

## CHAPTER 73: MOTOR VEHICLE CRIMES

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### **GENERAL PROVISIONS**

#### **§ 73.01 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.**

(A) (1) No person shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of 0.08% or more but less than 0.17% by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of 0.096% or more but less than 0.204% by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.

(e) The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.

(f) The person has a concentration of 0.17% or more by weight per unit volume of alcohol in the person's whole blood.

(g) The person has a concentration of 0.204% or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(h) The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.

(i) The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.

(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

2. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine

per milliliter of the person's whole blood or blood serum or plasma.

3. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

4. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

8. Either of the following applies:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

B. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per

milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least 10 nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11. The State Board of Pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within 20 years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1) or (B) of this section or a substantially equivalent state law or municipal ordinance, or any other equivalent offense shall do both of the following:

(a) Operate any vehicle within this municipality while under the influence of alcohol, a drug of abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle as described in division (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under R.C. § 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with R.C. § 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) No person under 21 years of age shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least 0.02% but less than 0.08% by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath.

(4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1)(a) or (A)(2) and a violation of division (B)(1), (B)(2), or (B)(3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in R.C. § 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood test at the request of a law enforcement officer under R.C. § 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under

this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this division (D)(1)(b) shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to R.C. § 3701.143.

(c) As used in division (D)(1)(b) of this section, **EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE** and **EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC** have the same meanings as in R.C. § 4765.01.

(2) In a criminal prosecution for a violation of division (A) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(1)(b), (A)(1)(c), (A)(1)(d) and (A)(1)(e) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (B) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in R.C. § 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in R.C. § 4511.191(A)(5), the form to be read to the person to be tested, as required under § 73.02, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) (a) As used in division (D)(4)(b) and (D)(4)(c) of this section, **NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION** means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. § 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (D)(4)(b)1. or (D)(4)(b)2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E) (1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (A)(1)(c), (A)(1)(d), (A)(1)(e), (A)(1)(f), (A)(1)(g), (A)(1)(h), (A)(1)(i), or (A)(1)(j) or (B)(1), (B)(2), (B)(3), or (B)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) (1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(2) As used in division (F)(1), *EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE* and *EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC* have the same meanings as in R.C. § 4765.01.

(G) (1) Whoever violates any provisions of divisions (A)(1)(a) through (A)(1)(i) or (A)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (A)(1)(j) of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under R.C. Chapter 2929, except as otherwise authorized or required by divisions (G)(1)(a) through (G)(1)(e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (G)(1)(c), (G)(1)(d), or (G)(1)(e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19 (G)(1)(a)(i) through (G)(1)(a)(iv).

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(b)(i) through (G)(1)(b)(v).

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19 (G)(1)(c)(i) through (G)(1)(c)(vi).

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses or an offender who, within 20 years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony to be prosecuted under appropriate state law.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of R.C. § 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or

occupational driver's license or permit or nonresident operating privilege suspended under this section or R.C. § 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in R.C. § 4511.191 (F)(2).

(3) (a) If an offender is sentenced to a jail term under R.C. § 4511.19(G)(1)(b)(i) or (G)(1)(b)(ii) or (G)(1)(c)(i) or (G)(1)(c)(ii) and if, within 60 days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing, the court may impose an alternative sentence as specified in R.C. § 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

(b) As an alternative to the mandatory jail terms as required by R.C. § 4511.19(G)(1), the court may sentence the offender as provided in R.C. § 4511.19(G)(3).

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section or R.C. § 4511.19(G) and if R.C. § 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under R.C. § 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in R.C. § 4503.231(B).

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as provided in R.C. § 4511.19(G)(5).

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c), (G)(1)(d), or (G)(1)(e) of this section is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (G) of this section, the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to § 130.99(G) or R.C. § 2929.18 or 2929.28 in an amount not

exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (G) of this section.

(8) As used in division (G) of this section, **ELECTRONIC MONITORING** has the same meaning as in R.C. § 2929.01.

(H) Whoever violates division (B) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6).

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in R.C. § 2941.1414 and if the court imposes a jail term for the violation of division (B) of this section, the court shall impose upon the offender an additional definite jail term pursuant to R.C. § 2929.24(E).

(4) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (B) of this section.

(I) (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under R.C. Chapter 3793 by the Director of Alcohol and Drug Addiction Services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program

under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's Indigent Drivers' Alcohol Treatment Fund.

