

111TH CONGRESS  
2D SESSION

# S. 4013

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

DECEMBER 7, 2010

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) RULEMAKING.—

6 (1) IN GENERAL.—Not later than 2 years after  
7 the date of the enactment of this Act, the Secretary  
8 of Transportation, after consultation with represent-

1       atives of the American Society of Agricultural and  
2       Biological Engineers and appropriate Federal agen-  
3       cies, and with other appropriate persons, shall pro-  
4       mulgate a rule to improve the daytime and nighttime  
5       visibility of agricultural equipment that may be oper-  
6       ated on a public road.

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

9           (A) establish minimum lighting and mark-  
10       ing standards for applicable agricultural equip-  
11       ment manufactured at least 1 year after the  
12       date on which such rule is promulgated; and

13          (B) shall provide for the methods, mate-  
14       rials, specifications, and equipment to be em-  
15       ployed to comply with such standards, which  
16       shall be equivalent to ASABE Standard 279.14,  
17       entitled “Lighting and Marking of Agricultural  
18       Equipment on Highways”, and published in  
19       July 2008 by the American Society of Agricul-  
20       tural and Biological Engineers, or any successor  
21       standard.

22       (b) REVIEW.—Not less frequently than once every 5  
23       years, the Secretary of Transportation shall—

24           (1) review the standards established under sub-  
25       section (a); and

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

4       (c) LIMITATIONS.—

5           (1) COMPLIANCE WITH SUCCESSOR STAND-  
6       ARDS.—Any rule promulgated pursuant to this sec-  
7       tion may not prohibit the operation on public roads  
8       of agricultural equipment that is equipped according  
9       to any adopted revision of ASABE Standard 279  
10      that is later than the revision of such standard that  
11      was referenced during the promulgation of the rule.

12          (2) NO RETROFITTING REQUIRED.—Any rule  
13      promulgated pursuant to this section may not re-  
14      quire the retrofitting of agricultural equipment that  
15      was manufactured before the date on which the  
16      lighting and marking standards are enforceable  
17      under subsection (a)(2)(A).

18          (3) NO EFFECT ON ADDITIONAL MATERIALS  
19      AND EQUIPMENT.—Any rule promulgated pursuant  
20      to this section may not prohibit the operation on  
21      public roads of agricultural equipment that is  
22      equipped with materials or equipment that are in  
23      addition to the minimum materials and equipment  
24      specified in the standard upon which such rule is  
25      based.

1 (d) DEFINITIONS.—In this Act:

2 (1) AGRICULTURAL EQUIPMENT.—The term  
3 “agricultural equipment” has the meaning given the  
4 term “agricultural field equipment” in ASABE  
5 Standard 390.4, entitled “Definitions and Classifica-  
6 tions of Agricultural Field Equipment”, and pub-  
7 lished in January 2005 by the American Society of  
8 Agriculture and Biological Engineers, or any suc-  
9 cessor standard.

10 (2) PUBLIC ROAD.—The term “public road”  
11 has the meaning given such term in section  
12 101(a)(27) of title 23, United States Code.

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