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Bill Analysis
Legislative Service Commission

H.B 333

125th General Assembly
(As Introduced)

Reps. Miller, Hartnett, Barrett, Skindell, Carano, Key, Beatty, Perry, Seaver

BILL SUMMARY

- Defines "motorized scooter" to mean every motor vehicle, other than a tractor, that has a number of specified characteristics, including being designed to travel on not more than three wheels in contact with the ground; having no pedals and not capable of being pedaled; having an engine or motor that is capable of propelling the vehicle at a speed not greater than 25 miles per hour on a level surface; being designed or intended by its manufacturer to be utilized primarily as a recreational or pleasure vehicle or a vehicle for traveling short distances; and being neither designed nor intended by its manufacturer to be utilized primarily as an assistive device to increase, maintain, or improve the mobility of an individual with a disability or other physical condition that limits or impairs the individual's ability to walk.
- Permits motorized scooters that meet the above "motorized scooter" definition to be operated in the same manner and in the same locations as motorized bicycles (mopeds): upon a highway or any public or private property used by the public for purposes of vehicular travel or parking.
- Establishes a motorized scooter registration fee and a motorized scooter license fee and sets the fees at \$10 and \$2.50 respectively, with both fees being the same as their moped counterparts.
- Makes corresponding changes in provisions that contain the term "motorized bicycle" by adding to those provisions the term "motorized scooter."

BACKGROUND

Motorized scooters, generally

Recent updated versions of the children's scooter include a powered scooter, which is a lightweight metal scooter equipped with either a small gasoline engine or a small electric motor. Some powered scooters have just a motor or engine and a handbrake, while some of the more expensive versions are also equipped with a seat, brakes, and lights.

CONTENT AND OPERATION

Motorized scooters as "motor vehicles" and "motorcycles"

"Motor vehicle" is defined in current law as "any vehicle . . . that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires" (R.C. 4501.01(B).)

A motorcycle is defined in the motor vehicle traffic law definition section (R.C. 4511.01) as

every motor vehicle, other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower. (R.C. 4511.01(C).)

All powered scooters meet the general motor vehicle law definition of "motor vehicle," while many of the more expensive scooters also meet the motor vehicle traffic law definition of "motorcycle." Therefore, none of these scooters can be operated on the public streets without meeting the requirements generally applicable to motor vehicles, while those scooters that also meet the definition of motorcycle are also subject to the provisions governing the operation of motorcycles. Most of these scooters do not meet many of the motor vehicle requirements and, accordingly, cannot be operated on public streets. For example, many are not equipped with turn signals.

Operation of the bill

The bill seeks to specifically regulate the operation of these new scooters by defining "motorized scooter" and permitting scooters that meet that definition to be operated in the same manner and in the same locations as motorized

bicycles, commonly known as "mopeds." Only those scooters that meet the bill's definition of "motorized scooter" can be operated the same as mopeds; all other motorized scooters will still generally be prohibited from being operated on the public streets. The bill accomplishes this through the following provisions:

Definition of "motor vehicle" in the general motor vehicle law definitions

The bill amends the definition of "motor vehicle" in the general motor vehicle law definition section so that motorized scooters, like mopeds, are specifically excepted from the definition of "motor vehicle." (R.C. 4501.01(B).)

New definition of "motorized scooter" in the general motor vehicle law definition section and the motor vehicle traffic law definition section

"Motorized bicycle" is defined in the general motor vehicle law definition section. The bill enacts a new definition of "motorized scooter" in that section and an identical definition in the motor vehicle traffic law definition section. The definition reads as follows:

"Motorized scooter" means every motor vehicle, other than a tractor, that has all of the following characteristics:

(1) It is designed to travel on not more than three wheels in contact with the ground.

(2) It has no pedals and is not capable of being pedaled.

(3) It has an engine or motor that is capable of propelling the vehicle at a speed not greater than 25 miles per hour on a level surface.

(4) It is designed or intended by its manufacturer to be utilized primarily as a recreational or pleasure vehicle or a vehicle for traveling short distances.

