



# Ohio Legislative Service Commission

## Final Analysis

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### Sub. S.B. 114

129th General Assembly  
(As Passed by the General Assembly)

**Sens.** Seitz, Kearney, Patton, Wilson, Bacon, Beagle, Burke, Daniels, Hite, Hughes, LaRose, Sawyer, Schiavoni, Smith, Tavares, Turner

**Reps.** Ruhl, Kozlowski, Letson, Murray, Phillips, Rosenberger, Uecker, Winburn, Batchelder

**Effective date:** March 22, 2013; certain provisions effective January 1, 2017

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## ACT SUMMARY

### Specialized motor vehicles

- Establishes the conditions for operation of low-speed vehicles and generally prohibits low-speed vehicles from being operated on a street or highway with a speed limit greater than 35 mph.
- Establishes the conditions for operation of under-speed and utility vehicles and mini-trucks when authorized by a local ordinance or resolution and generally prohibits under-speed and utility vehicles and mini-trucks from being operated on a street or highway unless locally authorized and then only on a street or highway with a speed limit of 35 mph or less.
- Authorizes the operation of mini-trucks on farms under specified circumstances and on the property of a mini-truck dealer.
- Generally prohibits operation of a motor scooter on a street or highway with a speed limit greater than 45 mph.
- Establishes a motor scooter temporary instruction permit and license or endorsement for the operation of a motor scooter only.

- Codifies existing limitations and restrictions that apply to the operation of a motorcycle by a person who holds a motorcycle temporary instruction permit.

### **Height of motorcycle handlebars**

- Prohibits motorcycle handlebars from rising higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

### **Motor vehicle window tinting**

- Prohibits a motor vehicle manufacturer, remanufacturer, or distributor from providing to a licensed motor vehicle dealer a motor vehicle that violates window-tinting standards.
- Increases the penalty for installing nonconforming glass or other material.
- Establishes civil liability for installing nonconforming glass or other material, including costs and attorney fees.
- Exempts motor vehicles used by law enforcement from window tinting standards under specified circumstances.
- Expands the jurisdiction of the Board of Motor Vehicle Collision Repair Registration to include motor vehicle window tint operators and renames the Board as the Motor Vehicle Repair Board.
- Requires window tint operators to register with the Motor Vehicle Repair Board.
- Gives the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair operator registration violations.
- Imposes a registration or license suspension of up to 180 days on a registered motor vehicle repair operator or licensed motor vehicle dealer upon a second or subsequent violation for installing nonconforming glass or other material, based on court abstracts sent to the Motor Vehicle Dealers Board or Motor Vehicle Repair Board.
- Alters certain powers and administrative functions of the renamed Motor Vehicle Repair Board.

### **Joint self-insurance pool subdivision costs and deductibles**

- Permits a joint self-insurance pool formed under political subdivision sovereign immunity law to require payment of deductibles from accounts or funds in the treasury of a political subdivision from which a loss was directly attributable.
- Provides a procedure for a political subdivision in a joint self-insurance pool to transfer the deductible and the costs from the appropriate funds or accounts to the subdivision's general fund.

**Effective date for certain provisions of the act**

- Provides that the act's provisions take effect January 1, 2017, except for provisions regarding handlebar height, window tinting, the renamed Motor Vehicle Repair Board, and political subdivision joint self-insurance pool costs and deductibles, which take effect 90 days after the act is signed into law.

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**CONTENT AND OPERATION**

**Specialized motor vehicles**

The act establishes the conditions for operation of specialized vehicles, including low-speed and under-speed vehicles, motor scooters, cab-enclosed motorcycles, and mini-trucks. In general, if the particular type of vehicle is operated on a public street, the operator must have a driver's license, the vehicle must be registered and display license plates, and the vehicle must be operated in accordance with all traffic and other laws. The following chart discusses the act's provisions regarding these vehicles.

