of-way limits under the control of 337
the state or local authority. 338

(VV) "Rural mail delivery vehicle" means every vehicle used 339
to deliver United States mail on a rural mail delivery route. 340

(WW) "Funeral escort vehicle" means any motor vehicle, 341
including a funeral hearse, while used to facilitate the movement 342
of a funeral procession. 343

(XX) "Alley" means a street or highway intended to provide 344
access to the rear or side of lots or buildings in urban districts 345
and not intended for the purpose of through vehicular traffic, and 346
includes any street or highway that has been declared an "alley" 347
by the legislative authority of the municipal corporation in which 348
such street or highway is located. 349

(YY) "Freeway" means a divided multi-lane highway for through 350
traffic with all crossroads separated in grade and with full 351
control of access. 352

(ZZ) "Expressway" means a divided arterial highway for 353
through traffic with full or partial control of access with an 354
excess of fifty per cent of all crossroads separated in grade. 355

(AAA) "Thruway" means a through highway whose entire roadway 356
is reserved for through traffic and on which roadway parking is 357
prohibited. 358

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

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

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

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

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

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

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

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

(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29,

4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36,	389
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43,	390
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452,	391
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511,	392
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59,	393
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70,	394
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73,	395
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code;	396
(2) A violation of division (A)(2) of section 4511.17,	397
divisions (A) to (D) of section 4511.51, or division (A) of	398
section 4511.74 of the Revised Code;	399
(3) A violation of any provision of sections 4511.01 to	400
4511.76 of the Revised Code for which no penalty otherwise is	401
provided in the section that contains the provision violated;	402
(4) A <u>Until January 1, 2017, a violation of a municipal</u>	403
ordinance that is substantially similar to any section or	404
provision set forth or described in division (III)(1), (2), or (3)	405
of this section;	406
<u>(5) Effective January 1, 2017, a violation of section</u>	407
<u>4511.214 of the Revised Code;</u>	408
<u>(6) Effective January 1, 2017, a violation of a municipal</u>	409
<u>ordinance that is substantially similar to any section or</u>	410
<u>provision set forth or described in division (III) (1), (2), (3),</u>	411
<u>or (5) of this section.</u>	412
(JJJ) "Road service vehicle" means wreckers, utility repair	413
vehicles, and state, county, and municipal service vehicles	414
equipped with visual signals by means of flashing, rotating, or	415
oscillating lights.	416
(KKK) "Beacon" means a highway traffic signal with one or	417
more signal sections that operate in a flashing mode.	418

(LLL) "Hybrid beacon" means a type of beacon that is 419
intentionally placed in a dark mode between periods of operation 420
where no indications are displayed and, when in operation, 421
displays both steady and flashing traffic control signal 422
indications. 423

(MMM) "Highway traffic signal" means a power-operated traffic 424
control device by which traffic is warned or directed to take some 425
specific action. "Highway traffic signal" does not include a 426
power-operated sign, steadily illuminated pavement marker, warning 427
light, or steady burning electric lamp. 428

(NNN) "Median" means the area between two roadways of a 429
divided highway, measured from edge of traveled way to edge of 430
traveled way, but excluding turn lanes. The width of a median may 431
be different between intersections, between interchanges, and at 432
opposite approaches of the same intersection. 433

(OOO) "Private road open to public travel" means a private 434
toll road or road, including any adjacent sidewalks that generally 435
run parallel to the road, within a shopping center, airport, 436
sports arena, or other similar business or recreation facility 437
that is privately owned but where the public is allowed to travel 438
without access restrictions. "Private road open to public travel" 439
includes a gated toll road but does not include a road within a 440
private gated property where access is restricted at all times, a 441
parking area, a driving aisle within a parking area, or a private 442
grade crossing. 443

