



Ohio Legislative Service Commission

Bill Analysis

Lorain Police Department

Continued Professional Training – Traffic Law up-dates

Presented by Sgt. Larry Meek

Am. Sub. H.B. 2

128th General Assembly

(As Passed by the General Assembly)

(Excluding appropriations, fund transfers, and similar provisions)*

EFFECTIVE JULY 1, 2009

LAW SUMMARY:

- Increase in speed limits for motor vehicles weighing in excess of eight thousand pounds empty weight or a noncommercial bus from the current 55 miles per hour to 65 mph. The uniform limit would apply only on certain interstate highways. (This new language was added into the (D) section. Citations for violation of the 65 MPH zones for such vehicles will be issued for violation of 4511.21D2.

- Requires vehicle headlights to be on at any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield. A provision in the bill mandates that it is a secondary offense and will have a six-month phase in. Warnings only shall be issued until December 31, 2009. Enforcement under 4513.03 for this violation can commence on January 1, 2010. · Expands the definition of "bicycle" to include those with two wheels in the front and one wheel in the rear.

- Adds emergency vehicles and road service vehicles to the "Move Over Slow Down" law. 4511.213

Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

•Speed limit increase from 55 to 65 m.p.h. for certain large vehicles

Under continuing law, some freeways have a speed limit of 55 miles per hour for all vehicles. Under prior law, other freeways and certain rural, divided, multi-lane highways had two speed limits: a speed limit of 55 miles per hour for motor vehicles weighing in excess of 8,000 pounds empty weight and noncommercial buses, and a speed limit of 65 miles per hour for motor vehicles weighing less than 8,000 pounds empty weight and commercial buses.

Under the act, in the case of those interstate freeways that had a speed limit of 55 miles per hour for large motor vehicles and noncommercial buses and a speed limit of 65 miles per hour for other motor vehicles, the speed limit of 65 miles per hour applies to all motor vehicles, regardless of weight, including both commercial and noncommercial buses.

The act did not affect the speed limit for those freeways, interstate and otherwise, and other multi-lane divided highways where the speed limit is 55 miles per hour for all motor vehicles.

•Military designation on driver's licenses, commercial driver's licenses, and state identification cards

(R.C. 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52)

Under a law effective July 7, 2010, the application form for a driver's license, commercial driver's license, or state identification card must include an inquiry as to whether the applicant is an honorably discharged veteran of the United States armed forces and, if so, whether the applicant wishes the license or identification card to indicate the fact.

If the applicant does and presents a copy of the applicant's DD-214 or an equivalent document, the license or card issued to the applicant must also include any symbol chosen by the Registrar to indicate that the licensee or cardholder is an honorably discharged veteran of the United States armed forces.

The act modifies these provisions by (1) advancing the effective date of the provisions to October 7, 2009, and (2) expanding to active duty and reservist personnel of the United States armed forces the same opportunity to have an indication of the person's military status, and any symbol chosen by the Registrar to indicate that status, included on the person's driver's license or identification card.

•Motor vehicle registration validation sticker

(R.C. 4503.191)

In general, license plates are issued for a multi-year period, while annual registration is indicated by a validation sticker attached to the license plate. The validation sticker must indicate the assigned expiration period of the vehicle corresponding to the license plate. The act requires the Director of Public Safety, not later than October 1, 2009, to develop a universal validation sticker available to any owner of 250 or more passenger vehicles, so that a sticker issued to the owner may be placed on any passenger vehicle in that owner's fleet. The act authorizes the Director to establish and charge an additional fee of not more than \$1 per registration to compensate for necessary costs of the universal validation sticker program. The additional fee must be credited to the State Bureau of Motor Vehicles Fund.

•All-purpose vehicles

(R.C. 2911.21, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47; Section 755.70)

•Registration required for certain all-purpose vehicles

Continuing law generally prohibits any person from operating an all-purpose vehicle within this state unless it is registered and numbered. There are exceptions to this registration requirement, however; no registration is required for an all-purpose vehicle that is:

- (1) Operated exclusively upon lands owned by the owner of the all-purpose vehicle or on lands to which the owner has a contractual right;
- (2) Owned and used in this state by a resident of another state whenever that state has in effect a registration law that is similar to that of this state; or
- (3) Owned and used in this state by the United States, another state, or a political subdivision of another state, but such an all-purpose vehicle must display the owner's name.

Whoever violates this registration requirement must be fined not more than \$25. If the offender previously has been convicted of or pleaded guilty to a violation of this requirement, the court must impose a fine of not less than \$25 but not more than \$50.