(5) It is neither designed nor intended by its manufacturer to be utilized primarily as an assistive device to increase, maintain, or improve the mobility of an individual with a disability or other physical condition that limits or impairs the individual's ability to walk.

"Motorized scooter" does not include an electric personal assistive mobility device.¹

"Motorized scooters" are not motorcycles

The bill amends the definition of "motorcycle" in the motor vehicle traffic law definition section to provide specifically that that term does not include a motorized scooter (R.C. 4511.01(C)).

Operation of motorized scooters on the public streets

The bill amends the Revised Code section that contains the provisions that govern the operation of mopeds to make these provisions applicable to the operation of motorized scooters, thereby permitting motorized scooters to be operated in the same manner and in the same locations as mopeds (R.C. 4511.521). These provisions are as follows:

(1) The bill prohibits any person from operating a motorized scooter upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(A) The person is 14 or 15 years old and holds a valid probationary motorized scooter license, or the person is at least 16 years old and holds either a valid driver's or commercial driver's license or a valid motorized scooter license. However, if a person who is at least 16 years old and has a valid probationary motorized scooter license desires a motorized scooter license, that person is not required to comply with any testing requirement in order to be issued the motorized scooter license. If a person who is at least 16 years old and does not possess a probationary motorized scooter license or a driver's or commercial driver's license wishes to be issued a motorized scooter license, the person must pass the motorized scooter test before the license will be issued.

(B) The motorized scooter is equipped in accordance with the rules adopted by the Director of Public Safety and is in proper working order;

(C) The person, if less than 18 years of age, is wearing a protective helmet on the head with the chin strap properly fastened. The motorized scooter also must be equipped with a rear-view mirror.

¹ R.C. 4501.01(VV) and 4511.01(III). The "electric personal assistive mobility device" is commonly known by its trade name of "Segway."

(D) The person operates the motorized scooter when practicable within three feet of the right edge of the roadway, obeying all traffic rules applicable to vehicles.

(2) Under the bill, the Director, in accordance with the Administrative Procedure Act, is required to adopt rules governing protective helmets, motorized scooter equipment, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. As near as practicable, the test must be the same as the examination that is required for a motorcycle operator's endorsement, and also must require the operator to give an actual demonstration of the operator's ability to operate and control a motorized scooter by driving one under the supervision of an examining officer.

(3) Every motorized scooter license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no case is a motorized scooter license valid for a period longer than four years.

(4) The bill prohibits any person who operates a motorized scooter from carrying another person on it.

(5) The required protective helmet and rear-view mirror must conform to the rules adopted by the Director.

(6) Each probationary motorized scooter license and motorized scooter license must be laminated with a transparent plastic material.

(7) Whoever violates above item (1), (4), or (5) is guilty of a minor misdemeanor, which is punishable by a fine of not more than \$100.

Motorized scooter registration tax and motorized scooter license fee

The bill sets the motorized scooter registration tax at \$10 and the motorized scooter operating license fee at \$2.50, the same as for moped registrations and moped licenses (R.C. 4503.04(A)(1) and 4503.23(D)).

Corresponding addition of the term "motorized scooter" in Revised Code sections that refer to "motorized bicycle"

The term "motorized bicycle" currently appears in a number of Revised Code sections for particular purposes. As the bill makes motorized scooters the same as motorized bicycles for purposes of state law, the term "motorized scooter" is inserted in these sections after "motorized bicycle." These sections are as follows:

