

As Introduced

**126th General Assembly
Regular Session
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H. B. No. 389

**Representatives Setzer, Yuko, McGregor, J., Wagoner, Fende, Hartnett,
Widowfield, Patton, S., Webster, Allen, DeGeeter**

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A B I L L

To amend sections 4511.07, 4511.071, 4511.22, 1
4511.25, 4511.31, 4511.39, 4511.52, 4511.53, 2
4511.55, 4511.56, and 4511.711 of the Revised Code 3
to revise certain laws as they relate to bicycle 4
operation. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4511.07, 4511.071, 4511.22, 4511.25, 6
4511.31, 4511.39, 4511.52, 4511.53, 4511.55, 4511.56, and 4511.711 7
of the Revised Code be amended to read as follows: 8

Sec. 4511.07. (A) Sections 4511.01 to 4511.78, 4511.99, and 9
4513.01 to 4513.37 of the Revised Code do not prevent local 10
authorities from carrying out the following activities with 11
respect to streets and highways under their jurisdiction and 12
within the reasonable exercise of the police power: 13

~~(A)~~(1) Regulating the stopping, standing, or parking of 14
vehicles, trackless trolleys, and streetcars; 15

~~(B)~~(2) Regulating traffic by means of police officers or 16
traffic control devices; 17

~~(C)~~(3) Regulating or prohibiting processions or assemblages 18

on the highways;	19
(D) (4) Designating particular highways as one-way highways	20
and requiring that all vehicles, trackless trolleys, and	21
streetcars on the one-way highways be moved in one specific	22
direction;	23
(E) (5) Regulating the speed of vehicles, streetcars, and	24
trackless trolleys in public parks;	25
(F) (6) Designating any highway as a through highway and	26
requiring that all vehicles, trackless trolleys, and streetcars	27
stop before entering or crossing a through highway, or designating	28
any intersection as a stop intersection and requiring all	29
vehicles, trackless trolleys, and streetcars to stop at one or	30
more entrances to the intersection;	31
(G) (7) Regulating or prohibiting vehicles and trackless	32
trolleys from passing to the left of safety zones;	33
(H) (8) Regulating the operation of bicycles and requiring;	34
<u>provided that no such regulation shall be fundamentally</u>	35
<u>inconsistent with the uniform rules of the road prescribed by this</u>	36
<u>chapter and that no such regulation shall prohibit the use of</u>	37
<u>bicycles on any public street or highway except as provided in</u>	38
<u>section 4511.051 of the Revised Code;</u>	39
<u>(9) Requiring</u> the registration and licensing of bicycles,	40
including the requirement of a registration fee <u>for residents of</u>	41
<u>the local authority;</u>	42
(I) (10) Regulating the use of certain streets by vehicles,	43
streetcars, or trackless trolleys.	44
<u>(B)</u> No ordinance or regulation enacted under division	45
(D) (A)(4), (E) (5), (F) (6), (G) (7), (8), or (I) (10) of this section	46
shall be effective until signs giving notice of the local traffic	47
regulations are posted upon or at the entrance to the highway or	48

part of the highway affected, as may be most appropriate. 49

(C) Every ordinance, resolution, or regulation enacted under 50
division (A)(1) of this section shall be enforced in compliance 51
with section 4511.071 of the Revised Code, unless the local 52
authority that enacted it also enacted an ordinance, resolution, 53
or regulation pursuant to division (A) of section 4521.02 of the 54
Revised Code that specifies that a violation of it shall not be 55
considered a criminal offense, in which case the ordinance, 56
resolution, or regulation shall be enforced in compliance with 57
Chapter 4521. of the Revised Code. 58

Sec. 4511.071. (A) Except as provided in division (C) of this 59
section, the owner of a vehicle shall be entitled to establish 60
nonliability for prosecution for violation of an ordinance, 61
resolution, or regulation enacted under division (A)(1) of section 62
4511.07 of the Revised Code by proving the vehicle was in the 63
care, custody, or control of a person other than the owner at the 64
time of the violation pursuant to a written rental or lease 65
agreement or affidavit providing that except for such agreement, 66
no other business relationship with respect to the vehicle in 67
question exists between the operator and owner. 68

(B) Proof that the vehicle was in the care, custody, or 69
control of a person other than the owner shall be established by 70
sending a copy of such written rental or lease agreement or 71
affidavit to the prosecuting authority within thirty days from the 72
date of receipt by the owner of the notice of violation. The 73
furnishing of a copy of a written rental or lease agreement or 74
affidavit shall be prima-facie evidence that a vehicle was in the 75
care, custody, or control of a person other than the owner. 76