Vehicle type	Description	Registration	Operational restrictions
Low-speed <sup>1</sup>	3 or 4 wheels  Attainable speed between 20 and 25 mph  Gross vehicle weight rating (GVWR) less than 3,000 pounds  Example: a modified golf cart	\$10	Cannot be operated on a street or highway with a speed limit greater than 35 mph (except to cross a street with a greater speed limit); first offense is a minor misdemeanor and the penalty may escalate based on prior traffic violations  May not be used for the on-road portion of a driving test
Under-speed <sup>2</sup>	3 or 4 wheels  Attainable speed of not more than 20 mph  GVWR less than 3,000 pounds  Example: unmodified golf cart	\$10	Cannot be operated on a street or highway unless authorized by a local jurisdiction for use on a street or highway with a speed limit of 35 mph or less (except to cross a street with a greater speed limit); first offense is a minor misdemeanor and the penalty may escalate based on prior traffic violations  May not be used for the on-road portion of a driving test
Utility vehicle <sup>3</sup>	Self-propelled vehicle with a bed for transporting material or cargo	\$10	Same as under-speed vehicle, except may be operated within a state or local park by a state or local park employee or volunteer
Motor-driven cycle or motor scooter <sup>4</sup>	Not more than 3 wheels  Driver's seat and floor pad for feet  Specified motor size capable of more than 20 mph	\$14  Displays a single, rear license plate	Cannot be operated on a street or highway with a speed limit greater than 45 mph (except to cross a street with a greater speed limit); first offense is a minor misdemeanor and the penalty may escalate based on prior traffic violations  May not be used for the on-road portion of a driving test for a motorcycle license or motorcycle operator's endorsement

<sup>1</sup> R.C. 4501.01(WW), 4507.11(A), and 4511.214(A)(1).

<sup>2</sup> R.C. 4501.01(XX), 4507.11(A), 4511.214, and 4511.215.

<sup>3</sup> R.C. 4501.01(VV), 4503.04(A)(2), 4507.11(A), 4511.214, and 4511.215.

<sup>4</sup> R.C. 4501.01(YY), 4503.04(A)(1)(b), 4503.21(A), 4503.22, and 4507.11(A).

Vehicle type	Description	Registration	Operational restrictions
Cab-enclosed motorcycle <sup>5</sup>	Not more than 3 wheels  Seat or saddle for the operator  Occupant compartment top (may be removable)	\$14  Displays a single, rear license plate	Except in regard to operation with a temporary instruction permit, not subject to otherwise applicable requirements related to wearing a helmet and safety glasses or other eye protection
Mini-truck <sup>6</sup>	4 wheels, with an enclosed cab and seat, cargo bed, not manufactured to federal motor vehicle safety standards  Propelled by an electric motor or internal combustion engine of a specified size  Dry weight of 900 to 2,200 pounds	\$10  Registration required when operated pursuant to local authority under the act	(1) Generally cannot be operated on a street or highway unless authorized by a local jurisdiction for use on a street or highway with a speed limit of 35 miles per hour or less (except to cross a street with a greater speed limit), (2) may be operated on a farm when the owner of the farm qualifies for the current agricultural use valuation tax credit and on public roads and rights-of-way only when traveling from one farm field to another, and (3) may be operated on property owned or leased by a dealer who sells mini-trucks at retail  First offense is a minor misdemeanor and the penalty may escalate based on prior traffic violations  May not be used for the on-road portion of a driving test

### Authority of a local jurisdiction

The act allows a local authority, by ordinance or resolution, to authorize the operation of under-speed or utility vehicles or a mini-truck on its streets or highways that have a speed limit of 35 mph or less. Under-speed or utility vehicles or mini-trucks that are operated on local streets or highways must pass an inspection, be registered, and be titled. Also, the local authority must notify the Director of Public Safety when the authority allows the operation of under-speed or utility vehicles or mini-trucks on its streets. A local authority may establish additional requirements for the operation under-speed or utility vehicles or mini-trucks on its streets. Under continuing law, a

<sup>5</sup> R.C. 4501.01(AAA), 4503.04(A)(1)(b), 4503.21(A), 4503.22, 4511.01(C), and 4511.53.

