

**As Passed by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 389**

**Representatives Setzer, Yuko, McGregor, J., Wagoner, Fende, Hartnett,  
Widowfield, Patton, S., Webster, Allen, DeGeeter, Law, Barrett, Brown,  
Collier, Combs, DeBose, Domenick, Evans, C., Evans, D., Flowers, Hughes,  
Key, Mason, Otterman, Reidelbach, Sayre  
Senators Dann, Miller, D., Hagan, Armbruster, Fingerhut, Jacobson, Kearney,  
Spada**

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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

|  |                                  |
|--|----------------------------------|
| <del>(B)</del> (2) Regulating traffic by means of police officers or traffic control devices;  | 16<br>17                         |
| <del>(C)</del> (3) Regulating or prohibiting processions or assemblages on the highways;   | 18<br>19                         |
| <del>(D)</del> (4) Designating particular highways as one-way highways and requiring that all vehicles, trackless trolleys, and streetcars on the one-way highways be moved in one specific direction;   | 20<br>21<br>22<br>23             |
| <del>(E)</del> (5) Regulating the speed of vehicles, streetcars, and trackless trolleys in public parks;   | 24<br>25                         |
| <del>(F)</del> (6) Designating any highway as a through highway and requiring that all vehicles, trackless trolleys, and streetcars stop before entering or crossing a through highway, or designating any intersection as a stop intersection and requiring all vehicles, trackless trolleys, and streetcars to stop at one or more entrances to the intersection;                    | 26<br>27<br>28<br>29<br>30<br>31 |
| <del>(G)</del> (7) Regulating or prohibiting vehicles and trackless trolleys from passing to the left of safety zones;   | 32<br>33                         |
| <del>(H)</del> (8) Regulating the operation of bicycles <del>and requiring;</del> <u>provided that no such regulation shall be fundamentally inconsistent with the uniform rules of the road prescribed by this chapter and that no such regulation shall prohibit the use of bicycles on any public street or highway except as provided in section 4511.051 of the Revised Code;</u> | 34<br>35<br>36<br>37<br>38<br>39 |
| <u>(9) Requiring the registration and licensing of bicycles, including the requirement of a registration fee for residents of the local authority;</u>   | 40<br>41<br>42                   |
| <del>(I)</del> (10) Regulating the use of certain streets by vehicles, streetcars, or trackless trolleys.  | 43<br>44                         |
| <u>(B) No ordinance or regulation enacted under division</u>   | 45                               |

~~(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 ordinance, resolution, or regulation enacted under division (A)(1) of section 4511.07 of the Revised Code if the ordinance, resolution, or regulation is one that is required to be enforced in compliance with Chapter 4521. of the Revised Code.

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

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

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

(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 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 trolley proceeding in the same direction ~~or when;~~

(b) When preparing for a left turn;

(c) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(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.

(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.

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.

(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. 4511.31.** (A) The department of transportation may

determine those portions of any state highway where overtaking and 168  
passing other traffic or driving to the left of the center or 169  
center line of the roadway would be especially hazardous and may, 170  
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 201  
left shall be given continuously during not less than the last one 202  
hundred feet traveled by the vehicle or trackless trolley before 203  
turning, except that in the case of a person operating a bicycle, 204  
the signal shall be made not less than one time but is not 205  
required to be continuous. A bicycle operator is not required to 206  
make a signal if the bicycle is in a designated turn lane, and a 207  
signal shall not be given when the operator's hands are needed for 208  
the safe operation of the bicycle. 209

No person shall stop or suddenly decrease the speed of a 210  
vehicle or trackless trolley without first giving an appropriate 211  
signal in the manner provided herein to the driver of any vehicle 212  
or trackless trolley immediately to the rear when there is 213  
opportunity to give a signal. 214

Any stop or turn signal required by this section shall be 215  
given either by means of the hand and arm, or by signal lights 216  
that clearly indicate to both approaching and following traffic 217  
intention to turn or move right or left, except that any motor 218  
vehicle in use on a highway shall be equipped with, and the 219  
required signal shall be given by, signal lights when the distance 220  
from the center of the top of the steering post to the left 221  
outside limit of the body, cab, or load of such motor vehicle 222  
exceeds twenty-four inches, or when the distance from the center 223  
of the top of the steering post to the rear limit of the body or 224  
load thereof exceeds fourteen feet, whether a single vehicle or a 225  
combination of vehicles. 226