(PPP) "Shared-use path" means a bikeway outside the traveled 444
way and physically separated from motorized vehicular traffic by 445
an open space or barrier and either within the highway 446
right-of-way or within an independent alignment. A shared-use path 447
also may be used by pedestrians, including skaters, joggers, users 448
of manual and motorized wheelchairs, and other authorized 449
motorized and non-motorized users. 450

(000) "Highway maintenance vehicle" means a vehicle used in 451
snow and ice removal or road surface maintenance, including a snow 452
plow, traffic line striper, road sweeper, mowing machine, asphalt 453
distributing vehicle, or other such vehicle designed for use in 454
specific highway maintenance activities. 455

Sec. 4511.04. (A) Sections 4511.01 to 4511.18, 4511.20 to 456
4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code do 457
not apply to persons, teams, motor vehicles, and other equipment 458
while actually engaged in work upon the surface of a highway 459
within an area designated by traffic control devices, but apply to 460
such persons and vehicles when traveling to or from such work. 461

(B) The driver of a highway maintenance vehicle owned by this 462
state or any political subdivision of this state, while the driver 463
is engaged in the performance of official duties upon a street or 464
highway, provided the highway maintenance vehicle is equipped with 465
flashing lights and such other markings as are required by law and 466
such lights are in operation when the driver and vehicle are so 467
engaged, shall be exempt from criminal prosecution for violations 468
of sections 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 469
4511.31, 4511.33, 4511.35, 4511.66, 4513.02, and 5577.01 to 470
5577.09 of the Revised Code. 471

(C)(1) This section does not exempt a driver of a highway 472
maintenance vehicle from civil liability arising from a violation 473
of section 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 474
4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or sections 5577.01 475
to 5577.09 of the Revised Code. 476

(2) This section does not exempt the driver of a vehicle that 477
is engaged in the transport of highway maintenance equipment from 478
criminal liability for a violation of sections 5577.01 to 5577.09 479
of the Revised Code. 480

~~(D) As used in this section, "highway maintenance vehicle"~~ 481

~~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. 4511.213. (A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, ~~an~~ emergency vehicle, ~~or a road service vehicle,~~ vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Revised Code, or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, as prescribed in section 4513.17 of the Revised Code, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, ~~an~~ emergency vehicle, ~~or a road service vehicle,~~ vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Revised Code, or a highway maintenance vehicle.

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

conditions. 513

(B) This section does not relieve the driver of a public 514
safety vehicle, ~~an~~ emergency vehicle, ~~or a~~ road service vehicle, 515
vehicle used by the public utilities commission to conduct motor 516
vehicle inspections in accordance with sections 4923.04 and 517
4923.06 of the Revised Code, or a highway maintenance vehicle from 518
the duty to drive with due regard for the safety of all persons 519
and property upon the highway. 520

(C) No person shall fail to drive a motor vehicle in 521
compliance with division (A)(1) or (2) of this section when so 522
required by division (A) of this section. 523

(D)(1) Except as otherwise provided in this division, whoever 524
violates this section is guilty of a minor misdemeanor. If, within 525
one year of the offense, the offender previously has been 526
convicted of or pleaded guilty to one predicate motor vehicle or 527
traffic offense, whoever violates this section is guilty of a 528
misdemeanor of the fourth degree. If, within one year of the 529
offense, the offender previously has been convicted of two or more 530
predicate motor vehicle or traffic offenses, whoever violates this 531
section is guilty of a misdemeanor of the third degree. 532

(2) Notwithstanding section 2929.28 of the Revised Code, upon 533
a finding that a person operated a motor vehicle in violation of 534
division (C) of this section, the court, in addition to all other 535
penalties provided by law, shall impose a fine of two times the 536
usual amount imposed for the violation. 537

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 538
headlights also is equipped with any auxiliary lights or spotlight 539
or any other light on the front thereof projecting a beam of an 540
intensity greater than three hundred candle power, not more than a 541
total of five of any such lights on the front of a vehicle shall 542
be lighted at any one time when the vehicle is upon a highway. 543

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(C)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, ~~traffic line strippers, snow plows,~~ rural mail delivery vehicles, vehicles as provided in section 4513.182 of the Revised Code, ~~department of transportation~~ highway maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by section 4513.11 of the Revised Code to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in division (C)(1) of this section does not apply to such machinery or vehicles. Farm machinery also may display the lights described in section 4513.11 of the Revised Code.