(C) This section does not apply to a violation of an 77
ordinance, resolution, or regulation enacted under division (A)(1) 78
of section 4511.07 of the Revised Code if the ordinance, 79

resolution, or regulation is one that is required to be enforced 80
in compliance with Chapter 4521. of the Revised Code. 81

Sec. 4511.22. (A) No person shall stop or operate a vehicle, 82
trackless trolley, or street car at such a an unreasonably slow 83
speed as to impede or block the normal and reasonable movement of 84
traffic, except when stopping or reduced speed is necessary for 85
safe operation or to comply with law. 86

(B) Whenever the director of transportation or local 87
authorities determine on the basis of an engineering and traffic 88
investigation that slow speeds on any part of a controlled-access 89
highway, expressway, or freeway consistently impede the normal and 90
reasonable movement of traffic, the director or such local 91
authority may declare a minimum speed limit below which no person 92
shall operate a motor vehicle, trackless trolley, or street car 93
except when necessary for safe operation or in compliance with 94
law. No minimum speed limit established hereunder shall be less 95
than thirty miles per hour, greater than fifty miles per hour, nor 96
effective until the provisions of section 4511.21 of the Revised 97
Code, relating to appropriate signs, have been fulfilled and local 98
authorities have obtained the approval of the director. 99

(C) In a case involving a violation of this section, the 100
trier of fact, in determining whether the vehicle was being 101
operated at an unreasonably slow speed, shall consider the 102
capabilities of the vehicle and its operator. 103

(D) Except as otherwise provided in this division, whoever 104
violates this section is guilty of a minor misdemeanor. If, within 105
one year of the offense, the offender previously has been 106
convicted of or pleaded guilty to one predicate motor vehicle or 107
traffic offense, whoever violates this section is guilty of a 108
misdemeanor of the fourth degree. If, within one year of the 109
offense, the offender previously has been convicted of two or more 110

predicate motor vehicle or traffic offenses, whoever violates this 111
section is guilty of a misdemeanor of the third degree. 112

Sec. 4511.25. (A) Upon all roadways of sufficient width, a 113
vehicle or trackless trolley shall be driven upon the right half 114
of the roadway, except as follows: 115

(1) When overtaking and passing another vehicle proceeding in 116
the same direction, or when making a left turn under the rules 117
governing such movements; 118

(2) When an obstruction exists making it necessary to drive 119
to the left of the center of the highway; provided, any person so 120
doing shall yield the right of way to all vehicles traveling in 121
the proper direction upon the unobstructed portion of the highway 122
within such distance as to constitute an immediate hazard; 123

(3) When driving upon a roadway divided into three or more 124
marked lanes for traffic under the rules applicable thereon; 125

(4) When driving upon a roadway designated and posted with 126
signs for one-way traffic; 127

(5) When otherwise directed by a police officer or traffic 128
control device. 129

(B)(1) Upon all roadways any vehicle or trackless trolley 130
proceeding at less than the ~~normal~~ prevailing and lawful speed of 131
traffic at the time and place and under the conditions then 132
existing shall be driven in the right-hand lane then available for 133
traffic, ~~or as close as practicable and far enough~~ to the 134
~~right hand curb or edge of the roadway, except when~~ right to allow 135
passing by faster vehicles if such passing is safe and reasonable, 136
except under any of the following circumstances: 137

(a) When overtaking and passing another vehicle or trackless 138
trolley proceeding in the same direction ~~or when;~~ 139

(b) When preparing for a left turn; 140

(c) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route. 141
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(2) Nothing in division (B)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle. 144
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(C) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle or trackless trolley shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (A)(2) of this section. 147
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This division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway. 155
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(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 158
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Sec. 4511.31. (A) The department of transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous and may, 167
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by appropriate signs or markings on the highway, indicate the 171
beginning and end of such zones. When such signs or markings are 172
in place and clearly visible, every operator of a vehicle or 173
trackless trolley shall obey the directions of the signs or 174
markings, notwithstanding the distances set out in section 4511.30 175
of the Revised Code. 176

(B) Division (A) of this section does not apply when all of 177
the following apply: 178

(1) The slower vehicle is proceeding at less than half the 179
speed of the speed limit applicable to that location. 180