- R.C. 3937.18(A): A motorized scooter is not a motor vehicle for purposes of the uninsured/underinsured insurance law.
- 4503.01: For purposes of most of the motor vehicle registration laws, a motorized scooter is a motor vehicle and must be registered.
- 4503.04(J): Since a registration tax of \$10 is specifically prescribed by the bill for motorized scooters, they are not a type of vehicle to which the minimum tax of \$10.80 applies.
- 4503.182: The Registrar may issue temporary license placards to motorized scooter dealers for issuance to persons who purchase motorized scooters from the dealers (division (B)). The bill defines a "motorized scooter dealer" as any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in motorized scooters who is not subject to the tax levied on manufacturers, dealers, and distributors of regular motor vehicles such as automobiles (division (H)(2)).
- 4503.21(A): The single license plate issued for a motorized scooter must be displayed on the rear of the scooter.
- 4503.22: The Registrar determines the size of the motorized scooter license plate.
- 4503.30: The placards issued to a motorized scooter manufacturer, dealer, or distributor may be displayed only on the scooters of that business.
- 4503.31: Persons who are not subject to the general motor vehicle manufacturer, dealer, and distributor tax but whose business involves the operation of motorized scooters, such as a business that tests motor vehicles, may register annually with the Registrar and obtain placards to be displayed on the motor scooters during such operation. The placards cannot be displayed on any other scooters.
- 4504.01: Motorized scooters are motor vehicles for purposes of the Revised Code chapter governing local motor vehicle permissive taxes, and therefore persons who register motorized scooters must pay any such applicable tax.
- 4507.01(A): For purposes of the driver's licensing law (R.C. Chapter 4507.), "motorized scooter" has the same meaning as that term is given in the general motor vehicle definition section (R.C.

4501.01). This division also provides that "motorized scooter license" means the license issued under the bill to any person to operate a motorized scooter, including a "probationary motorized scooter license." "Probationary motorized scooter license" is defined to mean the license issued under the bill to any person between 14 and 16 years of age to operate a motorized scooter.

- 4507.01(B): Motorized scooter licenses may be laminated.
- 4507.05(B): Permits the Registrar and deputy registrars to issue a person a temporary instruction permit and temporary instruction permit identification card to operate a motorized scooter that entitles the person, while having the two items in the person's possession, to drive the motorized scooter under restrictions determined by the Registrar. Permits such a permit and card to be issued to persons who are 14 and 15 years old.
- 4507.23: Permits the Registrar and deputy registrars to collect a fee of \$1.50 for laminating a motorized scooter license (division (F)). Eliminates the motorized scooter license fee and related lamination fee if the applicant is a disabled veteran who has a service-connected disability rated at 100% by the Veterans' Administration (division I)).
- 4507.24: Permits deputy registrars to collect their standard service fee (currently \$3.25 per transaction) when issuing motorized scooter licenses (divisions (A) and (B)). Exempts disabled veterans who apply for a motorized scooter license and have a service-connected disability rated at 100% by the Veterans' Administration from payment of the deputy registrar service fee (division (B)).
- 4509.01: Provides that for purposes of the financial responsibility law, "motor vehicle" does not include motorized scooters, and therefore that law does not apply to the operation of motorized scooters.
- 4510.34: Requires the Registrar to suspend a person's probationary motorized scooter license if the person is convicted of or adjudicated in juvenile court of a violation of the general state provisions governing the operation of motorized scooters or the provision that prohibits carrying a passenger on a motorized scooter, or a violation of any state or municipal ordinance for which points are chargeable against a person's driver's license (division (A)). Requires a person whose probationary motorized scooter license is so suspended to



surrender it to the Registrar within 14 days of the suspension notification (division (B)). Prohibits an application for a motorized scooter license or probationary motorized scooter license from any person whose probationary motorized scooter license has been so suspended from being processed until the person reaches 16 years of age (division (C)(2)).

- 4513.03(A): Requires motorized scooters, when being operated on the public streets between sunset and sunrise, to display lighted lights that meet rules adopted by the Director of Public Safety.
- 4513.20: Exempts motorized scooters *and* motorized bicycles from the requirement that they be equipped with brakes that can be applied by two separate means, each of which is effective to at least two wheels (division (A)(1)), but requires motorized scooters to be equipped with brakes that meet rules adopted by the Director (division (A)(3)). Exempts motorized scooters from the specific requirement that they be equipped with parking brakes (division (A)(6)).
- 4513.24: Permits motorized scooters to be driven on the public streets without being equipped with windshields.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-18-03	p. 1111

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