



H.B. 389*

126th General Assembly

(As Reported by S. Highways and Transportation)

Reps. Setzer, Yuko, J. McGregor, Wagoner, Fende, Hartnett, Widowfield, S. Patton, Webster, Allen, DeGeeter, Law, Barrett, Brown, Collier, Combs, DeBose, Domenick, C. Evans, D. Evans, Flowers, Hughes, Key, Mason, Otterman, Reidelbach, Sayre

BILL SUMMARY

- Provides that while local authorities may continue to regulate the operation of bicycles, any such regulation cannot be fundamentally inconsistent with the uniform rules of the road and that generally no such regulation may prohibit the use of bicycles on any public street or highway.
- Prohibits any person from stopping or operating a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law, and provides that in a case involving such a violation the trier of fact must consider the capabilities of the vehicle and its operator.
- Requires any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, with certain exceptions.
- Establishes certain exceptions to permit in no-passing zones the overtaking and passing of other traffic or driving to the left of the center or center line of the roadway when passing otherwise is prohibited.

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

- Provides that in the case of a person operating a bicycle, a turn signal must be made at least one time but need not be continuous, and the operator is not required to signal if the bicycle is in a designated turn lane or the operator's hands are needed for the safe operation of the bicycle.
- Clarifies that a bicycle operator who violates any section of the motor vehicle traffic or equipment law that is applicable to bicycles may be issued a ticket by a law enforcement officer for the violation in the same manner as a motor vehicle operator would be cited for the same violation.
- Requires a person operating a bicycle to ride only upon or astride the bicycle's permanent and regular seat, and specifically permits the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.
- Provides that a person operating a bicycle is not required to ride at the edge of the roadway when it is unreasonable or unsafe to do so.
- Modifies the bicycle lamp, reflector, and horn provisions.
- Prohibits a local authority from requiring bicycles to be operated on sidewalks.

CONTENT AND OPERATION

The bill makes changes to a number of provisions of the motor vehicle traffic law relating to the operation of bicycles.

Local traffic regulations

Chapters 4511. and 4513. of the Revised Code contain the state motor vehicle traffic laws and motor vehicle equipment laws, respectively. While they apply statewide, these chapters do not prevent local authorities from carrying out certain specified activities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power. These include:

- (1) Regulating the stopping, standing, or parking of vehicles, trackless trolleys, and streetcars;
- (2) Regulating traffic by means of police officers or traffic control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;

(4) Regulating the operation of and requiring the registration and licensing of bicycles, including the requirement of a registration fee. (R.C. 4511.07(A) to (C) and (H).)

The bill modifies item (4), above, by providing that no regulation governing the operation of bicycles may be fundamentally inconsistent with the uniform rules of the road prescribed by R.C. Chapter 4511., and that no such regulation may prohibit the use of bicycles on any public street or highway. (The bill continues the provision of the Revised Code that prohibits bicycles from being operated within the right-of-way of a freeway except on a facility that is separated from the freeway roadway and shoulders and is designed and marked for bicycle use.) (R.C. 4511.07(A)(8).) Any regulation of bicycles by a local authority under these provisions is not effective until signs giving notice of it are posted upon or at the entrance to the highway or part of the highway affected, as may be most appropriate (R.C. 4511.07(B)).

The bill also permits local authorities to require the registration and licensing of bicycles, including the requirement of a registration fee, but only for residents of the local authority (R.C. 4511.07(A)(9)).

Slow speed

Current law prohibits any person from stopping or operating a vehicle, trackless trolley, or street car at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law (R.C. 4511.22(A)). The bill modifies this provision by prohibiting the slow speed from being *unreasonably* slow. In addition, the bill provides that in a case involving a violation of this prohibition, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, must consider the capabilities of the vehicle and its operator (R.C. 4511.22(C)).

Lanes of travel

Current law provides that upon all roadways any vehicle or trackless trolley proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle or trackless trolley proceeding in the same direction or when preparing for a left turn (R.C. 4511.25(B)).

The bill provides instead that upon all roadways any vehicle or trackless trolley proceeding at less than the prevailing and lawful speed of traffic at the time

and place and under the conditions then existing must be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

(1) When overtaking and passing another vehicle or trackless trolley proceeding in the same direction;

(2) When preparing for a left turn;

(3) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route. (R.C. 4511.25(B)(1)(a) to (c).)

The bill provides that nothing in the above provisions requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle (R.C. 4511.25(B)(2)).

Hazardous passing zones

Under current law, the Department of Transportation (ODOT) may determine that on a portion of a state highway, overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous. In such a case, ODOT may indicate the beginning and end of such a zone by appropriate signs or markings on the highway (a "no passing zone"). When such signs or markings are in place and clearly visible, vehicle and trackless trolley operators must obey the directions of the signs or markings. (R.C. 4511.31(A).)

The bill retains these provisions but provides that they are inapplicable when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location;

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit;

(3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions specified in the traffic law, considering the speed of the slower vehicle. (R.C. 4511.31(B).)