(2) The faster vehicle is capable of overtaking and passing 181
the slower vehicle without exceeding the speed limit. 182

(3) There is sufficient clear sight distance to the left of 183
the center or center line of the roadway to meet the overtaking 184
and passing provisions of section 4511.29 of the Revised Code, 185
considering the speed of the slower vehicle. 186

(C) Except as otherwise provided in this division, whoever 187
violates this section is guilty of a minor misdemeanor. If, within 188
one year of the offense, the offender previously has been 189
convicted of or pleaded guilty to one predicate motor vehicle or 190
traffic offense, whoever violates this section is guilty of a 191
misdemeanor of the fourth degree. If, within one year of the 192
offense, the offender previously has been convicted of two or more 193
predicate motor vehicle or traffic offenses, whoever violates this 194
section is guilty of a misdemeanor of the third degree. 195

Sec. 4511.39. (A) No person shall turn a vehicle or trackless 196
trolley or move right or left upon a highway unless and until such 197
person has exercised due care to ascertain that the movement can 198
be made with reasonable safety nor without giving an appropriate 199
signal in the manner hereinafter provided. 200

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle or trackless trolley before turning, except that in the case of a person operating a bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

No person shall stop or suddenly decrease the speed of a vehicle or trackless trolley without first giving an appropriate signal in the manner provided herein to the driver of any vehicle or trackless trolley immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle or trackless trolley, flashed as a courtesy or "do pass" signal to operators of other vehicles or trackless trolleys approaching from the rear, nor be flashed on one side only of a parked vehicle or trackless trolley except as may be necessary for compliance with this

section.

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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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Sec. 4511.52. (A) Sections 4511.01 to 4511.78, ~~inclusive,~~ 4511.99, and 4513.01 to 4513.37, ~~inclusive,~~ of the Revised Code ~~which that~~ are applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.

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(B) Except as provided in division (D) of this section, a bicycle operator who violates any section of the Revised Code described in division (A) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under section 4510.036 of the Revised Code.

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(C) Except as provided in division (D) of this section, in the case of a violation of any section of the Revised Code described in division (A) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of

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bicycle riders at the time of the violation, the court, 264
notwithstanding any provision of the Revised Code to the contrary, 265
may require the bicycle operator or motor vehicle operator to take 266
and successfully complete a bicycling skills course approved by 267
the court in addition to or in lieu of any penalty otherwise 268
prescribed by the Revised Code for that violation. 269

(D) Divisions (B) and (C) of this section do not apply to 270
violations of section 4511.19 of the Revised Code. 271

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 272
has the same meaning as given that term in section 4519.01 of the 273
Revised Code. 274

(B) A person operating a bicycle ~~or motorcycle~~ shall not ride 275
other than upon or astride the permanent and regular seat attached 276
thereto, and a person operating a motorcycle shall not ride other 277
than upon the permanent and regular seat attached thereto, nor 278
carry any other person upon such bicycle or motorcycle other than 279
upon a firmly attached and regular seat thereon, nor shall any 280
person ride upon a bicycle or motorcycle other than upon such a 281
firmly attached and regular seat. 282

A person shall ride upon a motorcycle only while sitting 283
astride the seat, facing forward, with one leg on each side of the 284
motorcycle. 285

No person operating a bicycle shall carry any package, 286
bundle, or article that prevents the driver from keeping at least 287
one hand upon the handle bars. 288

No bicycle or motorcycle shall be used to carry more persons 289
at one time than the number for which it is designed and equipped, 290
nor shall any motorcycle be operated on a highway when the handle 291
bars or grips are more than fifteen inches higher than the seat or 292
saddle for the operator. 293

No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in section 4507.13 of the Revised Code, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the director of public safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(C) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.55. (A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles or motorcycles upon a roadway 325
shall ride not more than two abreast in a single lane, except on 326
paths or parts of roadways set aside for the exclusive use of 327
bicycles or motorcycles. 328

(C) This section does not require a person operating a 329
bicycle to ride at the edge of the roadway when it is unreasonable 330
or unsafe to do so. Conditions that may require riding away from 331
the edge of the roadway include when necessary to avoid fixed or 332
moving objects, parked or moving vehicles, surface hazards, or if 333
it otherwise is unsafe or impracticable to do so, including if the 334
lane is too narrow for the bicycle and an overtaking vehicle to 335
travel safely side by side within the lane. 336