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or R.C. § 4511.19 files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of R.C. § 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(M) All terms defined in R.C. § 4510.01 apply to this section. If the meaning of a term defined in R.C. § 4510.01 conflicts with the meaning of the same term as defined in R.C. § 4501.01 or 4511.01, the term as defined in R.C. § 4510.01 applies to this section.  
(R.C. § 4511.19(A) - (M)) (Rev. 2012)

(N) As used in this section, § 73.02 and § 73.03:

**COMMUNITY RESIDENTIAL SANCTION.** Has the same meaning as in R.C. § 2929.01.

**CONTINUOUS ALCOHOL MONITORING.** Has the same meaning as in R.C. § 2929.01.

**DRUG OF ABUSE.** Has the same meaning as in R.C. § 4506.01.

**EQUIVALENT OFFENSE.** Means any of the following:

(a) A violation of R.C. § 4511.19(A) or (B);

(b) A violation of a municipal OVI ordinance;

(c) A violation of R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

(d) A violation of R.C. § 2903.06(A)(1) or R.C. § 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

(e) A violation of R.C. § 2903.06(A)(2), (A)(3), or (A)(4), R.C. § 2903.08(A)(2), or former R.C. § 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(f) A violation of R.C. § 1547.11(A) or (B);

(g) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(h) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or (B) or R.C. § 1547.11(A) or (B);

(i) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or (B) or R.C. § 1547.11(A) or (B).

**EQUIVALENT OFFENSE THAT IS VEHICLE-RELATED.** Means an equivalent offense that is any of the following:

(a) A violation described in division (a), (b), (c), (d), or (e) of the definition for "equivalent offense" provided in this division (N);

(b) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or (B);

(c) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or (B).

**JAIL.** Has the same meaning as in R.C. § 2929.01.

**MANDATORY JAIL TERM.** Means the mandatory term in jail of 3, 6, 10, 20, 30, or 60 days that must be imposed under R.C. § 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(a) Except as specifically authorized under R.C. § 4511.19, the term must be served in a jail.

(b) Except as specifically authorized under R.C. § 4511.19, the term cannot be suspended, reduced, or otherwise modified pursuant to R.C. §§ 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.

**MANDATORY PRISON TERM.** Has the same meaning as in R.C. § 2929.01.

**MANDATORY TERM OF LOCAL INCARCERATION.** Has the same meaning as in R.C. § 2929.01.

**MUNICIPAL OVI ORDINANCE** and **MUNICIPAL OVI OFFENSE.** Mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

**PRISON TERM.** Has the same meaning as in R.C. § 2929.01.

**SANCTION.** Has the same meaning as in R.C. § 2929.01.

(R.C. § 4511.181) (Rev. 2009)

**Cross-reference:**

*Endangering children, see § 135.14*

*Power to suspend driver's license, see § 33.05*

**Statutory reference:**

*Mandatory suspension periods; immobilizing or disabling device; restricted license, see R.C. § 4510.13*

*Trial judge to suspend driver's license, see R.C. § 4510.05*

**§ 73.02 IMPLIED CONSENT.**

(A) (1) As used in this section:

**ALCOHOL MONITORING DEVICE.** Means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that

provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

**PHYSICAL CONTROL.** Has the same meaning as in R.C. § 4511.194.

(2) Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of § 73.01(A) or (B), § 73.03, R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to R.C. §§ 313.12 through 313.16.

(5) (a) If a law enforcement officer arrests a person for a violation of R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under R.C. § 4511.19(G)(1)(c), (d), or (e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (C) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical

test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (A)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.  
(R.C. § 4511.191(A)) (Rev. 2010)

(B) Except as provided in division (A)(5) of this section, the arresting law enforcement officer shall give advice in accordance with this section to any person under arrest for a violation of § 73.01(A) or (B), § 73.03, R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other municipal OVI ordinance. The officer shall give that advice in a written form that contains the information described in division (C) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(C) Except as provided in division (A)(5) of this section, if a person is under arrest as described in division (B) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine, the arresting officer shall read the following form to the person:

You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested – operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance;



operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of OVI, OVUAC, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state OVI, and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

If you take a chemical test, you may have an independent chemical test taken at your own expense.

(D) If the arresting law enforcement officer does not ask a person under arrest as described in division (B) of this section or division (A)(5) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under R.C. § 4511.196.

