



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

Sub. S.B. 114

129th General Assembly
(As Reported by S. Highways & Transportation)

Sens. Seitz, Kearney, Patton, Wilson

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 and utility vehicles when authorized by a local ordinance or resolution and generally prohibits under-speed and utility 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.
- 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.

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.
- 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.

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 ¹	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

¹ R.C. 4501.01(WW), 4507.11(A), and 4511.214.

Vehicle type	Description	Registration	Operational restrictions
Under-speed ²	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 (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
Utility vehicle ³	Self-propelled 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 ⁴	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 ⁵	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

² R.C. 4501.01(XX), 4507.11(A), and 4511.214.

³ R.C. 4501.01(VV), 4503.04(A)(2), 4507.11(A), and 4511.214.

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

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

Vehicle type	Description	Registration	Operational restrictions
Mini-truck ⁶	<p>4 wheels, with an enclosed cab and seat, cargo bed, not manufactured to federal motor vehicle safety standards</p> <p>Propelled by an electric motor of a specified size</p> <p>Dry weight of 900 to 2,200 pounds</p>	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

Authority of a local jurisdiction

The bill allows a local authority, by ordinance or resolution, to authorize the operation of under-speed or utility vehicles on its streets or highways that have a speed limit of 35 mph or less. Under-speed or utility 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 or utility vehicles on its streets. A local jurisdiction may establish additional requirements for the operation under-speed or utility vehicles on its streets.⁷

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).⁸

Motor scooter operation

The bill establishes a motor-driven cycle or motor scooter endorsement and a motor scooter only restricted license, as well as a motor scooter temporary instruction permit⁹ and addresses the differences between a motorcycle license and a motor scooter only license. Under the bill, an applicant for a motorcycle license or endorsement is prohibited from using a motor scooter to demonstrate the ability to exercise control

⁶ R.C. 4519.01(L) and 4519.02.

⁷ R.C. 4511.215.

⁸ R.C. 4511.214(C).

⁹ R.C. 4507.05 and 4507.06.

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.¹⁰ 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.¹¹ A person who holds a motorcycle endorsement or license may operate a motor scooter with that endorsement or license.

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-driven cycle or motor scooter, or a cab-enclosed motorcycle, as well as on a motorcycle, which is authorized under current law.¹²

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).¹³
- 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.¹⁴
- 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.¹⁵

¹⁰ R.C. 4507.11.

¹¹ R.C. 4507.11.

¹² R.C. 4503.544.

¹³ R.C. 4501.01(L), 4503.04(A)(1)(a), 4507.05, and 4511.01(H).

¹⁴ R.C. 4501.01(Q).

¹⁵ R.C. 4501.01(ZZ).

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 or heavily congested roadway.¹⁶

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, (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

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,

¹⁶ R.C. 4507.01, 4507.05, and 4511.53.

or distributor from providing a vehicle to a licensed motor vehicle dealer or to any other person that has nonconforming window tint.¹⁷

Under current law, any violation of the prohibitions related to window tinting is a minor misdemeanor. The bill 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.¹⁸ The bill specifies that whoever installs nonconforming material generally is guilty of a fourth degree misdemeanor; however, an organization may not be convicted of the offense 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.¹⁹

Professional registration and civil sanctions

The bill 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, and imposes civil sanctions on both licensed motor vehicle dealers and registered window tint operators or repair operators who violate the window tint standards.

The bill 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 bill 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 purposes of registration with the Motor Vehicle Repair Board and also sanctions related to nonconforming window tint, the bill classifies motor vehicle window tint operators and motor vehicle collision repair operators collectively as "motor vehicle repair operators."²⁰

Window tint operators must register with the Motor Vehicle Repair Board in the same manner as a motor vehicle collision repair operator. The registration

¹⁷ R.C. 4513.241(E)(2).

¹⁸ R.C. 4513.241(J)(2).

¹⁹ R.C. 4513.241(J)(3).

²⁰ R.C. 4775.01(E), (F), and (H).

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.²¹

The bill 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.²²

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 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 Motor Vehicle Repair Board and the Motor Vehicle Dealers Board.²³

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.²⁴

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 Motor Vehicle Repair Board, as applicable, if the person who installed the nonconforming material

²¹ R.C. 4775.08, 4775.09 (E), and 4775.99.

²² R.C. 4775.01 and 4775.09(B).

²³ R.C. 4513.241(J)(2)(c) and (K)(1).

²⁴ R.C. 4513.241(K)(2), 4517.33, and 4775.09.

was licensed or registered with either of those boards. Upon receipt of a complaint, the respective boards must investigate the complaint.²⁵

HISTORY

ACTION	DATE
Introduced	03-09-11
Reported, S. Highways & Transportation	06-02-11

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²⁵ R.C. 4513.241(J).

