

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 504**

**Representative Cera**

**Cosponsors: Representatives Celebrezze, Blessing**

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**A B I L L**

To amend sections 4519.11, 4519.20, and 4519.44 and 1  
to enact sections 4519.402, 4519.441, 4519.442, 2  
and 4519.443 of the Revised Code to require 3  
children under sixteen years of age to 4  
successfully complete a certified safety education 5  
and training program in order to operate an 6  
all-purpose vehicle on any public property and to 7  
make other changes relating to the operation of 8  
all-purpose vehicles. 9

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

**Section 1.** That sections 4519.11, 4519.20, and 4519.44 be 10  
amended and sections 4519.402, 4519.441, 4519.442, and 4519.443 of 11  
the Revised Code be enacted to read as follows: 12

**Sec. 4519.11.** (A) One dollar and twenty-five cents of each 13  
fee collected under sections 4519.04 and 4519.09 of the Revised 14  
Code shall be paid into the state bureau of motor vehicles fund 15  
created by section 4501.25 of the Revised Code. All other fees, 16  
and all taxes and fines levied, charged, or referred to in this 17  
chapter, unless otherwise designated by law, shall be deposited 18  
into the state treasury to the credit of the state recreational 19

vehicle fund, which is hereby created. The state recreational 20  
vehicle fund shall be used for the purpose of enforcing and 21  
administering the law relative to the registration and operation 22  
of snowmobiles, off-highway motorcycles, and all-purpose vehicles 23  
within the state, for the purpose of expanding the activities of 24  
the department of natural resources to provide trails and other 25  
areas for the operation of such vehicles on state-controlled land 26  
and waters, for the purchase of additional land to be used for 27  
such purposes, and for the development and implementation by the 28  
department of programs relating to the safe use and enjoyment of 29  
snowmobiles, off-highway motorcycles, and all-purpose vehicles. 30

All investment earnings of the state recreational vehicle 31  
fund shall be credited to the fund. 32

(B) There is hereby created in the state treasury the 33  
all-purpose vehicle safety education and training fund, consisting 34  
of all fees collected under section 4519.442 of the Revised Code. 35  
Money in the fund shall be used solely to pay the costs of the 36  
all-purpose vehicle safety education and training program of the 37  
department of natural resources. 38

All investment earnings of the all-purpose vehicle safety 39  
education and training fund shall be credited to the fund. 40

(C) Notwithstanding section 1501.01 of the Revised Code, 41  
nothing in this section authorizes the appropriation of property 42  
to provide trails and other areas for the operation of 43  
snowmobiles, off-highway motorcycles, and all-purpose vehicles. 44

**Sec. 4519.20.** (A) The director of public safety, pursuant to 45  
Chapter 119. of the Revised Code, shall adopt rules for the 46  
equipment of snowmobiles, off-highway motorcycles, and all-purpose 47  
vehicles. The rules may be revised from time to time as the 48  
director considers necessary, and shall include, but not 49  
necessarily be limited to, requirements for the following items of 50

equipment: 51

(1) At least one headlight having a minimum candlepower of 52  
sufficient intensity to reveal persons and objects at a distance 53  
of at least one hundred feet ahead under normal atmospheric 54  
conditions during hours of darkness; 55

(2) At least one red tail light having a minimum candlepower 56  
of sufficient intensity to be plainly visible from a distance of 57  
five hundred feet to the rear under normal atmospheric conditions 58  
during hours of darkness; 59

(3) Adequate brakes. Every snowmobile, while traveling on 60  
packed snow, shall be capable of carrying a driver who weighs one 61  
hundred seventy-five pounds or more, and, while carrying such 62  
driver, be capable of stopping in not more than forty feet from an 63  
initial steady speed of twenty miles per hour, or locking its 64  
traction belt. 65

(4) A muffler system capable of precluding the emission of 66  
excessive smoke or exhaust fumes, and of limiting the engine noise 67  
of vehicles. On snowmobiles manufactured after January 1, 1973, 68  
such requirement shall include sound dampening equipment such that 69  
noise does not exceed eighty-two decibels on the "A" scale at 70  
fifty feet as measured according to SAE J192 (September 1970). 71

