



H.B 18

126th General Assembly
(As Introduced)

Reps. Miller, Skindell, Perry, Allen Barrett, Brown, Beatty

BILL SUMMARY

- Defines "motorized scooter" to mean every motor vehicle, other than a tractor, that is designed to travel on not more than three wheels in contact with the ground; has no pedals and is not capable of being pedaled; 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; is designed or intended by its manufacturer to be utilized primarily as a recreational or pleasure vehicle or a vehicle for traveling short distances; and is neither designed nor intended by its manufacturer to be utilized primarily as an assistive device to increase, maintain, or improve the mobility of a physically impaired person.
- Permits motorized scooters 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, the same as for mopeds.

BACKGROUND

Motorized scooters, generally

A powered scooter 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

Powered 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.

Regulation of motorized scooters

The bill specifically excepts a kind of powered scooter, called a "motorized scooter," from the definition of motor vehicle and permits it to be operated in the same manner and in the same locations as motorized bicycles, commonly known as "mopeds." All other motorized scooters will still generally be prohibited from being operated on the public streets.

The bill defines the term "motorized bicycle" in the general motor vehicle law definition section and in the motor vehicle traffic law definition section 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

The bill also 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 governs 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:

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."*

(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. 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 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 and the motorized scooter is equipped with a rear-view mirror.

(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 \$150.

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." (R.C. 3937.18(A), 4503.01, 4503.04(J), 4503.182, 4503.21(A), 4503.22, 4503.30, 4503.31, 4504.01, 4507.01(A), 4507.01(B), 4507.05(B), 4507.23, 4507.24, 4509.01, 4510.34, 4513.03(A), 4513.20, and 4513.24.)

HISTORY

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