



Ohio Legislative Service Commission

Bill Analysis

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H.B. 504

130th General Assembly
(As Introduced)

Reps. Cera, Celebrezze, Blessing

BILL SUMMARY

- Requires the Director of Natural Resources, in consultation with the Director of Public Safety, to establish an all-purpose vehicle (APV) safety education and training program.
 - Requires children less than 16 years of age to successfully complete a certified safety education and training course in order to operate an APV on any public property.
 - Requires children less than 16 years of age to wear safety glasses or other protective eye devices and protective helmets when operating, or riding as a passenger in, an APV.
 - Prohibits any person from operating an APV (1) while carrying a passenger unless the APV is designed by its manufacturer to carry a passenger, and (2) while carrying more passengers than the number of passengers that the APV is designed by its manufacturer to carry.
 - Prohibits any person from selling or offering to sell at retail an APV that is equipped with an engine of more than 90 cubic centimeters piston displacement, knowing or having reason to know that the APV purchaser intends to permit a child less than 16 years of age to operate the APV.
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CONTENT AND OPERATION

The bill (1) requires the Director of Natural Resources to establish an all-purpose vehicle (APV) safety education and training program, (2) requires children less than 16 years of age to successfully complete such a program in order to operate an APV on any public property, (3) further regulates the operation of APVs by children under 16 years of age, and (4) regulates the sale of certain APVs in certain circumstances. Current law

generally defines "all-purpose vehicle" to mean any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.¹

APV safety education and training program

The bill requires the Director of Natural Resources, in consultation with the Director of Public Safety, to establish an APV safety education and training program. The Director of Natural Resources must create the program by adopting rules in accordance with the Administrative Procedure Act that do all of the following:

(1) Establish standards governing an APV safety education and training course, including the course contents. These may be the same as the contents of an APV safety education and training course developed or formulated by a nationally recognized safety organization that the Director determines has expertise in this area.

(2) Establish requirements that instructors must meet in order to be certified to teach the course, which may include certification by the organization described in above item (1);

(3) Establish procedures by which a person who wishes to conduct the safety education and training course may apply to the Department of Natural Resources (DNR) for approval to do so;

(4) Require a trainee to take the course in person in its entirety;

(5) Establish procedures for an instructor to issue a temporary safety certificate to a trainee upon the trainee's successful completion of the course;

(6) Establish procedures for the issuance by DNR of a permanent safety certificate to a person who has been issued a temporary safety certificate, including a requirement that DNR issue a permanent safety certificate when an instructor notifies DNR that a person has been issued a temporary safety certificate;

(7) Establish the amount of the fee to be charged to trainees taking the course and the process for DNR to collect the fee;

(8) Establish the amount to be paid to instructors who teach the course and the procedure for paying the instructors; and

¹ R.C. 4519.01, not in the bill.

(9) Establish any other requirements governing the course that the Director determines are necessary.²

A person who wishes to conduct an APV safety education and training course must apply to the Director for approval to conduct the course and for approval of the course. The Director is required to approve the person's application if the person and the course meet all applicable standards and requirements established under the program rules.³

The bill creates the All-Purpose Vehicle Safety Education and Training Fund in the state treasury, and requires all fees that are collected under the APV safety education and training program to be deposited into the Fund. Money in the Fund must be used solely to pay the costs of the program, and all investment earnings of the Fund must be credited to the Fund.⁴

Limitation on liability

The bill provides that a certified instructor, in the course of teaching an approved APV safety education and training course, and the owner, lessee, renter, or other occupier ("owner or other occupier") of the land upon which an approved training course is taught, is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or resulted from the course. This provision does not apply, however, to civil claims based upon alleged willful or wanton misconduct or intentionally tortious conduct of the certified instructor or the owner or other occupier of the land. In addition, this provision does not create a new cause of action or a substantive legal right against the certified instructor or the owner or other occupier of the land, and does not affect any immunities from civil liability or defenses established by another provision of the Revised Code or available at common law, to which the certified instructor or the owner or other occupier of the land may be entitled under circumstances not covered by this provision.⁵

New APV equipment requirements

The bill requires the Director of Public Safety to adopt rules that do both of the following:

² R.C. 4519.442(A)(1) to (9).

