



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

Sub. H.B. 330*

128th General Assembly

(As Reported by S. Highways and Transportation)

Reps. Patten, Chandler, DeGeeter, Domenick, Evans, Fende, Foley, Garland, Harris, Letson, Okey, Phillips, Pryor, Skindell, Weddington, B. Williams, Yuko, Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl, R. Adams, Bacon, Baker, Batchelder, Belcher, Boose, Brown, Bubb, Burke, Carney, Celeste, Coley, Daniels, DeBose, Derickson, Dodd, Driehaus, Dyer, Gardner, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Pillich, Sayre, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Ujvagi, Wagner, Winburn, Zehringer

BILL SUMMARY

- Permits school districts to participate in ODOT contracts for the purchase of machinery, materials, supplies, and other articles.
- Allows the operation on local roads of vehicles weighing up to 120,000 pounds under specified circumstances.
- Establishes that when a vehicle that was ordered into storage by law enforcement is to be disposed of at public auction and the sheriff or chief of police files an affidavit with the clerk of courts showing compliance with the requirements of governing procedures, the sheriff or chief must file the affidavit without charge to any party.
- Establishes new speed limits for two specific portions of State Route 163 within Marblehead.

* 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.

CONTENT AND OPERATION

ODOT purchase contracts for machinery, materials, supplies, and other articles

(R.C. 5513.01)

Current law governs the purchase of machinery, materials, supplies, and other articles by the Director of Transportation. Generally, all such purchases must be made at ODOT's central office, but the Director may provide written authorization for such purchases to be made by ODOT district deputy directors. The Director may make smaller purchases after giving such notice as the Director considers proper or without giving any notice. Larger purchases must be made by competitive bidding. (R.C. 5513.01(A).)

Under current law, the Director may permit the Ohio Turnpike Commission, any political subdivision, and any state university or college to participate in contracts into which the Director has entered for the purchase of machinery, materials, supplies, or other articles. If the Commission, a political subdivision, or a state university or college desires to participate in such purchase contracts, it must file with the Director a certified copy of the bylaws or rules in the case of the Turnpike Commission or the ordinance or resolution of the legislative authority, board of trustees, or other governing board in the case of political subdivisions and state universities and colleges requesting authorization to participate in such purchase contracts and agreeing to be bound by such terms and conditions as the Director prescribes. Purchases made by the Commission, political subdivisions, or state universities or colleges under this provision are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies, or other articles. For purposes of this provision, "political subdivision" means any county, township, municipal corporation, conservancy district, park district, township park district, port authority, regional transit authority, regional airport authority, regional water and sewer district, or county transit board. (R.C. 5513.01(B) and (C)(1).)

The bill retains all the above provisions, but adds to the definition of "political subdivision" a school district. The bill defines "school district" as "any city school district, local school district, exempted village school district, cooperative education school district, and joint vocational school district."

Vehicle weight limits

(R.C. 5577.043)

The Revised Code establishes different vehicle weight limits for roads that are part of the interstate system and all other roads. For both types of roads, the weight limits generally are dependent on the vehicle configuration, including the number and spacing of the axles, but there is an overall maximum vehicle weight limit of 80,000 pounds that is applicable to both interstates and noninterstates. (R.C. 5577.04, not in the bill.) Penalties for weight violations are based on the degree of the overload and range from a fine of \$80 for the first 2,000 pounds of overload to a fine is \$160, plus an additional \$3 per 100 pounds of overload for all overloads in excess of 10,000 pounds; there also is a possible term of imprisonment for not more than 30 days. (R.C. 5577.99(A), not in the bill.)

Notwithstanding the vehicle weight provisions otherwise prescribed in the Revised Code, in any county having a population of more than 121,000 but less than 122,000 (based on the 2000 federal census), the bill establishes a maximum overall gross weight for a vehicle and load of 120,000 pounds if the vehicle is being operated under the following specified conditions:

(1) To or from an intermodal transportation facility transferring freight between railroads and motor vehicles, for a total trip distance of less than one mile;

(2) Over roads that are sufficient to bear the weight and that are not part of the state highway system, except that the vehicle may cross not more than one state highway in a single trip.

The bill specifies that the road and bridge classifications a board of county commissioners makes under existing law must be used to determine whether a road is sufficient to bear the 120,000 pounds authorized.

Affidavit charge related to disposition of towed vehicles

(R.C. 4513.61)

Current law authorizes law enforcement officers to order abandoned vehicles to be towed in the following four situations:

(1) Vehicles (other than abandoned junk vehicles) left on private residential or private agricultural property without permission for four hours or more;

(2) Vehicles (other than abandoned junk vehicles) that have been left at a repair garage or place of storage for a longer period than that agreed upon and upon the complaint of the owner of the garage or place of storage;

(3) Vehicles (including abandoned junk vehicles) that have come into the possession of law enforcement as a result of the performance of law enforcement duties; and

(4) Vehicles (including abandoned junk vehicles) that have been left on a public street for more than 48 hours or immediately if the vehicle obstructs traffic. (R.C. 4513.60(A)(1), not in the bill, and 4513.61.)

In general, the appropriate local law enforcement official may dispose of unclaimed vehicles (1) to a motor vehicle salvage dealer or scrap metal processing facility, (2) to any other facility owned by or under contract with the local government for vehicle disposal, or (3) at public auction (R.C. 4513.62, not in the bill).

Under current law, if the vehicle is to be disposed of at public auction, the sheriff or chief of police must file with the clerk of courts of the county in which the place of storage is located, an affidavit showing compliance with the requirements of governing procedures, including notification to the owner and any lienholder. Upon presentation of the affidavit, the clerk, without charge, must issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police.

The bill specifies that, when the sheriff or chief of police files the affidavit with the clerk, the sheriff or chief must file it without charge to any party.

Marblehead speed limit

(R.C. 4511.21)

The bill establishes two separate speed limits for portions of State Route 163, within the municipal corporation of Marblehead. Specifically: (1) the speed limit on the northern portion of State Route 163, within Marblehead, must be 35 miles per hour for the portion of that road commencing at the western boundary of Marblehead and proceeding in an easterly direction to the intersection of State Route 163 and Water Street within Marblehead and (2) the speed limit on the southern portion of State Route 163 within Marblehead must be 40 miles per hour for the portion of that road commencing at the western boundary of Marblehead and proceeding in an easterly and then northeasterly and then northerly direction to the intersection of State Route 163 and Lighthouse Road within Marblehead.

The bill makes additional conforming changes applicable to the new speed limit provision as follows:

(1) States that exceeding the prescribed speed limit for the relevant portion of State Route 163 is prima facie unlawful;

(2) Requires an affidavit or warrant alleging a violation of the new speed limit provision to include, among other items, the speed limit that is prima facie lawful for the time and place where the violation occurred;

(3) Requires a single affidavit to be filed if a defendant violates the new speed limit provision in addition to one or more provisions that establish non-prima facie speed-related offenses, such as driving above the posted limit on a freeway;

(4) Directs judges, upon a finding that a violation of the bill's new speed limit provision has occurred in situations described in (3) above, to dismiss the non-prima facie charge and enter a judgment of conviction on that violation;

(5) Directs judges, upon a finding that a violation of the bill's new speed limit provision did not occur in situations described in (3) above, to consider whether evidence supports a conviction for the non-prima facie charge.

HISTORY

ACTION	DATE
Introduced	10-27-09
Reported, H. Transportation & Infrastructure	12-16-09
Passed House (97-0)	01-27-10
Reported, S. Highways & Transportation	---

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