(D) Except as otherwise provided in this division, whoever 337
violates this section is guilty of a minor misdemeanor. If, within 338
one year of the offense, the offender previously has been 339
convicted of or pleaded guilty to one predicate motor vehicle or 340
traffic offense, whoever violates this section is guilty of a 341
misdemeanor of the fourth degree. If, within one year of the 342
offense, the offender previously has been convicted of two or more 343
predicate motor vehicle or traffic offenses, whoever violates this 344
section is guilty of a misdemeanor of the third degree. 345

Sec. 4511.56. (A) Every bicycle when in use at the times 346
specified in section 4513.03 of the Revised Code, shall be 347
equipped with the following: 348

(1) A lamp mounted on the front of either the bicycle or the 349
operator that shall emit a white light visible from a distance of 350
at least five hundred feet to the front+ and three hundred feet to 351
the sides. A generator-powered lamp that emits light only when the 352
bicycle is moving may be used to meet this requirement. 353

(2) A red reflector on the rear ~~of a type approved by the~~ 354

~~director of public safety that shall be visible from all distances 355
from one hundred feet to six hundred feet to the rear when 356
directly in front of lawful lower beams of head lamps on a motor 357
vehicle; 358~~

~~(3) A lamp emitting a either flashing or steady red light 359
visible from a distance of five hundred feet to the rear shall be 360
used in addition to the red reflector; 361~~

~~(4) An essentially colorless reflector on the front of a type 362
approved by the director; 363~~

~~(5) Either with tires with retroreflective sidewalls or with 364
an essentially colorless or amber reflector mounted on the spokes 365
of the front wheel and an essentially colorless or red reflector 366
mounted on the spokes of the rear wheel. Each reflector shall be 367
visible on each side of the wheel from a distance of six hundred 368
feet when directly in front of lawful lower beams of head. If the 369
red lamp performs as a reflector in that it is visible as 370
specified in division (A)(2) of this section, the red lamp may 371
serve as the reflector and a separate reflector is not required. 372~~

~~(B) Additional lamps on a motor vehicle. Retroreflective 373
tires or and reflectors may be used in addition to those required 374
under division (A) of this section, except that red lamps and red 375
reflectors shall not be used on the front of the bicycle and white 376
lamps and white reflectors shall not be used on the rear of a type 377
approved by the director bicycle. 378~~

~~(B) No person shall operate a (C) A bicycle unless it is may 379
be equipped with a bell or other device capable of giving a signal 380
an audible for a distance of at least one hundred feet signal, 381
except that a bicycle shall not be equipped with nor shall any 382
person use upon a bicycle any siren or whistle. 383~~

~~(C)(D) Every bicycle shall be equipped with an adequate brake 384
when used on a street or highway. 385~~

~~(D)~~(E) Except as otherwise provided in this division, whoever 386
violates this section is guilty of a minor misdemeanor. If, within 387
one year of the offense, the offender previously has been 388
convicted of or pleaded guilty to one predicate motor vehicle or 389
traffic offense, whoever violates this section is guilty of a 390
misdemeanor of the fourth degree. If, within one year of the 391
offense, the offender previously has been convicted of two or more 392
predicate motor vehicle or traffic offenses, whoever violates this 393
section is guilty of a misdemeanor of the third degree. 394

Sec. 4511.711. (A) No person shall drive any vehicle, other 395
than a bicycle, upon a sidewalk or sidewalk area except upon a 396
permanent or duly authorized temporary driveway. 397

Nothing in this section shall be construed as prohibiting 398
local authorities from regulating the operation of bicycles within 399
their respective jurisdictions, except that no local authority may 400
require that bicycles be operated on sidewalks. 401

(B) Except as otherwise provided in this division, whoever 402
violates this section is guilty of a minor misdemeanor. If, within 403
one year of the offense, the offender previously has been 404
convicted of or pleaded guilty to one predicate motor vehicle or 405
traffic offense, whoever violates this section is guilty of a 406
misdemeanor of the fourth degree. If, within one year of the 407
offense, the offender previously has been convicted of two or more 408
predicate motor vehicle or traffic offenses, whoever violates this 409
section is guilty of a misdemeanor of the third degree. 410

Section 2. That existing sections 4511.07, 4511.071, 4511.22, 411
4511.25, 4511.31, 4511.39, 4511.52, 4511.53, 4511.55, 4511.56, and 412
4511.711 of the Revised Code are hereby repealed. 413