

112TH CONGRESS  
1ST SESSION

# S. 1499

To direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

Ms. KLOBUCHAR (for herself, Mr. THUNE, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RULEMAKING ON VISIBILITY OF AGRICUL-**  
4 **TURAL EQUIPMENT.**

5 (a) DEFINITIONS.—In this section:

6 (1) AGRICULTURAL EQUIPMENT.—The term  
7 “agricultural equipment” has the meaning given the  
8 term “agricultural field equipment” in ASABE

1 Standard 390.4, entitled “Definitions and Classifica-  
2 tions of Agricultural Field Equipment”, which was  
3 published in January 2005 by the American Society  
4 of Agriculture and Biological Engineers, or any suc-  
5 cessor standard.

6 (2) PUBLIC ROAD.—The term “public road”  
7 has the meaning given such term in section  
8 101(a)(27) of title 23, United States Code.

9 (b) RULEMAKING.—

10 (1) IN GENERAL.—Not later than 2 years after  
11 the date of the enactment of this Act, the Secretary  
12 of Transportation, after consultation with represent-  
13 atives of the American Society of Agricultural and  
14 Biological Engineers and appropriate Federal agen-  
15 cies, and with other appropriate persons, shall pro-  
16 mulgate a rule to improve the daytime and nighttime  
17 visibility of agricultural equipment that may be oper-  
18 ated on a public road.

19 (2) MINIMUM STANDARDS.—The rule promul-  
20 gated pursuant to this subsection shall—

21 (A) establish minimum lighting and mark-  
22 ing standards for applicable agricultural equip-  
23 ment manufactured at least 1 year after the  
24 date on which such rule is promulgated; and

1 (B) provide for the methods, materials,  
2 specifications, and equipment to be employed to  
3 comply with such standards, which shall be  
4 equivalent to ASABE Standard 279.14, entitled  
5 “Lighting and Marking of Agricultural Equip-  
6 ment on Highways”, which was published in  
7 July 2008 by the American Society of Agricul-  
8 tural and Biological Engineers, or any successor  
9 standard.

10 (c) REVIEW.—Not less frequently than once every 5  
11 years, the Secretary of Transportation shall—

12 (1) review the standards established pursuant  
13 to subsection (b); and

14 (2) revise such standards to reflect the revision  
15 of ASABE Standard 279 that is in effect at the  
16 time of such review.

17 (d) LIMITATIONS.—

18 (1) COMPLIANCE WITH SUCCESSOR STAND-  
19 ARDS.—Any rule promulgated pursuant to this sec-  
20 tion may not prohibit the operation on public roads  
21 of agricultural equipment that is equipped in accord-  
22 ance with any adopted revision of ASABE Standard  
23 279 that is later than the revision of such standard  
24 that was referenced during the promulgation of the  
25 rule.

1           (2) NO RETROFITTING REQUIRED.—Any rule  
2 promulgated pursuant to this section may not re-  
3 quire the retrofitting of agricultural equipment that  
4 was manufactured before the date on which the  
5 lighting and marking standards are enforceable  
6 under subsection (b)(2)(A).

7           (3) NO EFFECT ON ADDITIONAL MATERIALS  
8 AND EQUIPMENT.—Any rule promulgated pursuant  
9 to this section may not prohibit the operation on  
10 public roads of agricultural equipment that is  
11 equipped with materials or equipment that are in  
12 addition to the minimum materials and equipment  
13 specified in the standard upon which such rule is  
14 based.

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