



# Ohio Legislative Service Commission

## Bill Analysis

Wendy H. Gridley

### **S.B. 57**

131st General Assembly  
(As Introduced)

**Sens.** Eklund, Seitz, Patton, Uecker, Tavares, Hite, Skindell

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## **BILL SUMMARY**

- Authorizes a board of county commissioners to adopt resolutions regulating motor vehicle traffic in specified ways on county and township roads.

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## **CONTENT AND OPERATION**

### **County authority**

The bill grants express authority to boards of county commissioners to regulate, by resolution, specified types of motor vehicle traffic on county and township roads. Notwithstanding the state traffic laws, under the bill a board of county commissioners may carry out the following activities with respect to county roads and highways under the board's jurisdiction and any township roads within the geographic boundaries of the county:

- (1) Regulating the stopping, standing, or parking of vehicles, trackless trolleys, and streetcars;
- (2) Regulating traffic by means of deputy sheriffs or traffic control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular roads or highways as one-way roads or highways and requiring that all vehicles, trackless trolleys, and streetcars on the one-way roads or highways be moved in one specific direction;
- (5) Regulating the speed of vehicles, trackless trolleys, and streetcars in public parks;

(6) Designating any highway as a through highway and requiring that all vehicles, trackless trolleys, and streetcars stop before entering or crossing a through highway, or designating any intersection as a stop intersection and requiring all vehicles, trackless trolleys, and streetcars to stop at one or more entrances to the intersection;

(7) Regulating or prohibiting vehicles and trackless trolleys from passing to the left of safety zones;

(8) Regulating the operation of bicycles; provided that the board must ensure that such regulation is not fundamentally inconsistent with the uniform rules of the road prescribed by the state traffic laws<sup>1</sup> and that such regulation does not prohibit the use of bicycles on any public road or highway except as provided in the provision of state law concerning prohibited use on freeway right of ways.<sup>2</sup>

(9) Requiring the registration and licensing of bicycles, including the requirement of a registration fee for residents of the county; and

(10) Regulating the use of certain roads by vehicles, trackless trolleys, and streetcars.

Resolutions enacted for items (4) through (8) and (10), above, are not effective until signs giving notice of the local traffic regulations are posted on or at the entrance to the road or highway or part of the road or highway affected, as may be most appropriate.<sup>3</sup>

Resolutions regulating the stopping, standing, or parking of vehicles, trackless trolleys, and streetcars must comply with state law concerning nonliability for owners of cars in the care, custody, or control of another person under a written rental or lease agreement unless the county also has enacted a resolution specifying that a violation is not considered a criminal offense and is enforceable as a civil offense under the noncriminal parking infraction law.<sup>4</sup>

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<sup>1</sup> The reference in the bill to "this chapter" is incorrect and will require amendment to refer to Chapter 4511. the state traffic laws.

<sup>2</sup> Current law generally prohibits occupying space within the limits of a freeway right-of-way with a bicycle, among others, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use. R.C. 4511.051.

<sup>3</sup> R.C. 305.50(B).

<sup>4</sup> R.C. 305.50(C). The noncriminal parking infraction law appears in R.C. Chapter 4521. (not in the bill).

A board is authorized to establish a penalty for a violation of a resolution adopted under the bill's authority.<sup>5</sup>

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## COMMENT

Although current R.C. 4511.07 generally mirrors the bill's provisions and appears to give similar local authority, the Ohio Supreme Court, in *Geauga Co. Bd. of Commrs. v. Munn Rd. Sand and Gravel*, 67 Ohio St.3d 579 (1993), held that R.C. 4511.07 is **not** an express grant of authority to a board of county commissioners to regulate traffic; nor is it a grant of authority to a municipality which derives its authority directly from the Ohio Constitution. The court determined that R.C. 4511.07 is effectively the same as specifically providing that no conflict exists with general laws of the state when a municipality regulates under its home rule authority in the areas enumerated by the statute. The bill is an express, affirmative grant of authority to county commissioners to regulate in the enumerated areas notwithstanding the state traffic laws.

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## HISTORY

ACTION	DATE
Introduced	02-17-15

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<sup>5</sup> R.C. 305.50(D).