(E) (1) If a law enforcement officer asks a person under arrest as described in division (A)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (B) of this section to submit to a

chemical test or tests under R.C. § 4511.191 or this section, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless the arrest was for a violation of § 73.03, R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following:

(a) On behalf of the Registrar of Motor Vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending 30 days after that initial appearance;

(b) Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the Registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the Registrar;

(c) Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;

(d) Send to the Registrar, within 48 hours after the arrest of the person, a sworn report that includes all of the following statements:

1. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle in violation of R.C. § 4511.19(A) or (B) or a municipal OVI ordinance or for being in physical control of a stationary vehicle in violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance;

2. That the person was arrested and charged with a violation of R.C. § 4511.19(A) or (B), R.C. § 4511.194 or a substantially equivalent municipal ordinance, or a municipal OVI ordinance;

3. Unless division (E)(1)(d)5. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in

accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (C) of this section;

4. Unless division (E)(1)(d)5. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

5. If the person was under arrest as described in division (A)(5) of this section and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

(2) Division (E)(1) of this section does not apply to a person who is arrested for a violation of § 73.03, R.C. § 4511.194 or a substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, or urine.

(F) The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the Registrar of Motor Vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than 14 days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than 48 hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

(G) The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under R.C. § 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit

or nonresident operating privilege that results from the arrest covered by the report.  
(R.C. § 4511.192) (Rev. 2010)

(H) (1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in R.C. § 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person arrested for operating a vehicle in violation of § 73.01(A) or (B), R.C. § 4511.19(A) or (B), or any other municipal OVI ordinance, or for being in physical control of a vehicle in violation of § 73.03 or R.C. § 4511.194 or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under R.C. § 4511.191(B) or (C) or R.C. Chapter 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the persons' arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to R.C. § 4511.197 regarding the issues specified in that section.  
(R.C. § 4511.191(D)) (Rev. 2005)

**Statutory reference:**

*Continuous alcohol monitoring, see R.C. § 4511.198*  
*Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal ordinance conviction, see R.C. § 4511.193*  
*Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and Indigent Drivers Alcohol Treatment Funds, see R.C. § 4511.191*  
*Judicial pretrial suspension, initial appearance, see R.C. § 4511.196*  
*Mandatory suspension periods; immobilizing or disabling device; restricted license, see R.C. § 4510.13*  
*Seizure of vehicles upon arrest, see R.C. § 4511.195*

**§ 73.03 PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE.**

(A) As used in this section, **PHYSICAL CONTROL** means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in § 73.01(A)(1)(b), (A)(1)(c), (A)(1)(d), or (A)(1)(e).

(3) Except as provided in division (E) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in § 73.01(A)(1)(j).

(C) (1) In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally acceptable field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect what were set by the National Highway Traffic Safety Administration, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (C)(1)(a) or (C)(1)(b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (C)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (C)(1) of this section.

(D) Whoever violates this section is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(E) Division (B)(3) of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance

or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in § 73.01(A)(1)(j) if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.  
(R.C. § 4511.194) (Rev. 2007)

#### **§ 73.04 DRIVING COMMERCIAL VEHICLE WITH IMPAIRED ALERTNESS OR ABILITY; USE OF DRUGS.**

(A) No person shall drive a commercial motor vehicle, as defined in R.C. § 4506.01, or a commercial car or commercial tractor, as defined in R.C. § 4501.01, while the person's ability or alertness is so impaired by fatigue, illness, or other causes that it is unsafe for the person to drive such vehicle. No driver shall use any drug which would adversely affect the driver's ability or alertness.

(B) No owner, as defined in R.C. § 4501.01, of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in division (A) of this section to drive such vehicle upon any street or highway.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or R.C. § 4511.79, or R.C. § 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.77 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 4511.79) (Rev. 2004)

#### **§ 73.05 RECKLESS OPERATION OF VEHICLES.**

(A) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate

motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.20) (Rev. 2004)

**Cross-reference:**

*License suspension, see § 71.25*

**§ 73.06 RECKLESS OPERATION OFF STREETS AND HIGHWAYS; COMPETITIVE OPERATION.**

(A) (1) No person shall operate a vehicle on any public or private property other than streets or highways in willful or wanton disregard of the safety of persons or property.

(2) This section does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4511.201) (Rev. 2004)

**Cross-reference:**

*License suspension, see § 71.25*

**§ 73.07 OPERATOR TO BE IN REASONABLE CONTROL.**

(A) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor, or unit of farm machinery.

(B) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.

(R.C. § 4511.202) (Rev. 2008)

**§ 73.08 IMMOBILIZING OR DISABLING DEVICE VIOLATION.**

(A) (1) No offender with limited driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an immobilizing or disabling device, shall request or permit any other person to breathe into the device if it is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or to otherwise start the motor

vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(2) (a) Except as provided in division (A)(2)(b) of this section, no person shall breathe into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise start a motor vehicle equipped with an immobilizing or disabling device, for the purpose of providing an operable motor vehicle to an offender with limited driving privileges who is permitted to operate only a motor vehicle equipped with an immobilizing or disabling device.

