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Office of Research
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H.B. 295
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Rep. Hoops

Effective date: April 15, 2021

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SUMMARY

Low-speed micromobility devices

- Permits the use of a low-speed micromobility device on public streets, highways, sidewalks, shared-use paths, and bicycle-only areas, subject to specific operational requirements.
- Notwithstanding the state operational requirements, authorizes certain political subdivisions and ODNR to regulate the operation of low-speed micromobility devices or prohibit the devices within their jurisdiction.
- Specifies that a low-speed micromobility device (for example, an electric scooter) is a device that weighs less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved surface of 20 mph or less when using an electric motor.
- States that low-speed micromobility devices are not vehicles and, as such, exempts them from state registration, title, insurance, and certain traffic and equipment law requirements.

Law enforcement use of e-bikes

- Authorizes a law enforcement officer to use an electric bicycle (e-bike) on specified paths and sidewalks, including when the use of the e-bike is otherwise prohibited, provided the e-bike is being used in the performance of the officer's duties.

Personal delivery devices

- Increases the maximum empty-weight limit of personal delivery devices authorized to be used in Ohio from 90 pounds to 200 pounds.

Unsafe used tires

- Decriminalizes and makes it no longer designated an unconscionable consumer sales act or practice to install unsafe used tires on a passenger car that is not designed primarily for carrying passengers, a multipurpose passenger vehicle, or a truck.
- Allows the vehicles specified above to be outfitted legally with retread tires, which otherwise fall under the meaning of an unsafe used tire.

DETAILED ANALYSIS

Low-speed micromobility devices

The act establishes requirements for the operation of low-speed micromobility devices in Ohio. It also grants certain local political subdivisions and the Ohio Department of Natural Resources (ODNR) the authority to prohibit and regulate the operation of the devices in their jurisdictions. A low-speed micromobility device is a device that weighs less than 100 pounds, has handlebars, is propelled by an electric motor or human power, and can go up to 20 mph on a paved level surface.¹ Examples of micromobility devices include electric scooters, certain e-bikes, and shared mobility devices. The act exempts low-speed micromobility devices from the definition of “vehicle”; as such, low-speed micromobility devices are exempt from state registration, title, insurance, and certain traffic and equipment law requirements.²

State requirements

Generally, low-speed micromobility devices now are authorized on public streets, highways, sidewalks, shared-use paths, and any portions of roads set aside for the exclusive use of bicycles.³ This state authorization applies unless a local authority or ODNR establishes different requirements or prohibits the devices (see “**Local regulation**,” below).

Under the state requirements, a low-speed micromobility device operator must generally follow the traffic law requirements that by their nature could apply to such devices. Ohio law has a similar requirement for personal assistive mobility devices (i.e., Segways).⁴ Additionally, an operator must abide by the following specific requirements and prohibitions:

1. An operator must yield the right-of-way to all pedestrians.
2. An operator must give an audible signal before overtaking or passing a pedestrian.

¹ R.C. 4501.01(FFF) and 4511.01(WWW).

² R.C. 4501.01(A), 4509.01(H), and 4511.01(A).

³ R.C. 4511.514(A)(1).

⁴ R.C. 4511.514(A)(2); R.C. 4511.512, not in the act.

3. An operator may not operate a device at night unless accompanied by proper lighting gear (a lamp emitting white light visible up to 500 feet to the front and a red reflector facing the rear visible up to 600 feet when low beams are shined on it).⁵
4. An operator may not operate a device at more than 20 mph.⁶
5. An operator may park a device on a sidewalk, but only if the device does not impede the normal flow of pedestrian traffic when so parked.⁷

The act prohibits anyone under 16 from renting a low-speed micromobility device. Additionally, no person may knowingly rent a device to a person who is under 16 or on behalf of a person who is under 16. There is no age restriction, however, on the general use of a personally owned low-speed micromobility device.⁸

Penalties

A violation of the above requirements is a minor misdemeanor. Additionally, the offense generally is considered a strict liability offense (with the exception of a person renting to or on behalf of someone who is under 16, in which case the person must *knowingly* rent the device to the underage person).⁹

Local regulation

A municipal corporation, county, township, metropolitan park district, township park district, recreation district, or a division of ODNR (if the division has the approval of the Director of Natural Resources) is authorized to regulate or prohibit the operation of low-speed micromobility devices within their jurisdictions. Thus, if a municipal corporation passes an ordinance prohibiting low-speed micromobility devices on city sidewalks, that ordinance overrides the general state authorization permitting the low-speed micromobility devices on sidewalks.¹⁰

