



Phil Mullin

Bill Analysis
Legislative Service Commission

Sub. H.B. 501*

124th General Assembly
(As Reported by H. State Government)

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 definitions of "vehicle" applicable in the state Traffic Laws generally and in the Operation of Motor Vehicles Law, the Equipment and Load Limitations Law, and the Financial Responsibility Law specifically.
- Permits the operation of these devices on public sidewalks, paths, bikeways, highways, and 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.
- Creates the Electric Personal Assistive Mobility Device Study Committee and prescribes its duties.

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. Except as described under "**Definitions**," below, those provisions of the state Operation of Motor Vehicles Law (R.C. Chapter 4511.) that by their nature are applicable to

* *This analysis was prepared before the report of the House State Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

such a device will apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or any portion of a roadway set aside for the exclusive use of bicycles. (Sec. 4511.512(A)(1) and (2).)

A local authority may *prohibit* the operation of these devices on public streets or highways that have speed limits of more than 35 miles per hour, and may *regulate* their operation on public sidewalks and paths and on portions of a roadway set aside for the exclusive use of bicycles; but otherwise a local authority must not regulate or restrict their operation (sec. 4511.512(A)(3)).

Prohibitions and penalties

First prohibition

The bill prohibits the operator of an electric personal assistive mobility device from (1) failing to yield the right-of-way to all pedestrians and human-powered vehicles at all times, (2) failing to give an audible signal before overtaking and passing a pedestrian, (3) operating the device at night unless the device or its operator is equipped with or wearing (a) a lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet *and* (b) 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, or (4) operating the device on any portion of a street or highway that has an established speed limit of 55 miles per hour or more except in the performance of public works or official duties, as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance in an emergency (sec. 4511.512(B)). An operator of a device who violates this four-pronged prohibition in any manner is guilty of a minor misdemeanor and must be fined \$10 (sec. 4511.99(Q)(1)(a)). If the offender previously has been convicted of or pleaded guilty to a violation of this prohibition or a substantially similar municipal ordinance, the court, in addition to imposing the \$10 fine, must do one of the following (sec. 4511.99(Q)(1)(b)):

- 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 and may assess *storage fees* of not more than \$5 per day. The court apparently also may impose *processing and release fees* against the offender or the device in connection with the device's impoundment or subsequent release, but the total of those fees plus the storage fees must not exceed \$50.

- If the court does not issue an impoundment order, issue an order prohibiting 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(C)). A person who violates this prohibition is guilty of a minor misdemeanor (sec. 4511.99(Q)(2)).

Definitions

The bill defines an "electric personal assistive mobility device," for purposes of the relevant portions of the entire state Traffic Law, 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. 4501.01(TT)).

The state Operation of Motor Vehicles 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 *excludes* an electric personal assistive mobility device from this definition, from the definition of "vehicle" that generally applies to the entire state Traffic Law, and from the definition of "vehicle" that specifically applies to the Financial Responsibility Law. (Secs. 4501.01(A), 4509.09(H), and 4511.01(A).)

Electric Personal Assistive Mobility Device Study Committee

The bill creates the Electric Personal Assistive Mobility Device Study Committee and requires it to study the issues relating to the integration in Ohio of electric personal assistive mobility devices with pedestrian, bicycle, and motor vehicle traffic, including any statutory changes or enactments that may be

necessary or appropriate. The Committee must consider any nationwide or statewide studies relating to the safety of these devices when they are integrated with such traffic. On or before January 1, 2003, the Committee must submit a written report containing its recommendations to the Governor, Senate President, House Speaker, Senate Minority Leader, and House Minority Leader. Upon submission of its report, the Committee must cease to exist. (Section 3(A), (B), and (C).)

The Committee must consist of the following members: one Senate member and one municipal official appointed by the Senate President; one House member and one municipal official appointed by the House Speaker; one emergency department physician who is a member of the Ohio Chapter of the American College of Emergency Physicians and who is appointed by the Senate President; one pediatric physician appointed by the House Speaker; and one representative from the Department of Public Safety appointed by the Director of Public Safety. All appointments to the Committee must be made not later than 30 days after the bill's effective date, and all vacancies on the Committee must be filled in the same manner as the original appointments. (Section 3(A).)

The members of the Committee must elect one member to serve as chairperson and may appoint a secretary, who need not be a Committee member. Four members constitute a quorum. (Section 3(A).)

Committee members must serve without compensation (Section 3(A)).

Restriction on sale of electric personal assistive mobility devices

The bill prohibits any person from distributing or selling an electric personal assistive mobility device for a use other than a commercial use, governmental use, or use by a disabled person who has been issued a removable windshield placard or a motor vehicle registration under current law, until 60 days after the Committee has issued its written report. A violator of this prohibition is guilty of a minor misdemeanor. (Section 3(D).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-07-02	p. 1367
Reported, H. State Gov't	---	---

h0501-rh.124/kl