(b) Division (A)(2)(a) of this section does not apply to a person in the following circumstances:

1. The person is an offender with limited driving privileges.

2. The person breathes into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise starts a motor vehicle equipped with an immobilizing or disabling device.

3. The person breathes into the device or starts the vehicle for the purpose of providing the person with an operable motor vehicle.

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device.

(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree.

(R.C. § 4510.44) (Rev. 2005)

**§ 73.09 STREET RACING DEFINED; PROHIBITED ON PUBLIC HIGHWAYS.**

(A) As used in this section, **STREET RACING** means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by R.C. § 4511.21(B)(1)(a) through (B)(8) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speeds shall be prima facie evidence of street racing.

(B) No person shall participate in street racing upon any public road, street, or highway in this municipality.

(C) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privileges for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this division.

(R.C. § 4511.251) (Rev. 2007)

### § 73.10 SPEED LIMITS.

(A) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard for the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him or her to bring it to a stop within the assured clear distance ahead.

(B) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Director of Transportation or local authorities, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) (a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected, except that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(9) and (B)(10) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the *Manual and Specifications for a Uniform System of Traffic-Control Devices* shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section, **SCHOOL** means any school chartered under R.C. § 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. The term also includes a special elementary school that in writing requests the County Engineer to create

a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs.

(c) As used in this section, **SCHOOL ZONE** means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the Director of Transportation or a request from a County Engineer in the case of a school zone for a special elementary school, the Director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)1. through (B)(1)(c)3. below shall not exceed 300 feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;

2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of the highway.

(d) Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (B)(1)(c) of this section.

(e) As used in this division, **CROSSWALK** has the meaning given that term in R.C. § 4511.01(LL)(2).

(f) The Director may, upon request by resolution of the Legislative Authority and upon submission by the municipality of such engineering, traffic, and other information as the Director considers necessary, designate a school zone on any portion of a state route lying within the municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of a crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet in each appropriate direction of the state route.

(g) As used in this section, ***SPECIAL ELEMENTARY SCHOOL*** means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.
2. It does not educate children beyond the eighth grade.
3. It is located outside the limits of a municipal corporation.
4. A majority of the total number of students enrolled at the school are not related by blood.
5. The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (B)(4) and (B)(6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within the municipality;

(5) Fifty-five miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in divisions (B)(13) and (B)(14) of this section;

(6) Fifty miles per hour on state routes within the municipality outside urban districts unless a lower *prima facie* speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipality;

(8) Thirty-five miles per hour on highways outside the municipality that are within an island jurisdiction;

(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (B)(13) and (B)(14);

(10) Fifty-five miles per hour at all times on freeways outside the municipality, other than freeways as provided in divisions (B)(13) and (B)(14);

(11) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus, except as provided in division (B)(14) of this section.

(12) Fifty-five miles per hour for operators of any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under R.C. § 4511.21(L).

(13) Sixty-five miles per hour for operators of any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under R.C. § 4511.21(L);

(c) Rural, divided, multi-lane highways that are designated as part of the national highway system under the National Highway System Designation Act of 1995, 109 Stat. 568, 23 U.S.C. § 103, and that had such a speed limit established under R.C. § 4511.21(M).

(14) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and that had such a speed limit on July 1, 2009 for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus.

(C) It is *prima facie* unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7) and (B)(8) of this section or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than

one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding 55 miles per hour, except upon a freeway as provided in divisions (B)(13) and (B)(14) of this section;

(2) At a speed exceeding 65 miles per hour upon a freeway as provided in divisions (B)(13) and (B)(14) of this section;

(3) If operating a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in division (B)(11) of this section, at a speed exceeding 55 miles per hour upon a freeway as provided in that division;

(4) At a speed exceeding the posted speed limit upon a freeway for which the Director has determined and declared a speed limit of not more than 65 miles per hour pursuant to R.C. § 4511.21(L)(2) or (M);

(5) At a speed exceeding 65 miles per hour upon a freeway for which such a speed limit has been established through the operation of R.C. § 4511.21(L)(3);

(6) At a speed exceeding the posted speed limit upon a freeway for which the Director had determined and declared a speed limit pursuant to R.C. § 4511.21(I)(2).