<sup>6</sup> R.C. 4501.01, 4503.04(A)(2), 4511.214, 4511.215, 4519.01, 4519.02, and 4519.401.

local authority is a county, municipal corporation, or other local board or body having authority to adopt police regulations under Ohio law.<sup>7</sup>

The act also specifies that it does not prevent a local jurisdiction from adopting more stringent ordinances, resolutions, or regulations governing the operation of a low-speed vehicle or a mini-truck or motor-driven cycle (motor scooter).<sup>8</sup>

### **Motor scooter operation**

The act establishes a motor-driven cycle or motor scooter endorsement and a motor scooter only restricted license, as well as a motor scooter temporary instruction permit<sup>9</sup> and addresses the differences between a motorcycle license and a motor scooter only license. Under the act, an applicant for a motorcycle license or endorsement is prohibited from using a motor scooter to demonstrate the ability to exercise control over the motorcycle, but an applicant for a motor scooter only restricted license or endorsement may use a motor scooter to demonstrate the ability to operate a motor-driven cycle or motor scooter.<sup>10</sup> As with a motorcycle, an applicant for a motor scooter endorsement or motor scooter only restricted license who successfully completed a rider course within the previous 60 days is not required to demonstrate the ability to an examining officer. A person who holds a motorcycle endorsement or license may operate a motor scooter with that endorsement or license.<sup>11</sup>

### **Other**

The act allows the display of a single license plate indicating a person's status as a retired or honorably discharged veteran on a motorized bicycle or moped, motor-driven cycle or motor scooter, or a cab-enclosed motorcycle, as well as on a motorcycle, which is authorized under current law.<sup>12</sup>

The act makes the following additional changes to the laws governing the specialized vehicles:

- Incorporates the term "moped" into the provisions that currently apply to a "motorized bicycle" (which may be pedaled, has a small helper motor

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<sup>7</sup> R.C. 4511.01(AA) and 4511.215.

<sup>8</sup> R.C. 4511.214(C).

<sup>9</sup> R.C. 4507.05 and 4507.06.

<sup>10</sup> R.C. 4507.11.

<sup>11</sup> R.C. 4507.11.

<sup>12</sup> R.C. 4503.544.

that propels the vehicle up to 20 mph, is registered for \$10, requires a motorized bicycle license available to a person at least 14 years old, and displays a single, rear license plate).<sup>13</sup>

- In regard to recreational vehicles, (1) specifies that a "travel trailer" also is known as a "house vehicle" and may have a length of 40 feet rather than 35 feet and eliminates the maximum square footage (less than 320 square feet under prior law) and (2) eliminates the maximum square footage of fifth wheel trailers (400 square feet or less under prior law).<sup>14</sup>
- Specifies that a "motorcycle" is a motor vehicle with not more than three wheels and with an operator seat or saddle, but that it does not have an occupant compartment.<sup>15</sup>

### **Motorcycle operation under a temporary instruction permit**

Continuing law permits the Registrar of Motor Vehicles or a deputy registrar, upon receiving from any person an application for a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle, to issue such a permit and identification card entitling the applicant, while having the permit and identification card in the applicant's immediate possession, to drive a motorcycle under restrictions determined by the Registrar. These restrictions were not codified, however.

The act codifies these restrictions by prohibiting any person from operating a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation. In addition, the act prohibits any person from operating a motorcycle with such a permit and identification card in any of the following circumstances: (1) at any time when lighted lights are required by current law, such as between sunset and sunrise, (2) while carrying a passenger, and (3) on any limited access highway or heavily congested roadway.<sup>16</sup>

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<sup>13</sup> R.C. 4501.01(L), 4503.04(A)(1)(a), 4503.21(A), 4507.05, and 4511.01(H).

<sup>14</sup> R.C. 4501.01(Q).

<sup>15</sup> R.C. 4501.01(ZZ).

<sup>16</sup> R.C. 4507.01, 4507.05, and 4511.53.

## **Height of motorcycle handlebars**

The act prohibits motorcycle handlebars from rising higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.<sup>17</sup> Prior law prohibited any motorcycle from being operated on a highway when the handlebars or grips were more than 15 inches higher than the operator's seat or saddle.

## **Motor vehicle window tinting**

In general, the degree of tinted glass used on motor vehicles operated in Ohio must conform to standards established by the Director of Public Safety by rule. The act does not change the window-tinting standards, but it (1) adds an additional prohibition, (2) increases the penalty for certain violations, (3) specifically authorizes a civil action under certain circumstances, including damages, costs of bringing the action, and attorney fees, (4) renames the Board of Motor Vehicle Collision Repair Registration as a consequence of including persons who install window tint in the registration requirements, (5) imposes license or registration suspension for motor vehicle dealers or registered motor vehicle collision repair operators upon a second violation, and (6) gives the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair registration violations.

