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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 501
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Wiggam and Kick

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CORRECTED VERSION*

SUMMARY

- Alters current lighting, slow-moving vehicle (SMV) emblem, and reflective tape requirements that apply to animal-drawn vehicles by requiring an animal-drawn vehicle operating on a street or highway to display all of the following at all times:
 - At least one white lamp to the front;
 - Two red lamps to the rear;
 - One yellow flashing light to the rear;
 - An SMV emblem to the rear; and
 - Micro-prism reflective tape to the rear (in red, amber, white, or silver).
- Reorganizes and recodifies the law governing all slow-moving vehicles.

DETAILED ANALYSIS

Animal-drawn vehicles

The bill revises the lighting, slow-moving vehicle (SMV) emblem, and reflective tape requirements that apply to animal-drawn vehicles when operated on a street or highway. The table below illustrates what must be displayed on an animal-drawn vehicle and when the requirements apply, both under current law and under the bill.¹

* This version of the analysis corrects an error that referred to the time when lighting on an animal-drawn vehicle is required (see the first row of the table below).

¹ R.C. 4513.114.

Time when required	Current law	The bill
Sunset to sunrise (and periods of low visibility)	Both of the following: <ul style="list-style-type: none"> ▪ At least one white lamp to the front; and ▪ Two red lamps to the rear (or, as an alternative, one red lamp and two red reflectors). 	The bill requires lamps to be displayed at all times (see below).
At all times (day or night)	At least one of the following to the rear: <ul style="list-style-type: none"> ▪ SMV emblem; or ▪ Alternative reflective material (minimally in black, grey, or silver); or ▪ Both. 	All of the following: <ul style="list-style-type: none"> ▪ At least one white lamp to the front; ▪ Two red lamps to the rear; ▪ One yellow flashing light to the rear; ▪ An SMV emblem to the rear; and ▪ Micro-prism reflective tape to the rear (must be red, amber, white, or silver).

Visibility requirements

Under current law and the bill, red and white lamps must be visible from 1,000 feet and an SMV emblem must be visible from 500 feet. Under current law, alternative reflective material must be visible from 500 feet when illuminated by headlights. Likewise, under the bill, micro-prism reflective tape must be visible from 500 feet when illuminated by headlights. The yellow flashing light required by the bill must be located on the top most portion of the rear of the vehicle. Any red reflectors used on the rear of an animal-drawn vehicle under current law must be visible from 600 to 100 feet when illuminated by headlights.²

SMV emblem and reflective material

The pictures below illustrate the various configurations of SMV emblem and alternate reflective material that may be used on the rear of an animal-drawn vehicle under current law.

² R.C. 4513.114(A).



Animal-drawn vehicle displaying SMV emblem only, Photo credit: Pennsylvania Department of Transportation



Animal-drawn vehicle displaying gray alternate reflective material only, Photo credit: Kevin Whitlock, IndeOnline.com



Animal-drawn vehicle displaying both SMV emblem and gray alternate reflective material, Photo credit: Mike Schenk, The-Daily-Record.com

As indicated in the table above, the bill eliminates the three options illustrated above and instead specifies that the operator of an animal-drawn vehicle must display micro-prism

reflective tape **and** the SMV emblem (along with a yellow flashing light). The Director of Public Safety must adopt rules establishing standards and specifications for the position and mounting of the micro-prism reflective tape.³

Penalty

The bill retains the current penalty (minor misdemeanor) that applies when a person operating an animal-drawn vehicle violates any lighting, SMV emblem, or reflective material requirements.⁴

Slow-moving vehicles

The bill clarifies, reorganizes, and recodifies the law governing slow-moving vehicles by separating statutory provisions into shorter individual sections.⁵ In so doing, the bill repeals an expired tax credit (for the cost of equipping multi-wheel agricultural tractors with lights and reflectors) and any references to it.⁶

COMMENT

The First Amendment to the United States Constitution prohibits governments from enacting laws that prohibit the free exercise of religion. The Ohio Constitution further states:

All men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; ***nor shall any interference with the rights of conscience be permitted.***⁷

A person with a sincerely held religious belief may be able to challenge a law that infringes upon their free exercise of that belief. For example, in *State v. Hershberger*, 462 N.W.2d 393 (1990), Amish citizens in Minnesota were cited for failing to use the SMV emblem required by Minnesota law. They successfully challenged that law. The Minnesota Supreme Court, in interpreting a provision of Minnesota's Constitution, which is similar to Ohio's, considered the state's compelling interest in public safety and whether a less restrictive alternative existed. The Court found that use of reflective tape and a lantern was a sufficient alternative to the use of the SMV emblem. Thus, the Amish citizens could not be charged with a violation of the statute and the charges were dismissed.

³ R.C. 4513.114(A)(5) and (B).

⁴ R.C. 4513.114(C).

⁵ R.C. 4511.216, 4513.11, 4513.111, 4513.112, 4513.113, and 4513.114.

⁶ R.C. 5733.98, repealed by the bill and R.C. 5733.98(A)(8).

⁷ Ohio Constitution, Article I, Section 7 (*emph. added*).

Current Ohio law requires an animal-drawn vehicle to at all times be equipped with an SMV emblem, alternate reflective material, or both. By affording an alternative to the SMV emblem, the existing law may withstand a First Amendment challenge. However, the bill eliminates this alternative by requiring animal-drawn vehicles to display **both** the SMV emblem **and** micro-prism reflective tape at all times.

HISTORY

Action	Date
Introduced	02-11-20