The act adds a fourth exception to the registration requirement: all-purpose vehicles that are used primarily on a farm as a farm implement. It also provides that whoever violates the registration requirement must be fined not less than \$50 but not more than \$100--on the first or any succeeding violation. This increased penalty provision also applies to cases involving a violation of the registration requirements for snowmobiles and off-highway

•All-purpose vehicle license plate

When an all-purpose vehicle is registered, the owner receives a registration sticker, which must be displayed on the vehicle. The act eliminates the registration sticker for all-purpose vehicles and instead requires the Registrar or deputy registrar, when issuing a certificate of registration for an all-purpose vehicle, to issue also one license plate and a validation sticker, or a validation sticker alone when applicable for a registration renewal. The license plate and validation sticker must be displayed on the all-purpose vehicle so that they are distinctly visible, in accordance with rules the Registrar must adopt. The validation sticker must indicate the expiration date of the registration period. During each succeeding registration period following the issuance of a license plate and validation sticker, only a validation sticker is issued. The act provides that the Bureau of Motor Vehicles is not required to issue license plates and validation stickers to all-purpose vehicles until one year after the act's effective date.

•Expansion of the definition of "bicycle"

(R.C. 4501.01 and 4511.01)

Under prior law, "bicycle" was defined in the motor vehicle and traffic laws as being a device, "other than a tricycle that is designed solely for use as a play vehicle by a child," that is propelled solely by human power and that has either one wheel in front and one wheel in the rear or one wheel in front and two wheels in the rear, any of which is more than 14 inches in diameter. The act expands the definition of "bicycle" to include a device with two wheels in front and one wheel in the rear, any of which is more than 14 inches in diameter." The change has the effect of treating upright trikes, recumbent tadpole trikes, industrial trikes, and pedicabs the same as conventional two-wheel bicycles on the road for purposes of the law.

Vehicle headlights on when wipers are in use

(R.C. 4511.093 and 4513.03; Section 756.15)

Continuing law generally requires every vehicle operated on a street or highway within Ohio to display lighted lights and illuminating devices as required by law during the time from sunset to sunrise and at any other time when, because of insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of 1,000 feet ahead.

The act expands these requirements to include the use of lighted lights and illuminating devices when the windshield wipers of the vehicle are in use because of precipitation on the windshield, but provides for secondary enforcement of this new requirement. What this means is that notwithstanding any provision of law to the contrary, a law enforcement officer cannot cause the operator of a motor vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that the vehicle is or was being operated with its windshield wipers in use due to the presence of precipitation on the windshield without its lights and illuminating devices being lighted or for the sole purpose of issuing a ticket for such a violation, or causing the arrest of or commencing a prosecution of a person for such a violation.

The act provides further that for the six-month period commencing on the act's general effective date, no law enforcement officer may issue to any motor vehicle operator a ticket for a violation of the new requirement, or cause the arrest of or commence a prosecution of a person for such a violation. Instead, during that period the law enforcement officer is required to issue to such an operator a written warning, informing the operator of the existence of the new requirement and that at the end of that six-month period, a law enforcement officer who observes a motor vehicle operator who has committed or is committing a violation of the new requirement will be authorized to issue a ticket to that operator for that violation or to cause the arrest of or commence a prosecution of such an operator for that violation.

Road service and emergency vehicles

(R.C. 4511.01 and 4511.213)

Under current law, when the driver of a motor vehicle approaches a stationary public safety vehicle (generally an ambulance, police, or fire vehicle) that is displaying its emergency lights, the driver must change lanes into a lane that is not adjacent to that of the stationary public safety vehicle if the highway configuration allows such movement and the movement can be done safely; if the driver cannot safely move to an adjacent lane of travel, the driver must proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

Violation of this law is a minor misdemeanor on a first offense; if, within one year, the offender has been convicted of or pleaded guilty to one violation of certain similar offenses, the offense is a misdemeanor of the fourth degree; and upon a third or subsequent violation of certain similar offenses within one year, the offense is a misdemeanor of the third degree.

Under the act, a driver also must pull over or slow down as described above upon approaching a stationary emergency vehicle or road service vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating amber lights as authorized under existing law (R.C. 4513.17, not in the act). The act defines "road service vehicle" as a wrecker, utility repair vehicle, and state, county, and municipal service vehicle equipped with visual signals by means of flashing, rotating, or oscillating lights.

Current law defines "emergency vehicle" as emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.