³ R.C. 4519.442(B).

⁴ R.C. 4519.11(B).

⁵ R.C. 4519.443.



(1) Require every APV to be equipped with a properly installed and operative spark arrester; and

(2) Require children less than 16 years of age to wear safety glasses or other protective eye devices and protective helmets when operating, or riding as a passenger in, an APV.⁶

Current law requires the Director to adopt rules that govern other aspects of APVs and their operation, such as headlights and brakes.⁷

New prohibitions relating to the operation and sale of APVs

APV operation by a child less than 16 years of age

The bill provides that no child less than 16 years of age may do any of the following:

(1) Operate an APV that is equipped with an engine of more than 90 cubic centimeters piston displacement;

(2) Operate, or be a passenger on, an APV unless the child is wearing over the child's eyes safety glasses or another protective eye device that conforms to rules adopted by the Director of Public Safety; or

(3) Operate, or be a passenger on, an APV unless the child is wearing on the child's head a protective helmet that conforms to rules adopted by the Director.⁸

The bill also provides that no child less than 16 years of age may operate an APV vehicle within Ohio, other than private property or private waters, unless at the time of such operation both of the following apply:

(1) The child has in the child's immediate possession any of the following:

(a) A temporary safety program certificate issued to the child by a certified instructor of an approved APV safety education and training course;

(b) A permanent safety program certificate issued to the child by the Department of Natural Resources; or

⁶ R.C. 4519.20(A)(5) and (6).

⁷ R.C. 4519.20(A)(1) and (3).

⁸ R.C. 4519.402(A)(1) to (3).



(c) A safety program certificate from a safety education and training course located in another state that DNR recognizes as being equivalent to a safety education and training course approved by DNR.⁹

(2) The child is accompanied by another person who is at least 18 years of age and holds a valid, current driver's license, commercial driver's license, or restricted license to operate a motorcycle issued by Ohio or such a valid, current license issued by another jurisdiction.¹⁰

The bill provides that no person may accompany a child under 16 years of age while the child is operating an APV on any land or waters, other than private property or private waters, unless (1) the person is at least 18 years of age or older, and (2) the person holds a valid, current driver's license, commercial driver's license, or restricted license to operate a motorcycle issued by Ohio or such a valid, current license issued by another jurisdiction.¹¹

Current law provides that no person who is less than 16 years of age may operate an APV on any land or waters other than private property or waters owned by or leased to the person's parent or guardian, unless accompanied by another person who is at least 18 years of age or older, and who holds a valid, current driver's or commercial driver's license, motorcycle operator's endorsement, or probationary license issued by Ohio or a valid, current driver's license issued by another jurisdiction. DNR may permit such operation on state-controlled land under its jurisdiction when a person who is less than 16 years of age is accompanied by a parent or guardian who is a licensed driver and is at least 18 years of age.¹²

APV operation while carrying a passenger

Under the bill, no person may operate an APV (1) while carrying a passenger unless the APV is designed by its manufacturer to carry a passenger, and (2) while carrying more passengers than the number of passengers that the APV is designed by its manufacturer to carry.¹³

⁹ R.C. 4519.441(A)(1)(a) to (c).

¹⁰ R.C. 4519.441(A)(2).

¹¹ R.C. 4519.441(B).

¹² R.C. 4519.44(B).

¹³ R.C. 4519.402(B).



Sale of APVs

The bill prohibits any person from selling or offering to sell at retail an APV that is equipped with an engine of more than 90 cubic centimeters piston displacement, knowing or having reason to know that the APV purchaser intends to permit a child less than 16 years of age to operate the APV.¹⁴

HISTORY

ACTION	DATE
Introduced	03-25-14

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¹⁴ R.C. 4519.402(C).