The signal lights required by this section shall not be 227  
flashed on one side only on a disabled vehicle or trackless 228



trolley, flashed as a courtesy or "do pass" signal to operators of 229  
other vehicles or trackless trolleys approaching from the rear, 230  
nor be flashed on one side only of a parked vehicle or trackless 231  
trolley except as may be necessary for compliance with this 232  
section. 233

(B) Except as otherwise provided in this division, whoever 234  
violates this section is guilty of a minor misdemeanor. If, within 235  
one year of the offense, the offender previously has been 236  
convicted of or pleaded guilty to one predicate motor vehicle or 237  
traffic offense, whoever violates this section is guilty of a 238  
misdemeanor of the fourth degree. If, within one year of the 239  
offense, the offender previously has been convicted of two or more 240  
predicate motor vehicle or traffic offenses, whoever violates this 241  
section is guilty of a misdemeanor of the third degree. 242

**Sec. 4511.52.** (A) Sections 4511.01 to 4511.78, ~~inclusive,~~ 243  
4511.99, and 4513.01 to 4513.37, ~~inclusive,~~ of the Revised Code 244  
~~which~~ that are applicable to bicycles apply whenever a bicycle is 245  
operated upon any highway or upon any path set aside for the 246  
exclusive use of bicycles. 247

(B) Except as provided in division (D) of this section, a 248  
bicycle operator who violates any section of the Revised Code 249  
described in division (A) of this section that is applicable to 250  
bicycles may be issued a ticket, citation, or summons by a law 251  
enforcement officer for the violation in the same manner as the 252  
operator of a motor vehicle would be cited for the same violation. 253  
A person who commits any such violation while operating a bicycle 254  
shall not have any points assessed against the person's driver's 255  
license, commercial driver's license, temporary instruction 256  
permit, or probationary license under section 4510.036 of the 257  
Revised Code. 258

(C) Except as provided in division (D) of this section, in 259

the case of a violation of any section of the Revised Code 260  
described in division (A) of this section by a bicycle operator or 261  
by a motor vehicle operator when the trier of fact finds that the 262  
violation by the motor vehicle operator endangered the lives of 263  
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 294  
motorcycle without using safety glasses or other protective eye 295  
device. No person who is under the age of eighteen years, or who 296  
holds a motorcycle operator's endorsement or license bearing a 297  
"novice" designation that is currently in effect as provided in 298  
section 4507.13 of the Revised Code, shall operate a motorcycle on 299  
a highway, or be a passenger on a motorcycle, unless wearing a 300  
protective helmet on the person's head, and no other person shall 301  
be a passenger on a motorcycle operated by such a person unless 302  
similarly wearing a protective helmet. The helmet, safety glasses, 303  
or other protective eye device shall conform with regulations 304  
prescribed and promulgated by the director of public safety. The 305  
provisions of this paragraph or a violation thereof shall not be 306  
used in the trial of any civil action. 307

(C) Nothing in this section shall be construed as prohibiting 308  
the carrying of a child in a seat or trailer that is designed for 309  
carrying children and is firmly attached to the bicycle. 310

(D) Except as otherwise provided in this division, whoever 311  
violates this section is guilty of a minor misdemeanor. If, within 312  
one year of the offense, the offender previously has been 313  
convicted of or pleaded guilty to one predicate motor vehicle or 314  
traffic offense, whoever violates this section is guilty of a 315  
misdemeanor of the fourth degree. If, within one year of the 316  
offense, the offender previously has been convicted of two or more 317  
predicate motor vehicle or traffic offenses, whoever violates this 318  
section is guilty of a misdemeanor of the third degree. 319

**Sec. 4511.55.** (A) Every person operating a bicycle upon a 320

roadway shall ride as near to the right side of the roadway as 321  
practicable obeying all traffic rules applicable to vehicles and 322  
exercising due care when passing a standing vehicle or one 323  
proceeding in the same direction. 324

(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.

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