(E) Pursuant to R.C. § 4511.21(E), in every charge of violating this section, the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7) or (B)(8) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) Pursuant to R.C. § 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (D)(1), (D)(2), (D)(3), (D)(4), (D)(5) or (D)(6) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7) or (B)(8) of this section, or of a limit declared or established pursuant to this section or R.C. § 4511.21 by the Director or local authorities, and of the limitation in division (D)(1), (D)(2), (D)(3), (D)(4), (D)(5) or (D)(6) of this section. If the court finds a violation of division

(B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7) or (B)(8) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D)(1), (D)(2), (D)(3), (D)(4), (D)(5) or (D)(6) of this section. If it finds no violation of division (B)(1)(a), (B)(2), (B)(3), (B)(4), (B)(6), (B)(7) or (B)(8) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21, it shall then consider whether the evidence supports a conviction under division (D)(1), (D)(2), (D)(3), (D)(4), (D)(5) or (D)(6) of this section.

(G) Pursuant to R.C. § 4511.21(G), points shall be assessed for a violation of a limitation under division (D) of this section in accordance with R.C. § 4510.036. (R.C. § 4511.21(A) - (G)) (Rev. 2010)

(H) Whenever, in accordance with R.C. § 4511.21(H) through (N), the maximum prima facie speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima facie unlawful for any person to exceed the speed limits posted upon such signs.

(I) As used in this section:

**COMMERCIAL BUS.** Means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

**INTERSTATE SYSTEM.** Has the same meaning as in 23 U.S.C. § 101.

**NONCOMMERCIAL BUS.** Includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. (R.C. § 4511.21(O)) (Rev. 2006)

(J) *Speed limits for private roads and driveways.*

(1) The owner of a private road or driveway located in a private residential area containing 20 or more dwelling units may establish a speed limit on the road or driveway by complying with all of the following requirements:

(a) The speed limit is not less than 25 miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the manual adopted by the Department of Transportation pursuant to R.C. § 4511.09;

(b) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, a speed limit has

been established for the road or driveway, and the speed limit is enforceable by law enforcement officers under state law.

(2) No person shall operate a vehicle upon a private road or driveway as provided in division (J)(1) of this section at a speed exceeding any speed limit established and posted pursuant to division (J)(1).

(3) When a speed limit is established and posted in accordance with division (J)(1) of this section, a law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in R.C. § 4511.091 or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(4) Pursuant to R.C. § 4511.211(D), points shall be assessed for violation of a speed limit established and posted in accordance with division (J)(1) of this section in accordance with R.C. § 4510.036.

(5) As used in this division (J):

**OWNER.** Includes but is not limited to a person who holds title to the real property in fee simple, a condominium owners' association, a property owners' association, a board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

**PRIVATE RESIDENTIAL AREA CONTAINING 20 OR MORE DWELLING UNITS.** Does not include a Chautauqua assembly as defined in R.C. § 4511.90.  
(R.C. § 4511.211(A) - (E)) (Rev. 2004)

**(K) Penalties.**

**(1) Divisions (A) through (I).**

(a) A violation of any provision of divisions (A) through (I) of this section is one of the following:

1. Except as otherwise provided in divisions (K)(1)(a)2., (K)(1)(a)3., (K)(1)(b), and (K)(1)(c) of this section, a minor misdemeanor;

2. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of divisions (A) through (I) of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree;

3. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of

divisions (A) through (I) of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

(b) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of division (A) through (I) of this section, R.C. § 4511.21, or any other municipal ordinance that is substantially equivalent to any provision of that section, and operated a motor vehicle faster than 35 miles an hour in a business district of the municipality, faster than 50 miles an hour in other portions of the municipality, or faster than 35 miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(c) Notwithstanding division (K)(1)(a) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with R.C. § 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.  
(R.C. § 4511.21(P)) (Rev. 2006)

**(2) Division (J).** A violation of division (J)(2) of this section is one of the following:

(a) Except as otherwise provided in divisions (K)(2)(b) and (K)(2)(c) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of division (J)(2) of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of division (J)(2) of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the third degree.  
(R.C. § 4511.211(F)) (Rev. 2004)

**Statutory reference:**

*Alteration of speed limits with approval of Director, see R.C. § 4511.21(H) through (N)*  
*Arrest pending warrant when radar, electrical or mechanical timing device used to determine violation, see R.C. § 4511.091*



**§ 73.11 SLOW SPEED OR STOPPING.**

(A) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(B) Whenever the Director of Transportation or local authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Director or such local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in compliance with the law. No minimum speed limit established hereunder shall be less than 30 miles per hour, greater than 50 miles per hour, nor effective until the provisions of R.C. § 4511.21 or a substantially equivalent municipal ordinance, relating to appropriate signs, have been fulfilled and local authorities have obtained the approval of the Director.