(5) For every all-purpose vehicle, a properly installed and 72  
operative spark arrester; 73

(6) Safety glasses or other protective eye devices and 74  
protective helmets for use by children under the age of sixteen 75  
when operating, or riding as a passenger in, an all-purpose 76  
vehicle. 77

(B) No person shall operate any snowmobile, off-highway 78  
motorcycle, or all-purpose vehicle in violation of division 79  
(A)(1), (2), (3), or (4) of this section, except that equipment 80

specified in divisions (A)(1) and (2) of this section shall not be 81  
required on snowmobiles, off-highway motorcycles, or all-purpose 82  
vehicles operated during the daylight hours. 83

(C) Except as otherwise provided in this division, whoever 84  
violates division (B) of this section shall be fined not more than 85  
fifty dollars. If the offender within the preceding year 86  
previously has committed a violation of division (B) of this 87  
section, whoever violates division (B) of this section shall be 88  
fined not less than fifteen nor more than one hundred dollars, 89  
imprisoned not more than three days, or both. 90

Sec. 4519.402. (A) No child under the age of sixteen shall do 91  
any of the following: 92

(1) Operate an all-purpose vehicle that is equipped with an 93  
engine of more than ninety cubic centimeters piston displacement; 94

(2) Operate, or be a passenger on, an all-purpose vehicle 95  
unless the child is wearing over the child's eyes safety glasses 96  
or another protective eye device that conforms to rules adopted by 97  
the director of public safety under section 4519.20 of the Revised 98  
Code; 99

(3) Operate, or be a passenger on, an all-purpose vehicle 100  
unless the child is wearing on the child's head a protective 101  
helmet that conforms to rules adopted by the director under 102  
section 4519.20 of the Revised Code. 103

(B) No person shall operate an all-purpose vehicle while 104  
carrying a passenger unless the all-purpose vehicle is designed by 105  
its manufacturer to carry a passenger. No person shall operate an 106  
all-purpose vehicle while carrying more passengers than the number 107  
of passengers that the all-purpose vehicle is designed by its 108  
manufacturer to carry. 109

(C) No person shall sell or offer to sell at retail an 110

all-purpose vehicle that is equipped with an engine of more than 111  
ninety cubic centimeters piston displacement knowing or having 112  
reason to know that the purchaser of the all-purpose vehicle 113  
intends to permit the all-purpose vehicle to be operated by a 114  
child under the age of sixteen. 115

**Sec. 4519.44.** (A) No person who does not hold a valid, 116  
current motor vehicle driver's or commercial driver's license, 117  
motorcycle operator's endorsement, or probationary license, issued 118  
under Chapter 4506. or 4507. of the Revised Code or a valid, 119  
current driver's license issued by another jurisdiction, shall 120  
operate a snowmobile, off-highway motorcycle, or all-purpose 121  
vehicle on any street or highway in this state, on any portion of 122  
the right-of-way thereof, or on any public land or waters. 123

(B) No person who is less than sixteen years of age shall 124  
operate a snowmobile, ~~or~~ off-highway motorcycle, ~~or all-purpose~~ 125  
~~vehicle~~ on any land or waters other than private property or 126  
waters owned by or leased to the person's parent or guardian, 127  
unless accompanied by another person who is eighteen years of age, 128  
or older, and who holds a license as provided in division (A) of 129  
this section, except that the department of natural resources may 130  
permit such operation on state controlled land under its 131  
jurisdiction when such person is less than sixteen years of age 132  
and is accompanied by a parent or guardian who is a licensed 133  
driver eighteen years of age or older. 134

(C) Whoever violates this section shall be fined not less 135  
than fifty nor more than five hundred dollars, imprisoned not less 136  
than three nor more than thirty days, or both. 137

**Sec. 4519.441.** (A) Subject to section 4519.402 of the Revised 138  
Code, no child under the age of sixteen shall operate an 139  
all-purpose vehicle within this state, other than private property 140

or private waters, unless at the time of such operation both of 141  
the following apply: 142

(1) The child has in the child's immediate possession any of 143  
the following: 144

(a) A temporary safety program certificate issued to the 145  
child by a certified instructor of an all-purpose vehicle safety 146  
education and training course approved by the department of 147  
natural resources under section 4519.442 of the Revised Code; 148

