

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 406

Representatives Green, Landis

Cosponsors: Representatives Grossman, Letson, Blessing, Mallory

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A B I L L

To enact sections 4511.454, 4511.455, and 4511.456 of
the Revised Code to create the motorcycle road
guard certificate and training program to allow
certified individuals to function as traffic
controllers.

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

Section 1. That sections 4511.454, 4511.455, and 4511.456 of
the Revised Code be enacted to read as follows:

Sec. 4511.454. (A) There is hereby created in the department
of public safety the motorcycle road guard certification program.
The director of public safety shall administer the program and
shall adopt rules in accordance with Chapter 119. of the Revised
Code. The rules shall address or establish all of the following:

(1) An application form to be used by applicants for a
motorcycle road guard certification;

(2) An application fee, which shall not exceed an amount
necessary for the department of public safety to administer the
motorcycle road guard certification program;

(3) A motorcycle road guard certification course that
provides the training required to serve as a motorcycle road

guard; 20

(4) The qualifications and requirements for receiving a motorcycle road guard certificate, including a minimum eligibility age of eighteen, possession of a driver's license with a motorcycle endorsement or a motorcycle operator's license, and successful completion of the motorcycle road guard certification course; 21
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(5) Safety and equipment standards and procedures for any person who operates under a motorcycle road guard certificate; 27
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(6) Any other requirements and procedures necessary to implement the motorcycle road guard certification program. 29
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(B) All fees received under division (A)(2) of this section shall be deposited into the state treasury to the credit of the state highway safety fund created by section 4501.06 of the Revised Code. The department shall use all such fees only to pay the expenses of administering the motorcycle road guard certification program. 31
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Sec. 4511.455. (A) Notwithstanding the contrary indication of any traffic control device, a person who holds a motorcycle road guard certificate issued pursuant to rules adopted under section 4511.454 of the Revised Code may stop and hold vehicles in place until it is safe for the vehicles to proceed if all of the following apply: 37
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(1) The person is escorting a motorcycle group ride; 43

(2) The person complies with the safety and equipment standards established by the director of public safety under section 4511.454 of the Revised Code; 44
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(3) Notice has been provided to the mayor of any municipal corporation or the legislative authority of any township through which the motorcycle group ride will proceed; 47
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(4) Consent has been obtained from the sheriff of any county or the chief of police of any municipal corporation, township, or township or joint police district through which the motorcycle group ride will proceed. 50
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(B) No person shall perform traffic control functions as a motorcycle road guard unless the person holds a valid motorcycle road guard certificate issued under section 4511.454 of the Revised Code and meets the requirements established under division (A) of this section. 54
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(C) No person operating a vehicle that has been stopped by a motorcycle road guard under this section shall proceed unless on instruction by the motorcycle road guard or a police officer. 59
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(D) 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. 62
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Sec. 4511.456. (A) A person who performs traffic control as a motorcycle road guard is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from the movement of a motorcycle group ride if the person complies with all applicable rules adopted under section 4511.454 of the Revised Code and with the requirements of section 4511.455 of the Revised Code. 71
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(B)(1) This section does not apply if the injury, death, or loss allegedly arose from any of the following: 78
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<u>(a) The willful, wanton, or intentional acts or omissions of</u>	80
<u>the person who performs traffic control as a motorcycle road</u>	81
<u>guard;</u>	82
<u>(b) The negligent or reckless acts or omissions of the person</u>	83
<u>who performs traffic control as a motorcycle road guard.</u>	84
<u>(2) This section does not create a new cause of action or</u>	85
<u>substantive legal right against a person who performs traffic</u>	86
<u>control as a motorcycle road guard.</u>	87
<u>(3) This section does not affect any immunities from civil</u>	88
<u>liability or defenses established by another section of the</u>	89
<u>Revised Code or any immunities from civil liability or defenses</u>	90
<u>available at common law to which a person may be entitled.</u>	91