Shared vehicle programs and insurance

The political subdivisions listed above and ODNR may include low-speed micromobility devices that are adapted to expand access for people with various physical limitations into any shared bicycle, shared e-bike, or similar vehicle sharing program under its jurisdiction. Additionally, while insurance is not generally required by the state to own or operate a low-speed micromobility device, the political subdivisions and ODNR may require the owner or operator of a low-speed micromobility device rental service or sharing program to maintain

⁵ R.C. 4511.514(B).

⁶ R.C. 4511.514(D).

⁷ R.C. 4511.68(B).

⁸ R.C. 4511.514(C).

⁹ R.C. 4511.514(E).

¹⁰ R.C. 4511.514(F)(1).

commercial general liability insurance related to the operation of the devices. If insurance is required, the limits must be up to \$1 million per occurrence and up to \$2 million per aggregate.¹¹

Law enforcement use of e-bikes

The act authorizes a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of Ohio, to use an e-bike on certain paths and sidewalks, even when the use of an e-bike is generally prohibited on the path or sidewalk. The use of the e-bike on those paths or sidewalks, however, must be in the performance of the officer's duties (i.e., the officer cannot violate an e-bike prohibition if the officer is riding the e-bike for personal pleasure).¹²

Personal delivery devices

The act increases the maximum allowable empty-weight of a personal delivery device from 90 pounds to 200 pounds. A personal delivery device is an electrically powered device that is designed to transport property on sidewalks and crosswalks, has a maximum speed of 10 mph, and can be operated either with or without active control and monitoring by a human operator.¹³

Unsafe used tires

The act decriminalizes and makes it no longer designated an unconscionable consumer sales act or practice to install unsafe used tires on a passenger car that is not designed primarily for carrying passengers, a multipurpose passenger vehicle, or a truck.¹⁴ Under law retained by the act, a supplier still is prohibited from installing an unsafe used tire on a passenger car designed primarily to carry passengers that will operate on a public highway. To do so is designated an unconscionable consumer sales act or practice, prosecutable by the Ohio Attorney General or a private attorney.¹⁵

Under continuing law, an unsafe used tire includes: a tire that has any damage exposing the reinforcing plies of the tire, including cuts, cracks, punctures, scrapes, or wear; a tire that

¹¹ R.C. 4511.514(F)(2) and (3).

¹² R.C. 4511.522(C)(4) and 4511.711(A).

¹³ R.C. 4511.513(A)(2).

¹⁴ A "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle. A "multipurpose passenger vehicle" is a motor vehicle with motive power (but not a motorcycle), designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation. A "truck" is every motor vehicle designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less (but not a trailer or semitrailer). R.C. 4513.021, not in the act.

¹⁵ R.C. 1345.022; R.C. 1345.03, 1345.05, and 1345.09, not in the act.

has any repair in the tread shoulder or belt edge area; a tire that has repair to the sidewall or bead area of the tire; a tire that shows evidence of prior use of a temporary tire sealant without evidence of a subsequent proper repair; a tire that has any inner liner damage or bead damage; or a tire with indication of internal separation, such as bulges or local areas of irregular tread wear indicating possible tread or belt separation.¹⁶

Law unchanged by the act excludes trailers and semitrailers from the installation prohibition because such vehicles use retread tires. A retread tire (or “reproved tire”) is a used tire that has had the worn down tread replaced with new tread. While authorized under certain circumstances for sale, installation, and use by federal regulations, a retread tire falls under the meaning of an unsafe used tire under Ohio law.¹⁷ Because of the act’s changes, a multipurpose passenger vehicle, truck, or passenger car that is not designed primarily for carrying passengers may be outfitted legally with retread tires, which otherwise would fall under the meaning of an unsafe used tire.

HISTORY

Action	Date
Introduced	06-19-19
Reported, H. Transportation & Public Safety	10-16-19
Passed House (89-1)	10-23-19
Reported, S. Transportation, Commerce & Workforce	02-12-20
Passed Senate (31-0)	12-22-20
House concurred in Senate amendments (78-4)	12-22-20

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¹⁶ R.C. 1345.022(A)(2).

¹⁷ 49 United States Code of Federal Regulations §393.75 and Part 569.