



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Margaret E. Marcy

Sub. H.B. 548

132nd General Assembly

(As Reported by S. Transportation, Commerce and Workforce)

Reps. McClain, Becker, Thompson, Hood, Hambley, Riedel, Dean, Wiggam, Retherford, Seitz, Lipps, Green, Sheehy, Lepore-Hagan, Anielski, Antani, Arndt, Blessing, Brenner, Celebrezze, Duffey, Ginter, Gonzales, Greenspan, Hoops, Johnson, Landis, Manning, Miller, O'Brien, Patterson, Perales, Rezabek, Roegner, Rogers, Ryan, Schaffer, Scherer, Stein, Sweeney, West, Young

Sens. Hoagland, LaRose

BILL SUMMARY

- Permits a person to wear earphones or earplugs for hearing protection while operating a motorcycle.
- For purposes of the existing prohibition against wearing earphones or earplugs over or in both ears while operating a motor vehicle, clarifies that "earphones" and "earplugs" both include devices that provide either entertainment or hearing protection and updates their meaning to reflect new advances in technology.
- Removes the 150-mile-radius restriction for travel under a special regional heavy hauling permit, thus, permitting vehicles under the permit to travel further distances in excess of standard size and weight restrictions.
- Makes permanent a current temporary exemption from statutory vehicle size and weight limits that applies to towing vehicles that are traveling to or returning from removing a motor vehicle from an emergency on a public highway.

CONTENT AND OPERATION

Hearing protection while operating a motorcycle

The bill permits a person to wear earphones or earplugs for hearing protection while the person is operating a motorcycle.¹ Under current law, a person is prohibited from wearing earphones over, or earplugs in, both ears while operating any motor vehicle, including a motorcycle, except in specified circumstances.

With regard to the current general prohibition, the law is unclear about both of the following:

- (1) Whether "earphones" includes devices that provide hearing protection, and
- (2) Whether "earplugs" includes devices that provide entertainment.

The bill clarifies that *both* earphones and earplugs include devices that provide their user either entertainment (radio programs, music, etc.) or hearing protection.² As such, under the bill, a person operating a motor vehicle is prohibited from wearing earphones or earplugs, in both ears, for *either* hearing protection or for entertainment purposes.³ However, a person operating a motorcycle has the limited, permitted exception of wearing earphones or earplugs for hearing protection.⁴

Additionally, the bill updates the meaning of earphones and earplugs to reflect new wireless technologies and live, rather than prerecorded, entertainment.⁵

Current exceptions

Under current law, unchanged by the bill, the prohibition against using earphones and earplugs while operating a motor vehicle does not apply to any of the following:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire department personnel and emergency medical service personnel while on duty;

¹ R.C. 4511.84(C)(6).

² R.C. 4511.84(A).

³ R.C. 4511.84(B).

⁴ R.C. 4511.84(C)(6).

⁵ R.C. 4511.84(A)(1) and (2).



(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway; and

(5) Any person engaged in the operation of refuse collection equipment.⁶

Penalties

Current law, unchanged by the bill, specifies that wearing earphones or earplugs while operating a motor vehicle, unless a person falls under one of the exceptions, is a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one additional predicate motor vehicle or traffic offense, the offender is guilty of a fourth degree misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more predicate motor vehicle offenses, the offender is guilty of a third degree misdemeanor. In any instance, the offense is considered a strict liability offense.⁷

Special regional heavy hauling permit

The bill removes the mileage restriction for a special regional heavy hauling permit. Under current law, a person may apply in writing to the Director of Transportation (if traveling on state highways) or to a local authority (if traveling on highways within the authority's jurisdiction) for a special regional heavy hauling permit. The permit allows the applicant to drive a vehicle or combination of vehicles that exceed the standard size or weight restrictions on any highway under the jurisdiction of the authority granting the permit, except highways that cannot bear the excess weight of the vehicle or vehicles. The permit restricts the permit holder to highways that are within 150 miles from the applicant's point of origin. The Director or local authority must issue a special regional heavy hauling permit to any applicant, provided the applicant pays the established fee for the permit.

The bill removes the 150-mile-radius restriction for a special regional heavy hauling permit. Thus, permittees may travel greater distances with vehicles that exceed standard size and weight restrictions.⁸

Size and weight exemption for towing vehicles

The bill makes permanent a temporary exemption from statutory vehicle size and weight limits that applies to towing vehicles traveling to and returning from

⁶ R.C. 4511.84(C).

⁷ R.C. 4511.84(D).

⁸ R.C. 4513.34(A)(1) and (D).



removing a motor vehicle from an emergency on a public highway.⁹ Specifically, those size and weight limitations do not apply in any of the following circumstances:

(1) When a person is engaged in the initial towing or removal of a wrecked or disabled motor vehicle from the site of an emergency on a public highway to the nearest qualified repair facility;¹⁰

(2) When the person is en route to the site of an emergency on a public highway to tow or remove a wrecked or disabled motor vehicle; or

(3) When the person is returning from delivering a wrecked or disabled motor vehicle to the nearest qualified repair facility after removing the motor vehicle from the site of an emergency on a public highway.¹¹

Prior to the temporary exemption (which is scheduled to expire on June 30, 2019), the law only provided an exemption from the statutory vehicle size and weight limits for a towing vehicle while the vehicle was engaged in the initial towing or removal of a wrecked or disabled motor vehicle from the site of an emergency on a public highway to the nearest repair facility (number (1) above).¹² Thus, a towing vehicle was exempt while towing the wrecked or disabled vehicle, but not while traveling to the emergency or returning back to its "home" location.

HISTORY

ACTION	DATE
Introduced	03-13-18
Reported, H. Transportation and Public Safety	05-22-18
Passed House (93-0)	06-20-18
Reported, S. Transportation, Commerce and Workforce	12-06-18

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⁹ R.C. 5577.15(A)(2) and (3).

¹⁰ There is also an exemption in current law, unchanged by the bill, for a vehicle brought to the "nearest site where the vehicle can be brought into conformance with the [size and weight] requirements of [Chapter 5577.]." It is unclear whether the vehicle being brought to the site is the towing vehicle or the wrecked or disabled vehicle. R.C. 5577.15(A)(1).

¹¹ R.C. 5577.15(A).

¹² R.C. 5577.15(A).