### **Criminal sanctions**

Continuing law establishes three prohibitions related to the window-tinting standards: (1) no person may operate a motor vehicle unless the vehicle conforms to the standards, (2) no person may install glass or other material that does not conform, and (3) no new or used motor vehicle dealer may sell a vehicle with nonconforming glass. The act additionally prohibits any motor vehicle manufacturer, remanufacturer, or distributor from providing a vehicle to a licensed motor vehicle dealer or to any other person that has nonconforming window tint.<sup>18</sup>

Under law, any violation of the continuing prohibitions related to window tinting is a minor misdemeanor. The act establishes that if a motor vehicle dealer sells a vehicle with nonconforming window tint, the violation is a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of the sale.<sup>19</sup> The act specifies that whoever installs nonconforming material generally is guilty of a fourth degree misdemeanor. However, an organization may not be convicted of the offense

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<sup>17</sup> R.C. 4511.53(B).

<sup>18</sup> R.C. 4513.241(E)(2).

<sup>19</sup> R.C. 4513.241(J)(2).

unless the act of installing the nonconforming window tint was authorized by the board of directors, trustees, partners, or a high managerial officer acting on behalf of the organization and the installation was performed by an employee acting within the scope of employment.<sup>20</sup>

### **Applicability of window tinting standards to law enforcement**

The act establishes an exemption from the window tinting standards for a motor vehicle used by a law enforcement agency under either of the following circumstances:

(1) The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

(2) The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.<sup>21</sup>

Under the act, "law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.<sup>22</sup>

### **Motor Vehicle Repair Board; professional registration and civil sanctions**

The act expands the jurisdiction of the Board of Motor Vehicle Collision Repair Registration to include motor vehicle window tint operators (consequently renaming the Board as the Motor Vehicle Repair Board), requires the window tint operators to register with the Board, imposes civil sanctions on both licensed motor vehicle dealers and registered window tint operators or repair operators who violate the window tint standards, and alters certain administrative aspects and powers of the Board.

The act establishes that a "motor vehicle window tint operator" means a person or type of business organization, or legal entity that is not an employee or agent, that installs tinted glass or transparent, nontransparent, translucent, and reflectorized material in or on five or more motor vehicle windows in a calendar year. The act also defines "motor vehicle window tint installation facility" as a location from which five or more motor vehicle window tint installations are performed in a 12-month period. For

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<sup>20</sup> R.C. 4513.241(J)(3).

<sup>21</sup> R.C. 4513.241(J).

<sup>22</sup> R.C. 4513.241(J).

purposes of registration with the Motor Vehicle Repair Board and also sanctions related to nonconforming window tint, the act classifies motor vehicle window tint operators and motor vehicle collision repair operators collectively as "motor vehicle repair operators."<sup>23</sup>

Window tint operators must register with the Motor Vehicle Repair Board in the same manner as a motor vehicle collision repair operator. The registration requirements generally do not apply to persons in related fields who are licensed for those fields, such as motor vehicle dealers. A person whose registration application is denied may not open or operate a window tint installation facility. The basic registration fee is \$150 per year and the penalty for failing to register is a fine of \$1,000 on a first offense and between \$1,000 and \$5,000 on subsequent offenses. The act subjects window tint operators to the Consumer Sales Practices Act for specified violations.<sup>24</sup>

The act gives the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair operator registration violations, which includes both collision repair operators and window tint operators.<sup>25</sup>

If a person who installs nonconforming window tint material is a registered motor vehicle repair operator or a licensed motor vehicle dealer, the offender is subject to a registration or license suspension for up to 180 days on a second offense. The act requires every county court judge, mayor of a mayor's court, and clerk of a court of record to keep a full record of every case in which a person is charged with any violation related to nonconforming material and prepare an abstract of each case, which then must immediately be forwarded to the Motor Vehicle Repair Board and the Motor Vehicle Dealers Board.<sup>26</sup>

The Motor Vehicle Repair Board and the Motor Vehicle Dealers Board must keep and maintain all abstracts of nonconforming material violations that each board receives and, within ten days after receipt of an abstract, each board must determine whether the person named in the abstract is registered or licensed with the board. If the person is registered or licensed, the board must determine whether the person's registration or license is to be suspended based on whether the person previously has been convicted of or pleaded guilty to a window-tinting violation. If the person

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<sup>23</sup> R.C. 4775.01(E), (F), and (H).