(b) A permanent safety program certificate issued to the 149  
child by the department; or 150

(c) A safety program certificate from a safety education and 151  
training course located in another state that is recognized by the 152  
department as being equivalent to a safety education and training 153  
course approved by the department. 154

(2) The child is accompanied by another person who is 155  
eighteen years of age or older and holds a valid, current driver's 156  
license, commercial driver's license, or restricted license to 157  
operate a motorcycle issued under Chapter 4506. or 4507. of the 158  
Revised Code or such a valid, current license issued by another 159  
jurisdiction. 160

(B) No person shall accompany a child under the age of 161  
sixteen while the child is operating an all-purpose vehicle on any 162  
land or waters, other than private property or private waters, 163  
unless both of the following apply: 164

(1) The person is eighteen years of age or older; and 165

(2) The person holds a valid, current driver's license, 166  
commercial driver's license, or restricted license to operate a 167  
motorcycle issued under Chapter 4506. or 4507. of the Revised Code 168  
or such a valid, current license issued by another jurisdiction. 169

Sec. 4519.442. (A) The director of natural resources in 170  
consultation with the director of public safety shall establish an 171  
all-purpose vehicle safety education and training program. The 172  
director shall do so by adopting rules in accordance with Chapter 173  
119. of the Revised Code that do all of the following: 174

(1) Establish standards governing an all-purpose vehicle 175  
safety education and training course, including the contents of 176  
the course, which may be the same as the contents of an 177  
all-purpose vehicle safety education and training course developed 178  
or formulated by a nationally recognized safety organization that 179  
the director determines has expertise in this area; 180

(2) Establish requirements that instructors must meet in 181  
order to be certified to teach the education and training course, 182  
which may include certification by the organization described in 183  
division (A)(1) of this section; 184

(3) Establish procedures by which a person who wishes to 185  
conduct the all-purpose vehicle safety education and training 186  
course may apply to the department of natural resources for 187  
approval to do so; 188

(4) Require a trainee to take the education and training 189  
course in person in its entirety; 190

(5) Establish procedures for the issuance of a temporary 191  
safety certificate by an instructor to a trainee upon successful 192  
completion by the trainee of the education and training course; 193

(6) Establish procedures for the issuance by the department 194  
of natural resources of a permanent safety certificate to a person 195  
who has been issued a temporary safety certificate. The department 196  
shall issue a permanent safety certificate upon notification from 197  
an instructor that a person has been issued a temporary safety 198  
certificate. 199

(7) Establish the amount of the fee to be charged to trainees taking the education and training course and the process for collecting the fee by the department. The director of natural resources shall deposit money derived from the fee into the state treasury to the credit of the all-purpose vehicle safety education and training fund created in section 4519.11 of the Revised Code. 200  
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(8) Establish the amount to be paid to instructors who teach the education and training course and the procedure for paying the instructors; 206  
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(9) Establish any other requirements governing the education and training course that the director of natural resources determines are necessary. 209  
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(B) A person who wishes to conduct an all-purpose vehicle safety education and training course shall apply to the director for approval to conduct the course and for approval of the course. The director shall approve the person's application if the person and the course meet all applicable standards and requirements established under rules adopted under division (A) of this section. 212  
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**Sec. 4519.443.** A certified instructor, in the course of teaching an approved all-purpose vehicle safety education and training course, and the owner, lessee, renter, or other occupier of the land upon which an approved training course is taught, shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or resulted from the education and training course. This section does not apply to civil claims based upon alleged willful or wanton misconduct or intentionally tortious conduct of the certified instructor or the owner, lessee, renter, or other occupier of the land. This section does not create a new cause of action or a substantive legal right against the certified 219  
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instructor or the owner, lessee, renter, or occupier of the land 231  
and does not affect any immunities from civil liability or 232  
defenses established by another section of the Revised Code or 233  
available at common law, to which the certified instructor or the 234  
owner, lessee, renter, or occupier of the land may be entitled 235  
under circumstances not covered by this section. 236

**Section 2.** That existing sections 4519.11, 4519.20, and 237  
4519.44 of the Revised Code are hereby repealed. 238