



# Ohio Legislative Service Commission

## Bill Analysis

Linda S. Crawford

### **S.B. 114**

129th General Assembly  
(As Introduced)

**Sens.** Seitz, Kearney

---

## **BILL 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 vehicles when authorized by a local ordinance or resolution and generally prohibits under-speed vehicles 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.
- Generally prohibits operation of a motor scooter on a street or highway with a speed limit greater than 45 mph.
- Generally prohibits the operation of mini-trucks on streets or highways.
- Codifies existing limitations and restrictions that apply to the operation of a motorcycle by a person who holds a motorcycle temporary instruction permit.

### **Motor vehicles 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.

- Imposes a registration or license suspension of up to 180 days on a registered motor vehicle collision repair facility 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 Board of Motor Vehicle Collision Repair Registration.

---

## CONTENT AND OPERATION

### Specialized motor vehicles

The bill 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.

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 and utility vehicle	\$10	Cannot be operated on a street or highway unless (1) authorized by a local jurisdiction and (2) 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

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

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

<b>Vehicle type</b>	<b>Description</b>	<b>Registration</b>	<b>Operational restrictions</b>
Utility vehicle <sup>3</sup>	Self-propelled under-speed vehicle with a bed for transporting material or cargo	\$10	Same as under-speed vehicle, except may be operated within a state park by a state 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
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 of a specified size  Dry weight of 900 to 2,200 pounds	None	May use public roads and rights-of-way only when traveling from one farm field to another; generally must be on a berm or shoulder

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

<sup>4</sup> R.C. 4501.01(YZ), 4503.04(A)(1)(b), 4503.21(A), 4503.22, and 4507.11(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. 4519.01(L) and 4519.02.

## **Authority of a local jurisdiction**

The bill allows a local authority, by ordinance or resolution, to authorize the operation of under-speed vehicles on its streets or highways that have a speed limit of 35 mph or less. Under-speed vehicles that are operated on local streets or highways must pass an inspection, be registered, and be titled. Also, the local jurisdiction must notify the Director of Public Safety when the jurisdiction allows the operation of under-speed vehicles on its streets. A local jurisdiction may establish additional requirements for the operation under-speed vehicles on its streets.<sup>7</sup>

The bill 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 motor-driven cycle (motor scooter).<sup>8</sup>

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

Current 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. Currently, these restrictions are not codified.

The bill 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 conforms with rules adopted by the Director of Public Safety. In addition, the bill 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.<sup>9</sup>

## **Other**

The bill 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-

---

<sup>7</sup> R.C. 4511.215.

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

<sup>9</sup> R.C. 4507.05 and 4511.53.

driven cycle or motor scooter, or a cab-enclosed motorcycle, as well as on a motorcycle, which is authorized under current law.<sup>10</sup>

The bill 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 that propels the vehicle up to 20 mph, is registered for \$10, and requires a motorized bicycle license available to a person at least 14 years old).<sup>11</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 and (2) eliminates the maximum square footage of fifth wheel trailers.<sup>12</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>13</sup>

### **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 bill 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, and (4) imposes license or registration suspension for motor vehicle dealers or registered motor vehicle collision repair operators upon a second violation.

Current 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 bill additionally prohibits any motor vehicle manufacturer, remanufacturer,

---

<sup>10</sup> R.C. 4503.544.

<sup>11</sup> R.C. 4501.01(L), 4503.04(A)(1)(a), 4507.05, and 4511.01(H).

<sup>12</sup> R.C. 4501.01(Q).

<sup>13</sup> R.C. 4501.01(ZZ).

or distributor from providing a vehicle to a licensed motor vehicle dealer that has nonconforming window tint.<sup>14</sup>

Under current law, any violation of the prohibitions related to window tinting is a minor misdemeanor. The bill specifies that whoever installs nonconforming material is guilty of a fourth degree misdemeanor.<sup>15</sup>

If a person who installs nonconforming material is a registered motor vehicle collision 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 bill 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 Board of Motor Vehicle Collision Repair Registration and the Motor Vehicle Dealers Board.<sup>16</sup>

Each board must keep and maintain all abstracts of nonconforming material violations that the 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 previously has had a violation, the respective board must suspend the license or registration for up to 180 days without a prior hearing.<sup>17</sup>

The bill 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 bill 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 Board of Motor Vehicle Collision Repair Registration, as applicable, if the person who installed the

---

<sup>14</sup> R.C. 4513.241(E)(2).

<sup>15</sup> R.C. 4513.241(K)(2).

<sup>16</sup> R.C. 4513.241(K)(2)(c) and (L)(1).

<sup>17</sup> R.C. 4513.241(L)(2), 4517.33, and 4775.09.

nonconforming material was licensed or registered with either of those boards. Upon receipt of a complaint, the respective boards must investigate the complaint.<sup>18</sup>

---

## HISTORY

ACTION	DATE
Introduced	03-09-11

S0114-I-129.docx/jc

---

<sup>18</sup> R.C. 4513.241(J).

