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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 550\*  
133<sup>rd</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by House Transportation and Public Safety

**Primary Sponsor:** Rep. Hoops

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### SUMMARY

#### Motorcycle safety and education programs

- Allows a private motorcycle safety and education program to use a final end-of-course skills exam that is different from the Department of Public Safety final exam, provided their exam meets or exceeds the DPS requirements.
- Exempts a private program's instructors from the DPS instructor training, provided the instructor is trained by a third party and the training meets or exceeds the DPS training.

#### Motorcycle modulating headlights

- Clarifies that a motorcycle may have a modulating headlight, provided the headlight meets federal standards.
- Specifies that a modulating headlight does not violate the Ohio law that generally prohibits flashing lights on a motor vehicle.

### DETAILED ANALYSIS

#### Motorcycle safety and education programs

The bill makes several changes to the laws related to motorcycle safety and education programs that are offered by private organizations and companies. Under current law, a private organization or corporation is allowed to offer a nationally recognized motorcycle safety and education program as an alternative to the program created and offered by the Department of Public Safety (DPS).<sup>1</sup> The bill allows the private organization or company to use a final end-of-

\* This analysis was prepared before the report of the House Transportation and Public Safety Committee appeared in the House Journal. Note that the legislative history may be incomplete.

<sup>1</sup> R.C. 4508.08(A)(2)(a).

course skills exam that is different from the final exam offered by DPS, provided the exam meets or exceeds the requirements of the DPS exam.<sup>2</sup> The bill also exempts a private organization or company's instructor from the DPS instructor training curriculum, provided that the instructor:

1. Has been trained by the authorized private organization or company and the training meets or exceeds the DPS training; and
2. Has met all other DPS certification requirements (e.g., criminal background checks).<sup>3</sup>

Under current law, as part of the DPS motorcycle safety and education program, the Director of DPS is authorized to prescribe the manner and form of certification for instructors of the program. The Director also establishes the standards for the courses taught under the program.<sup>4</sup> Current law is silent, however, on whether the instructor certification, instructor training, or the final skills examination required by the Director for the DPS program must also be used for the programs offered by private organizations or companies.

## **Motorcycle modulating headlights**

The bill clarifies Ohio law to recognize that a motorcycle may have a modulating headlight (i.e., a headlight beam that rapidly varies in light intensity) and that a modulating headlight does not violate the Ohio law that generally prohibits flashing lights on a motor vehicle. Under the bill, a modulating headlight must meet the headlight and modulation standards established under federal regulations.<sup>5</sup>

Current Ohio law specifies that a motorcycle must have at least one, but no more than two headlights and that the headlight(s) must be equipped, mounted, and adjusted (for focus and aim) in accordance with regulations prescribed by the Director of Public Safety.<sup>6</sup> Additionally, the headlight(s) must comply with the color requirements prescribed in federal regulations.<sup>7</sup>

Ohio law is silent about whether a headlight beam may modulate. But, flashing lights on a motor vehicle are generally prohibited unless the flashing lights are either a turn signal or hazard light. (A modulating light can appear similar to a flashing light.)<sup>8</sup> Under federal regulations, "A headlamp on a motorcycle may be activated to modulate either the upper beam

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<sup>2</sup> R.C. 4508.08(H).

<sup>3</sup> R.C. 4508.08(I).

<sup>4</sup> R.C. 4508.08(A)(1).

<sup>5</sup> R.C. 4513.17(E)(3).

<sup>6</sup> R.C. 4513.04 and 4513.19(A), not in the bill. Ohio Administrative Code 4501:2-1-09, not in the bill.

<sup>7</sup> R.C. 4513.19(B), not in the bill.

<sup>8</sup> R.C. 4513.17(C)(1). The law also provides exemptions for certain vehicles (e.g., emergency vehicles, public safety vehicles, highway maintenance vehicles, and funeral escort vehicles) when actively engaged in the purpose for which flashing, oscillating, or rotating lights are necessary. R.C. 4513.17(C)(2) and (D).

or the lower beam from its maximum intensity to a lesser intensity.”<sup>9</sup> The modulating headlight must meet certain standards with regard to the rate of modulation, the intensity of the headlight bulb, and the modulator equipment. Thus, current Ohio law does not specifically align with this federal authorization.<sup>10</sup>

## HISTORY

| Action                                      | Date     |
|---|----------|
| Introduced                                  | 03-12-20 |
| Reported, H. Transportation & Public Safety | ---      |

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<sup>9</sup> 49 Code of Federal Regulations 571.108(S10.17.5).

<sup>10</sup> When federal law prescribes a motor vehicle safety standard for motor vehicle equipment, if a state or a political subdivision of a state wants to prescribe and enforce a standard for that same type of equipment, the standard must be identical to the federal standard. A state or a political subdivision may, however, prescribe a higher performance requirement for motor vehicles and motor vehicle equipment obtained for the state’s or the political subdivision’s own use. 49 United States Code §30103.