<sup>24</sup> R.C. 4775.02, 4775.08, 4775.09 (E), and 4775.99.

<sup>25</sup> R.C. 4775.01 and 4775.09(B).

<sup>26</sup> R.C. 4513.241(K)(2)(c) and (L)(1).

previously has had a violation, the respective board must suspend the license or registration for up to 180 days without a prior hearing.<sup>27</sup>

The act allows the owner of a motor vehicle on which was installed the nonconforming glass or material to bring a civil action against the installer for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees. The act also allows the owner of a motor vehicle on which was installed nonconforming glass or material to file a complaint with the Motor Vehicle Dealers Board or the Motor Vehicle Repair Board, as applicable, if the person who installed the nonconforming material was licensed or registered with either of those boards. Upon receipt of a complaint, the respective board must investigate the complaint.<sup>28</sup>

The act specifies that its provisions related to motor vehicle collision repair operators does not preempt any local law enacted prior to the act's effective date.<sup>29</sup>

### **Changes to the Board**

The act makes the following changes to the renamed Motor Vehicle Repair Board:

(1) It requires rules adopted by the Board to be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.);

(2) It requires the executive director of the Board to present to the Board not only any evidence the executive director may have of a violation committed by a motor vehicle repair operator but also any possible action the Board is permitted to take;

(3) It requires a report that an enforcement officer submits to the executive director regarding alleged violations to be based on investigative practices and procedures the Board approves; and

(4) It requires a person who registers as a motor vehicle repair operator to submit at the time of registration proof of possession of all required permits under the Air Pollution Control Law.<sup>30</sup>

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<sup>27</sup> R.C. 4513.241(K)(2), 4517.33, and 4775.09.

<sup>28</sup> R.C. 4513.241(J)(6).

<sup>29</sup> R.C. 4775.11.

<sup>30</sup> R.C. 4775.04, 4775.05, 4775.06, and 4775.07.

## Joint self-insurance pool subdivision costs and deductibles

Political subdivision sovereign immunity law allows a political subdivision to join with other political subdivisions in a joint self-insurance pool to provide for the payment of judgments, claims, expenses, losses, and damages related to potential subdivision liability. The act allows a joint self-insurance program to require any deductible under the program to be paid from funds or accounts in the treasury of the political subdivision from which a loss was directly attributable. Under prior law, a joint self-insurance pool could allocate the costs of funding the pool (but not the deductible) among the funds or accounts in the treasuries of the political subdivisions on the basis of their relative exposure and loss experience.<sup>31</sup>

The act also provides that if a joint self-insurance pool makes an allocation of costs or requires the payment of deductibles from specific subdivision funds or accounts, the subdivision's fiscal officer, pursuant to an ordinance or resolution of the subdivision's legislative authority, must transfer amounts equal to those costs or deductibles from the funds or accounts to the subdivision's general fund if both of the following apply: (1) the subdivision requests payment from the employee responsible for the funds or accounts for those costs or deductibles, and (2) the employee receiving the request fails to remit payment within 45 days after the date the request is received. The act also exempts these transfers by the fiscal officer from continuing law that otherwise governs transfers between funds of a political subdivision.<sup>32</sup>

### Effective dates

The act's provisions have an effective date of January 1, 2017 with the exception of the following provisions which take effect 90 days after the act is signed into law:

- (1) The amendments relating to the permissible height of motorcycle handlebars and the associated penalty;
- (2) All provisions relating to motor vehicle window tinting and installers of motor vehicle window tinting;
- (3) All provisions relating to the Board of Motor Vehicle Collision Repair, which is renamed by the act as the Motor Vehicle Repair Board; and

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<sup>31</sup> R.C. 2744.081(A).

<sup>32</sup> R.C. 2744.082.

(4) All provisions relating to political subdivision joint self-insurance pool costs and deductibles.<sup>33</sup>

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## HISTORY

ACTION	DATE
Introduced	03-09-11
Reported, S. Highways & Transportation	06-02-11
Passed Senate (31-0)	09-27-11
Reported, H. Transportation, Public Safety & Homeland Security	12-11-12
Passed House (84-8)	12-12-12
Senate concurred in House amendments (33-0)	12-13-12

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<sup>33</sup> Section 3.

