



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

Sub. H.B. 204

128th General Assembly

(As Reported by H. Transportation and Infrastructure)

Reps. Letson and Slesnick, Harris, Mallory, Dodd, Winburn, Yuko, Skindell, Domenick, Balderson, McClain, Ruhl, Zehringer

BILL SUMMARY

- Permits the operator of a motorcycle to back the motorcycle into an angled parking space.
- Clarifies that the penalty provisions that apply to cases of driving without a valid license apply to cases in which the operator of a motorcycle possessed a valid driver's or commercial driver's license but was not licensed to operate a motorcycle.
- Codifies existing limitations and restrictions that apply to the operation of a motorcycle by a person who holds a motorcycle temporary instruction permit.
- Provides that the requirement that the lights of a motor vehicle be lighted whenever its windshield wipers are in use because of precipitation on the windshield generally is satisfied if the vehicle's daytime running lights are lighted.

CONTENT AND OPERATION

Angled parking by a motorcycle

Current law regulates the parking of motor vehicles on public streets and highways. For example, every vehicle that is stopped or parked upon a roadway where there is an adjacent curb must be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, if possible. Local authorities may permit angle parking on any roadway under their jurisdiction, except that angle parking is not permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic. (R.C. 4511.69(A).)

Current law also prohibits any vehicle or trackless trolley from being stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway. The bill permits the operator of a motorcycle to back the motorcycle into an angled parking space so that when it is parked it is facing in a direction other than the direction of travel on the side of the road or highway. (R.C. 4511.69(C).)

Authority to operate a motorcycle

Current law

Current law generally prohibits any person from operating any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license or commercial driver's license (R.C. 4510.12(A)(1)). Similarly, current law generally prohibits any person from operating a motorcycle on any of those locations unless the person has either a motorcycle endorsement on the person's driver's or commercial driver's license or a proper restricted license (R.C. 4510.12(A)(2)). Whoever violates either of these prohibitions is guilty of operating a motor vehicle without a valid license and is subject to the following punishment:

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, the offense is a first-degree misdemeanor.¹ Note that this provision does *not* address a case in which a person who *has* a valid driver's or commercial driver's license but does *not* have a motorcycle operator's endorsement is charged with operating a motorcycle without having a valid license as a motorcycle operator.

(2) If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, the offense is a minor misdemeanor on the first such offense.² If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for more than six months, the offense is a fourth-degree misdemeanor on the first such offense.³ Again these two provisions do not specifically address a case involving the operation of a motorcycle by the license holder.

¹ Punishable by a jail term of not more than six months, a fine of not more than \$1,000, or both.

² Punishable by a fine of not more than \$150; no jail term is possible.

³ Punishable by a fine of not more than \$250, a jail term of not more than 30 days, or both.

However, if the offender previously was convicted of or pleaded guilty to one such violation or a substantially equivalent municipal ordinance within the past three years, the offense is a third-degree misdemeanor.⁴ If the offender previously was convicted of or pleaded guilty to two such violations or a substantially equivalent municipal ordinance within the past three years, the offense is a second-degree misdemeanor.⁵ If the offender previously was convicted of or pleaded guilty to three or more such violations or a substantially equivalent municipal ordinance within the past three years, the offense is a first-degree misdemeanor.

Changes made by the bill

The bill does not change either of the two prohibitions discussed above, but it does clarify the penalty provisions in cases involving the operation of a motorcycle. Specifically:

(1) It provides that if the trier of fact finds that the offender did not have a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, the offense is a misdemeanor of the first degree (R.C. 4510.12(B)(1)).

(2) If the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense for no more than six months, the offense is a minor misdemeanor on the first offense. If the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense for more than six months, the offense is a misdemeanor of the fourth degree on the first offense. However, if the offender previously was convicted of or pleaded guilty to one or more such violations within the past three years, the existing enhanced penalties of current law apply. (R.C. 4510.12(B)(2).)

Motorcycle operation under a temporary instruction permit

Current law permits the Registrar of Motor Vehicles or a deputy registrar, upon receiving from any person an application for a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle, to issue such a permit and identification card entitling the applicant, while having the permit and identification card in the applicant's immediate possession, to drive a motorcycle under restrictions determined by the Registrar. Currently, these restrictions are not codified. (R.C. 4507.05(B).)

⁴ Punishable by a fine of not more than \$500, a jail term of not more than 60 days, or both.

⁵ Punishable by a fine of not more than \$750, a jail term of not more than 90 days, or both.

The bill codifies these restrictions by prohibiting any person from operating a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the Director of Public Safety. In addition, the bill prohibits any person from operating a motorcycle with such a permit and identification card in any of the following circumstances:

- (1) At any time when lighted lights are required by current law, such as between sunset and sunrise;
- (2) While carrying a passenger;
- (3) On any limited access highway. (R.C. 4511.53(C)(1) and (2).)

Lighted motor vehicle lights when windshield wipers are in use

Current law requires every vehicle, other than a motorized bicycle, that is operated upon a street or highway within this state to display specified lighted lights and illuminating devices, including headlights, during all of the following times:

- (1) The time from sunset to sunrise;
- (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of 1,000 feet ahead;
- (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield. (R.C. 4513.03(A).) This requirement is met if the vehicle displays lighted "daytime running lights," as long as the vehicle is not required to have its headlights on because of darkness, fog, etc. Daytime running lights are pairs of white, yellow, or amber lights (other than headlights) installed on the front of a vehicle to make it more conspicuous in daylight conditions.

HISTORY

ACTION	DATE
Introduced	06-02-09
Reported, H. Transportation & Infrastructure	02-25-10

h0204-rh-128.docx/kl