(D) Except a person operating a public safety vehicle, as defined in division (E) of section 4511.01 of the Revised Code, or

a school bus, no person shall operate, move, or park upon, or 576
permit to stand within the right-of-way of any public street or 577
highway any vehicle or equipment that is equipped with and 578
displaying a flashing red or a flashing combination red and white 579
light, or an oscillating or rotating red light, or a combination 580
red and white oscillating or rotating light; and except a public 581
law enforcement officer, or other person sworn to enforce the 582
criminal and traffic laws of the state, operating a public safety 583
vehicle when on duty, no person shall operate, move, or park upon, 584
or permit to stand within the right-of-way of any street or 585
highway any vehicle or equipment that is equipped with, or upon 586
which is mounted, and displaying a flashing blue or a flashing 587
combination blue and white light, or an oscillating or rotating 588
blue light, or a combination blue and white oscillating or 589
rotating light. 590

(E) This section does not prohibit the use of warning lights 591
required by law or the simultaneous flashing of turn signals on 592
disabled vehicles or on vehicles being operated in unfavorable 593
atmospheric conditions in order to enhance their visibility. This 594
section also does not prohibit the simultaneous flashing of turn 595
signals or warning lights either on farm machinery or vehicles 596
escorting farm machinery, when used on a street or highway. 597

(F) Whoever violates this section is guilty of a minor 598
misdemeanor. 599

Section 2. That existing sections 4511.01, 4511.04, 4511.213, 600
and 4513.17 of the Revised Code are hereby repealed. 601

Section 3. That the version of section 4511.01 of the Revised 602
Code that is scheduled to take effect on January 1, 2017, is 603
hereby repealed. 604

Section 4. For the ninety-day period commencing on the 605
effective date of this act, no law enforcement officer shall issue 606

to the operator of any motor vehicle being operated upon a street 607
or highway within this state a ticket, citation, or summons for a 608
violation of division (A)(1) or (2) of section 4511.213 of the 609
Revised Code that relates to approaching a stationary vehicle used 610
by the Public Utilities Commission to conduct motor vehicle 611
inspections in accordance with sections 4923.04 and 4923.06 of the 612
Revised Code or a stationary highway maintenance vehicle, as 613
provided by this act, or cause the arrest of or commence a 614
prosecution of a person for a violation of that division in that 615
manner. Instead, during that period of time the law enforcement 616
officer shall issue to such an operator a written warning, 617
informing the operator of the existence of division (A)(1) or (2) 618
of section 4511.213 of the Revised Code that relates to 619
approaching a stationary vehicle used by the Public Utilities 620
Commission or a stationary highway maintenance vehicle and that 621
after the date that is ninety days after the effective date of the 622
amendments to section 4511.213 of the Revised Code of this act, a 623
law enforcement officer who observes that the operator of a motor 624
vehicle has committed or is committing a violation of division 625
(A)(1) or (2) of section 4511.213 of the Revised Code that relates 626
to approaching a stationary vehicle used by the Public Utilities 627
Commission or a stationary highway maintenance vehicle will be 628
authorized to issue a ticket, citation, or summons to that 629
operator for that violation or to cause the arrest of or commence 630
a prosecution of such an operator for a violation of that division 631
in that manner. 632

Section 5. This act is hereby declared to be an emergency 633
measure necessary for the immediate preservation of the public 634
peace, health, and safety. The reason for such necessity is that 635
highway workers urgently need the protection provided by this act 636
during the summer highway maintenance season, which poses great 637
risk to their safety. Therefore, this act shall go into immediate 638
effect. 639