(C) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.22) (Rev. 2007)

**§ 73.12 EMERGENCY VEHICLES EXCEPTED FROM SPEED LIMITATION.**

The prima facie speed limitations set forth in R.C. § 4511.21 or a substantially equivalent municipal ordinance do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (R.C. § 4511.24) (Rev. 1999)

**§ 73.13 SPEED REGULATIONS ON BRIDGES.**

(A) (1) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with signs as provided in this section.

(2) The Department of Transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety withstand traffic traveling at the speed otherwise permissible under this Traffic Code, the Department shall determine and declare the maximum speed of traffic which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of at least 100 feet before each end of the structure.

(3) Upon the trial of any person charged with a violation of this section, proof of such determination of the maximum speed by the Department and the existence of such signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.23) (Rev. 2004)

**§ 73.14 PRESENTING FALSE NAME OR INFORMATION TO OFFICER.**

(A) No person shall knowingly present, display, or orally communicate a false name, social security number, or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree. (R.C. § 4513.361) (Rev. 2004)

**§ 73.15 PROHIBITION AGAINST RESISTING OFFICER.**

(A) No person shall resist, hinder, obstruct, or abuse any sheriff, constable, or other official while that official is attempting to arrest offenders under any provision of this Title VII. No person shall interfere with any person charged

under any provision of this Title VII with the enforcement of the law relative to public highways.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.36) (Rev. 2004)

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

### **STOPPING AFTER ACCIDENT**

#### **§ 73.30 EXCHANGE OF IDENTITY AND VEHICLE REGISTRATION.**

(A) (1) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

(2) In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address, and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony to be prosecuted under appropriate state law. The court, in addition to any other penalties provided by law, shall impose upon the offender a

class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.18 or 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.  
(R.C. § 4549.02) (Rev. 2012)

#### **§ 73.31 ACCIDENT INVOLVING INJURY TO PERSONS OR PROPERTY.**

(A) (1) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

(2) If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within 24 hours after the accident or collision, shall forward to the police department of the municipality the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony to be prosecuted under appropriate state law. The court, in addition to any other penalties provided by law, shall impose

upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.18 or 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

(R.C. § 4549.021) (Rev. 2012)

#### **§ 73.32 ACCIDENT INVOLVING DAMAGE TO REALTY.**

(A) (1) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of vehicle the driver is driving and, upon request and if available, shall exhibit the driver's driver's or commercial driver's license.

(2) If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within 24 hours after accident, shall forward to the police department of the municipality the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

(2) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

(R.C. § 4549.03) (Rev. 2012)

#### **§ 73.33 FAILURE TO REPORT ACCIDENT.**

(A) No person shall fail to report a motor vehicle accident as required under state or local law.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4509.74) (Rev. 2004)



## CHAPTER 74: EQUIPMENT AND LOADS

### Section

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### *Statutory reference:*

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*Exemption of collector's or historical vehicles from equipment standards, see R.C. § 4513.38*

*Motorcycles, protective eye devices required for operators and passengers; helmets required for persons under 18 years of age, see O.A.C. § 4501-17-01*

*Notice of arrest of certain commercial drivers, see R.C. § 5577.14*

*Snowmobiles and all-purpose vehicles, equipment, see O.A.C. § 4501-29-01*

*Vehicle lighting, see O.A.C. Chapter 4501-15*

## **EQUIPMENT**

### **§ 74.01 UNSAFE VEHICLES, PROHIBITION AGAINST OPERATION.**

(A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor

misdemeanor. If the offender previously has been convicted of a violation of this section or R.C. § 4513.02(A), whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4513.02(A), (H)) (Rev. 2004)

## § 74.02 BUMPERS ON MOTOR VEHICLES.

(A) As used in this section:

**GROSS VEHICLE WEIGHT RATING.** Means the manufacturer's gross vehicle weight rating established for that vehicle.

**MANUFACTURER.** Has the same meaning as in R.C. § 4501.01.

**MULTIPURPOSE PASSENGER VEHICLE.** Means a motor vehicle with motive power, except 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.

**PASSENGER CAR.** Means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

**TRUCK.** Means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

(B) Rules adopted by the Director of Public Safety, in accordance with R.C. Chapter 119, shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper height have been lowered or modified, the maximum height to the bottom of the frame rail of any passenger car, multipurpose passenger vehicle or truck.

(C) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this state that does not conform to the requirements of this section or any applicable rule adopted pursuant to R.C. § 4513.021.