Turn and stop signals

Current law prohibits any person from turning a vehicle or trackless trolley or moving right or left upon a highway unless and until the person has exercised due care to ascertain that the movement can be made with reasonable safety and only after giving an appropriate signal as described in the traffic law. When required, a signal of intention to turn or move right or left must be given continuously during at least the last 100 feet traveled by the vehicle or trackless trolley before turning. A turn signal must be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left; larger vehicles must use signal lights. (R.C. 4511.39(A).)

The bill provides that in the case of a person operating a bicycle, the signal must be made at least one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal is not to be given when the operator's hands are needed for the safe operation of the bicycle (R.C. 4511.39(A)).

Bicycle operation, generally

Current law provides that those sections of R.C. Chapters 4511. and 4513., which contain the state motor vehicle traffic laws and motor vehicle equipment laws, respectively, that are applicable to bicycles apply to bicycles whenever a bicycle is operated upon any highway or path set aside for the exclusive use of bicycles (R.C. 4511.52).

Under the bill, a bicycle operator who violates any section of R.C. Chapter 4511. or 4513. that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle would not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license. (R.C. 4511.52(B).) This provision does not apply to a state OVI violation (R.C. 4511.52(D)).

In the case of a violation of any section of R.C. Chapter 4511. or 4513. by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of law to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Revised Code for that violation (R.C.

4511.52(C)). This provision does not apply to a state OVI violation (R.C. 4511.52(D)).

Rules for riding a bicycle or motorcycle

Current law requires a person operating a bicycle or motorcycle to ride only upon the vehicle's permanent and regular seat. A person must ride a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle. No person may operate a bicycle while carrying any package, bundle, or article that prevents the driver from keeping at least one hand upon the handle bars, and no bicycle may be used to carry more persons at one time than the number for which it is designed and equipped. (R.C. 4511.53(B).)

The bill requires a person operating a bicycle to ride only upon or astride the bicycle's permanent and regular seat, and a person operating a motorcycle to ride only upon the motorcycle's permanent and regular seat. The bill retains the prohibitions against any person from operating a bicycle while carrying any package, bundle, or article that prevents the driver from keeping at least one hand upon the handle bars and from carrying more persons at one time than the number for which the bicycle is designed and equipped, but it specifically provides that none of these provisions are to be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle (R.C. 4511.53(C)).

Riding bicycles on a roadway

Under current law, every person operating a bicycle upon a roadway is required to ride as near to the right side of the roadway as practicable, obeying all traffic rules applicable to vehicles, and exercising due care when passing a standing vehicle or one proceeding in the same direction. A person riding a bicycle upon a roadway must ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles. (R.C. 4511.55(A) and (B).)

The bill retains these provisions, but provides that they do not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, or surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane. (R.C. 4511.55(C).)

Bicycle signal devices

Current law

During times of reduced visibility and at night, every bicycle must be equipped with the following:

- (1) A lamp on the front that emits a white light visible from a distance of at least 500 feet to the front;
- (2) A red reflector on the rear of a type approved by the Director of Public Safety that is visible from all distances from 100 feet to 600 feet to the rear when directly in front of a motor vehicle's low beams;
- (3) A lamp emitting a red light visible from a distance of 500 feet to the rear, in addition to the red reflector;
- (4) An essentially colorless reflector on the front of a type approved by the Director;
- (5) Either tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the front wheel spokes and an essentially colorless or red reflector mounted on the rear wheel spokes. Each reflector must be visible on each side of the wheel from a distance of 600 feet when directly in front of a motor vehicle's low beams. Retroreflective tires or reflectors must be of a type approved by the Director. (R.C. 4511.56(A)(1) to (5).)

No person may operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle cannot be equipped with, and no person riding a bicycle may use, a siren or whistle (R.C. 4511.56(B)).

Changes made by the bill

Under the bill, during times of reduced visibility and at night every bicycle must be equipped with the following:

- (1) A lamp mounted on the front of either the bicycle or the operator that emits a white light visible from a distance of at least 500 feet to the front and 300 feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
- (2) A red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when directly in front a motor vehicle's low beams;

(3) A lamp emitting either flashing or steady red light visible from a distance of 500 feet to the rear, in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in item (2), above, the red lamp may serve as the reflector and a separate reflector is not required. (R.C. 4511.56(A)(1) to (3).)

Additional lamps and reflectors may be used in addition to those required by items (1) to (3), above, except that red lamps and red reflectors cannot be used on the front of the bicycle and white lamps and white reflectors cannot be used on the rear of the bicycle (R.C. 4511.56(B)).

The bill permits a bicycle to be equipped with a device capable of giving an audible signal, except that a bicycle cannot be equipped with, and no person riding a bicycle may use, a siren or whistle (R.C. 4511.56(C)).

Riding a bicycle on a sidewalk

Under current law, no person may drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This does not prohibit a local authority from regulating the operation of bicycles within its jurisdiction. The bill retains this prohibition and continues to permit a local authority to regulate bicycle operation within its jurisdiction, but prohibits any local authority from requiring bicycles to be operated on sidewalks. (R.C. 4511.711.)

HISTORY

ACTION	DATE
Introduced	10-19-05
Reported, H. Transportation, Public Safety, & Homeland Security	02-23-06
Passed House (90-3)	03-07-06
Reported, S. Highways & Transportation	---

h0389-rs-126.doc/kl