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Bill Analysis
Legislative Service Commission

H.B. 501

124th General Assembly
(As Introduced)

Reps. Husted, White, Faber, Hagan, Hollister, Collier, Evans, Reinhard, Kearns, Lendrum, Webster, Hoops, Sferra, Allen, Britton

BILL SUMMARY

- Exempts electric personal assistive mobility devices from the definition of "vehicle" applicable to certain traffic laws.
- Permits the operation of these devices on sidewalks, bikeways, highways, and public streets, subject to certain restrictions.
- Prescribes prohibitions relative to the operation of these devices and to their sale or distribution without a specified protective equipment use warning.

CONTENT AND OPERATION

Operation of electric personal assistive mobility devices

Under the bill, electric personal assistive mobility devices may be operated on public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles, subject to certain restrictions. A local authority may prohibit the operation of these devices on streets or highways that have speed limits of more than 35 miles per hour, but otherwise must not regulate or restrict their operation. And, the operator of a device must (1) observe all speed limits, (2) yield the right-of-way to all pedestrians and human-powered vehicles at all times, and (3) give an audible signal before overtaking and passing a pedestrian. (Sec. 4511.512(A).)

These devices may be operated at night if the device or its operator is equipped with or wearing both (1) a red lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet and (2) a red reflector facing the rear that is visible from all distances from 100 to 600 feet when directly

in front of lawful lower beams of head lamps on a motor vehicle (sec. 4511.512(B)).

Prohibitions and penalties

First prohibition

The bill prohibits a person from operating an electric personal assistive mobility device in violation of any of the requirements described above (sec. 4511.512(C)). A violator of this prohibition generally is guilty of a minor misdemeanor and must be fined \$10 (sec. 4511.99(Q)(1)(a)). If the offender, however, previously has been convicted of or pleaded guilty to a violation of this prohibition or a substantially similar municipal ordinance, the court must do one of the following (sec. 4511.99(Q)(1)(b)):¹

- Order the impoundment for not less than one day but not more than 30 days of the device that was involved in the current violation. The court must order the device to be impounded at a safe indoor location it designates. No fees of any kind, including storage, processing, or release fees, can be assessed against the offender or the device in connection with the device's impoundment or subsequent release.
- If the court does not issue an impoundment order, prohibit the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles, for not less than one day but not more than 30 days.

Second prohibition

The bill also prohibits any person from distributing or selling an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT--HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS" (sec. 4511.512(D)(1)). A person who violates this prohibition/requirement is guilty of a minor misdemeanor (sec. 4511.99(Q)(2)).

¹ *These penalties do not appear to be in addition to the \$10 fine mentioned above, but possibly were intended to be additional sanctions.*

Immunity from civil liability

The bill provides an immunity from civil liability to a person who distributes or sells electric personal assistive mobility devices and who complies with the bill's requirement that the specified written warning statement accompany a device. Such a person is not liable in damages in a civil action brought by or on behalf of the device's operator for any injury, death, or loss to person or property suffered by the operator that allegedly arises from, or is related to, the device's operation by the operator without the wearing of a helmet, wrist guards, elbow pads, and knee pads (sec. 4511.512(D)(2)).

Definitions

The bill defines an "electric personal assistive mobility device" as a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and, when ridden on a paved level surface by an operator who weighs 170 pounds, has a maximum speed of less than 20 miles per hour (sec. 4511.01(HHH)).

The state Traffic Law defines a "vehicle" for purposes of the statutes governing the operation of motor vehicles and the statutes governing equipment and load limitations to mean every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except for motorized wheelchairs, devices moved by power collected from overhead electric trolley wires, devices used exclusively upon stationary rails or tracks, and devices other than bicycles moved by human power. The bill also excludes an electric personal assistive mobility device from this definition. (Sec. 4511.01(A).) This exclusion does not exempt such a device from the laws governing the licensing and registration of motor vehicles, financial responsibility, or the licensing of motor vehicle operators, when those laws are applicable.

HISTORY

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