(D) No person shall modify any motor vehicle registered in this state in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(E) Nothing contained in this section or in the rules adopted pursuant to R.C. § 4513.021 shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs:

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(F) This section and the rules adopted pursuant to R.C. § 4513.021 do not apply to any specially designed or modified passenger car, multipurpose passenger vehicle, or truck when operated off a street or highway in races and similar events.

(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section or R.C. § 4513.021, whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 4513.021) (Rev. 2004)

*Statutory reference:*

*Maximum height on bumpers, see O.A.C. Chapter 4501-43*

## § 74.03 LIGHTED LIGHTS REQUIRED.

(A) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this state shall display lighted lights and illuminating devices as required by R.C. §§ 4513.04 to 4513.37 during all of the following times:

(1) The time from sunset to sunrise;

(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of 1,000 feet ahead;

(3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

(B) Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under R.C. § 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this state using only parking lights as illumination.

(C) Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under

normal atmospheric conditions unless a different condition is expressly stated.

(D) Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that a violation of division (A)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(F) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.03) (Rev. 2010)

#### § 74.04 HEADLIGHTS.

(A) (1) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(2) Every motorcycle shall be equipped with at least one and not more than two headlights.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.04) (Rev. 2010)

#### § 74.05 TAIL LIGHTS AND ILLUMINATION OF REAR LICENSE PLATE.

(A) (1) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rearmost vehicle need be visible from the distance specified.

(2) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of 50 feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.05) (Rev. 2010)

#### § 74.06 RED REFLECTORS REQUIRED.

(A) (1) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in R.C. § 4513.07 or a substantially equivalent municipal ordinance shall be equipped with reflectors as required by the regulations provided for in that section.

(2) Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to 50 feet from such vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.06) (Rev. 2010)

#### § 74.07 SAFETY LIGHTING OF COMMERCIAL VEHICLES.

(A) (1) When the Director of Public Safety prescribes and promulgates regulations relating to clearance lights, marker lights, reflectors and stop lights on buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any highway, these vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within the municipality where there is sufficient light to reveal any person or substantial object on the highway at a distance of 500 feet.

(2) Such equipment shall be in addition to all other lights specifically required by R.C. §§ 4513.03 through 4513.16, or any substantially equivalent municipal ordinances.

(3) Vehicles operated under the jurisdiction of the Public Utilities Commission are not subject to this section.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.07) (Rev. 2010)

**§ 74.08 STOPLIGHT REGULATIONS.**

(A) (1) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear; provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

(2) Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

(3) When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under R.C. § 4513.19.

(4) Historical motor vehicles as defined in R.C. § 4503.181, not originally manufactured with stop lights, are not subject to this section.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.071) (Rev. 2010)

**§ 74.09 OBSCURED LIGHTS ON VEHICLES.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(R.C. § 4513.08)

**§ 74.10 RED LIGHT OR FLAG REQUIRED.**

(A) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of this vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon

every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.09) (Rev. 2010)

**§ 74.11 LIGHTS ON PARKED VEHICLES.**

(A) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within the municipality where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(R.C. § 4513.10) (Rev. 1999)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

**§ 74.12 LIGHTS AND EMBLEM ON SLOW-MOVING VEHICLES; LIGHTS AND REFLECTORS ON MULTI-WHEEL AGRICULTURAL TRACTORS OR FARM MACHINERY.**

(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in R.C. § 4513.02(G), not specifically required to be equipped with lamps or other lighting devices by R.C. §§ 4513.03 through 4513.10, or any substantially equivalent municipal ordinances, shall, at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle and also shall be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps. Lamps and reflectors required by this section shall meet standards adopted by the Director of Public Safety.



(B) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Director of Transportation, a city or village engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Director and the *Manual and Specifications for a Uniform System of Traffic-Control Devices*, as set forth in R.C. § 4511.09, which is designed for operation at a speed of 25 miles per hour or less, shall be operated at a speed not exceeding 25 miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers. A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour may be operated on a street or highway at a speed greater than 25 miles per hour provided it is operated in accordance with this section. As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(C) The use of the SMV emblem shall be restricted to animal-drawn vehicles and to the slow-moving vehicles specified in division (B) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(D) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/SAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS).

(E) Any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving

vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance. When a double-faced light is used, it shall display amber light to the front and red light to the rear. In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by R.C. § 4513.17 or a substantially equivalent municipal ordinance, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) (1) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(a) With a slow-moving vehicle emblem complying with division (B) of this section;

(b) With alternate reflective material complying with rules adopted under division (F)(2) below;

(c) With both a slow-moving vehicle emblem and alternate reflective material as specified in division (F)(2) below.

