



**H.B. 390**

127th General Assembly  
(As Introduced)

Reps. Setzer, Miller

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**BILL SUMMARY**

- Provides that a local authority's regulation of the operation of bicycles must not be inconsistent, instead of fundamentally inconsistent, with the uniform rules of the road.
- Provides that the actions a vehicle operator must take at an intersection at which the traffic control signals do not exhibit colored lights or colored lighted arrows or exhibit a combination of lights or arrows that fail to clearly indicate the assignment of right-of-way also must be taken at an intersection if the signals are otherwise inoperative, including due to failure of a vehicle detector to detect the vehicle.
- Requires the operator of a vehicle or trackless trolley, when overtaking a bicycle or other slow vehicle, to pass at a distance of not less than three feet between the vehicle or trackless trolley and the bicycle or other slow vehicle.
- Exempts, from the law that requires a person who rides a bicycle upon a roadway to obey all traffic rules that apply to vehicles, provisions that by their nature can have no application to bicycles.
- Instead of requiring a bicycle, when used on a street or highway, to be equipped with an adequate brake, requires the bicycle to be equipped with an adequate brake or brakes that will enable its rider to stop the bicycle within 15 feet from a speed of ten miles per hour on dry, level, clean pavement.

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## CONTENT AND OPERATION

### Local traffic regulations

Revised Code Chapter 4511. contains the motor vehicle traffic laws, while the motor vehicle equipment laws are contained in R.C. Chapter 4513. These two chapters, however, do not prevent local authorities from carrying out a number of specified activities with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power. These activities include (1) regulating the stopping, standing, or parking of vehicles, (2) regulating traffic by means of police officers or traffic control devices, and (3) regulating the operation of bicycles, provided that no such regulation may be fundamentally inconsistent with the uniform rules of the road. (R.C. 4511.07(A)(1), (2), and (8).) The bill eliminates the word "fundamentally" from item number (3). The resulting new provision is stricter than the existing provision.

### Action of a vehicle driver at a malfunctioning traffic signal

Under current law, if a vehicle driver approaches an intersection where traffic is controlled by traffic control signals and the signal facing the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of lights or arrows that fails to clearly indicate the assignment of right-of-way, the driver must do all of the following:

- (1) Stop at the stop line, but if there is no stop line, stop before entering the crosswalk on the near side of the intersection or before entering the intersection;
- (2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;
- (3) Exercise ordinary care while proceeding through the intersection. (R.C. 4511.132(A)(1) to (3).)

The bill retains these provisions and extends them to a situation in which the signals at the intersection are otherwise inoperative, including due to failure of a vehicle detector to detect the vehicle (R.C. 4511.132(A)).

### Overtaking and passing a vehicle

Current law generally requires the operator of a vehicle (including a trackless trolley) that is overtaking another vehicle (including a trackless trolley) proceeding in the same direction to signal to the vehicle that is being overtaken,

pass to the left at a safe distance, and not reenter the lane until the passing vehicle is safely clear of the overtaken vehicle. The bill retains this provision, but in addition provides that when the operator of a vehicle or trackless trolley overtakes a bicycle or other slow vehicle, the operator is required to pass at a distance of not less than three feet between the vehicle or trackless trolley and the bicycle or other slow vehicle. (R.C. 4511.27(A)(1).)

Under current law, except for those locations where overtaking and passing on the right is permitted, the operator of an overtaken vehicle is required to give way to the right in favor of the overtaking vehicle at that vehicle's audible signal, and the operator is not permitted to increase the speed of the operator's vehicle until completely passed by the overtaking vehicle. The bill modifies this provision by simply providing that the operator of an overtaken vehicle is not permitted to increase the speed of the operator's vehicle until completely passed by the overtaking vehicle. (R.C. 4511.27(A)(2).)

### **Riding a bicycle on a roadway**

Under current law, every person operating a bicycle upon a roadway is required to 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 (R.C. 4511.55(A)). Persons riding bicycles upon a roadway cannot ride more than two abreast in a single lane except on paths or parts of roadways set aside for the exclusive use of bicycles (R.C. 4511.55(B)). These provisions do not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane. (R.C. 4511.55(C).)

Under the bill, every person operating a bicycle upon a roadway is required to obey all traffic rules applicable to vehicles except those provisions which, by their nature, can have no application (R.C. 4511.55(A)). A bicycle that is operated at less than the prevailing speed of traffic generally must be driven in the right-hand lane then available for traffic and far enough to the right to allow passing by faster vehicles except when reasonably necessary to avoid conditions that do not permit the bicycle to be so operated, including the presence of fixed or moving objects, parked or moving vehicles, surface hazards, or if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane, or when it otherwise is unsafe or not practicable to operate the bicycle in the right-hand lane then available for traffic and far enough to the right to allow passing by faster vehicles. (R.C. 4511.55(C).)

**Bicycle brakes**

Current law requires every bicycle to be equipped with an adequate brake when used on a street or highway (R.C. 4511.56(D)). The bill requires every bicycle, when used on a street or highway, to be equipped with an adequate brake or brakes that will enable its operator to stop the bicycle within 15 feet from a speed of ten miles per hour on dry, level, clean pavement.

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**HISTORY**

ACTION	DATE
Introduced	11-07-07

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