



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

H.B. 406

130th General Assembly
(As Introduced)

Reps. Green and Landis, Grossman, Letson, Blessing, Mallory

BILL SUMMARY

- Creates the motorcycle road guard certification program in the Department of Public Safety and requires the Director of Public Safety to administer the program.
- Permits a person who holds a motorcycle road guard certificate to stop and hold vehicles in place until it is safe for the vehicles to proceed, if certain requirements are met.
- Provides that 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 certain conditions and requirements.

CONTENT AND OPERATION

Motorcycle road guard certification program

The bill creates the motorcycle road guard certification program in the Department of Public Safety. The Director of Public Safety is required to administer the program and adopt rules in accordance with the Administrative Procedure Act. The rules must address or establish all of the following:

- (1) An application form to be used by applicants for certification as a motorcycle road guard;
- (2) An application fee, which cannot exceed an amount necessary for the Department to administer the certification program;
- (3) A motorcycle road guard certification course that provides the training required to serve as a motorcycle road guard;

(4) The qualifications and requirements for receiving a motorcycle road guard certificate, including a minimum eligibility age of 18 years, 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;

(5) Safety and equipment standards and procedures for any person who operates under a motorcycle road guard certificate; and

(6) Any other requirements and procedures necessary to implement the motorcycle road guard certification program.¹

All application fees must be deposited into the state treasury to the credit of the existing State Highway Safety fund. The Department of Public Safety may use all such fees only to pay the expenses of administering the certification program.²

Authority of a certificate holder to stop and hold traffic

The bill provides that notwithstanding the contrary indication of any traffic control device, a person who holds a motorcycle road guard certificate may stop and hold vehicles in place until it is safe for the vehicles to proceed if all of the following requirements apply:

(1) The person is escorting a motorcycle group ride;

(2) The person complies with the safety and equipment standards established by the Director under the bill;

(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; and

(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.³

The bill prohibits any person from:

¹ R.C. 4511.454(A)(1) to (6).

² R.C. 4511.454(B).

³ R.C. 4511.455(A)(1) to (4).

(1) Performing traffic control functions as a motorcycle road guard unless the person holds a valid motorcycle road guard certificate and meets the requirements established under the bill; and

(2) Operating a vehicle that has been stopped by a motorcycle road guard and proceeding unless on instruction by the motorcycle road guard or a police officer.⁴

Whoever violates either of these prohibitions is guilty of a minor misdemeanor (fine of not more than \$150; no jail term may be imposed). If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one of a number of specified predicate motor vehicle or traffic offenses, violation of either of these prohibitions is a fourth degree misdemeanor (fine of not more than \$250, a jail term of not more than 30 days, or both). If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more predicate motor vehicle or traffic offenses, violation of either of these prohibitions is a third-degree misdemeanor (fine of not more than \$500, a jail term of not more than 60 days, or both).⁵

Immunity provision

Under the bill, 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 the bill and with the four requirements that must be met in order for a motorcycle road guard certificate holder to stop and hold traffic (see above).⁶ This immunity provision does not apply if the injury, death, or loss allegedly arose from either of the following:

(1) The willful, wanton, or intentional acts or omissions of the person who performs traffic control as a motorcycle road guard; or

(2) The negligent or reckless acts or omissions of the person who performs traffic control as a motorcycle road guard.⁷

These immunity provisions do not do either of the following:

⁴ R.C. 4511.455(B) and (C), respectively.

⁵ R.C. 4511.455(D).

⁶ R.C. 4511.456(A).

⁷ R.C. 4511.456(B)(1)(a) and (b).



(1) Create a new cause of action or substantive legal right against a person who performs traffic control as a motorcycle road guard; or

(2) Affect any immunity from civil liability or defenses established by another Revised Code section or that are available at common law to which a person may be entitled.⁸

HISTORY

ACTION	DATE
Introduced	01-21-14

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⁸ R.C. 4511.456(B)(2) and (3).

