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H.B. 295
133rd General Assembly

Bill Analysis

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Version: As Reported by Senate Transportation, Commerce and Workforce

Primary Sponsor: Rep. Hoops

Margaret E. Marcy, Attorney

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.

DETAILED ANALYSIS

Low-speed micromobility devices

The bill 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 bill 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

As indicated above, the bill generally authorizes the operation of low-speed micromobility devices 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 The bill also applies the following specific requirements and prohibitions to the operation of low-speed micromobility devices:

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.
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

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 bill.

⁵ R.C. 4511.514(B).

⁶ R.C. 4511.514(D).

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 bill 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

Under the bill, 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 renting 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

Under the bill, 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 bill also authorizes the political subdivisions listed above and ODNR to 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 that political subdivision's jurisdiction. Additionally, while insurance is not generally required by the state to own or operate a low-speed micromobility device, the bill authorizes political subdivisions and ODNR to require the owner or operator of a low-speed micromobility device rental service or sharing program to maintain 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 bill 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

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).

¹¹ R.C. 4511.514(F)(2) and (3).

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

Current law prohibits the use of a class 3 e-bike on a path set aside for the exclusive use of bicycles or a shared-use path unless either the path is adjacent to a highway or the political subdivision (a county, township, municipal corporation, local authority, or state agency) that controls the path authorizes the use of class 3 e-bike on the path.¹³ Current law also prohibits the use of any class of e-bike on certain natural paths and trails unless the political subdivision that controls the path or trail authorizes the use of e-bikes on the path or trail.¹⁴ Additionally, while e-bikes generally are allowed on sidewalks, they are only allowed if the motor is not running.¹⁵

Personal delivery devices

The bill 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 ten miles per hour, and can be operated either with or without active control and monitoring by a human operator.¹⁶

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

H0295-RS-133/ks

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

¹³ R.C. 4511.522(C)(2).

¹⁴ R.C. 4511.522(C)(3).

¹⁵ R.C. 4511.711(A).

¹⁶ R.C. 4511.513(A)(2).