(2) Rules adopted by the Director of Public Safety, subject to R.C. Chapter 119, establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division, permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) (1) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/SAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

(2) If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed

greater than 25 miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(I) As used in this section, **BOAT TRAILER** means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.  
(R.C. § 4513.11) (Rev. 2008)

(J) Lights and reflector requirements for multi-wheel agricultural tractors or farm machinery.

(1) (a) Every multi-wheel agricultural tractor whose model year was 2001 or earlier, when being operated or traveling on a street or highway at the times specified in R.C. § 4513.03, or a substantially equivalent municipal ordinance, at a minimum shall be equipped with and display reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by flashing lamps displaying amber light, visible to the front and the rear; by amber reflectors, all visible to the front; and by red reflectors, all visible to the rear.

(b) The lamps displaying amber light need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor.

(c) The lamps and reflectors required by division (J)(1)(a) of this section and their placement shall meet standards and specifications contained in rules adopted by the Director of Public Safety in accordance with R.C. Chapter 119. The rules governing the amber lamps, amber reflectors, and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2, respectively, of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.

(2) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in R.C. § 4513.03, or a substantially equivalent municipal ordinance, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type

of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.11 APR01, Lighting and Marking of Agricultural Equipment on Highways, or any subsequent revisions of that standard.

(3) The lights and reflectors required by division (J)(1) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by R.C. § 4513.11 or 4513.17, or a substantially equivalent municipal ordinance, to be displayed on farm machinery being operated or traveling on a street or highway.

(4) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of divisions (J)(1) or (J)(2) of this section.  
(R.C. § 4513.111) (Rev. 2004)

(K) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. §§ 4513.11(I), 4513.111(E)) (Rev. 2010)

#### § 74.13 SPOTLIGHT AND AUXILIARY DRIVING LIGHTS.

(A) (1) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than three auxiliary driving lights mounted on the front of the vehicle. Any such lights which do not conform to the specifications for auxiliary driving lights and the regulations for their use prescribed by the Director of Public Safety shall not be used.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.12) (Rev. 2010)

#### § 74.14 COWL, FENDER, AND BACK-UP LIGHTS.

(A) (1) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.

(2) Any motor vehicle may be equipped with lights on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.13) (Rev. 2010)

#### § 74.15 TWO LIGHTS DISPLAYED.

(A) At all times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance, at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.14) (Rev. 2010)

#### § 74.16 HEADLIGHTS REQUIRED.

(A) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, subject to the following requirements:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) Every new motor vehicle registered in this state which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.15) (Rev. 2010)

#### § 74.17 LIGHTS OF LESS INTENSITY.

(A) Any motor vehicle may be operated under the conditions specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects 75 feet ahead, in lieu of lights required in R.C. § 4513.14 or a substantially equivalent municipal ordinance, provided that such vehicle shall not be operated at a speed in excess of 20 miles per hour.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.16) (Rev. 2010)

#### § 74.18 NUMBER OF LIGHTS PERMITTED; RED AND FLASHING LIGHTS.

(A) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(C) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles as provided in R.C. § 4513.182 or a substantially equivalent municipal ordinance, Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by R.C. § 4513.11 or a substantially equivalent municipal ordinance to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating or rotating amber light, and the prohibition contained in division (C)(1) of this section does not apply to such machinery or vehicles. Farm machinery may also display the lights described in R.C. § 4513.11 or a substantially equivalent municipal ordinance.

(D) Except a person operating a public safety vehicle, as defined in R.C. § 4511.01(E), or a school bus, no person shall operate, move, or park upon or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law

enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move or park upon or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(E) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights whether on farm machinery or vehicles escorting farm machinery when used on a street or highway.  
(R.C. § 4513.17) (Rev. 1998)

(F) (1) Notwithstanding any other provision of law, a motor vehicle operated by a coroner, deputy coroner or coroner's investigator may be equipped with a flashing, oscillating or rotating red or blue light and siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. Such a vehicle may display the flashing, oscillating or rotating red or blue light and may give the audible signal of the siren, whistle or bell only when responding to a fatality or a fatal motor vehicle accident on a street or highway and only at those locations where the stoppage of traffic impedes the ability of the coroner, deputy coroner or coroner's investigator to arrive at the site of the fatality.

(2) This division (F) does not relieve the coroner, deputy coroner or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.  
(R.C. § 4513.171) (Rev. 1999)

(G) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. §§ 4513.17(F), 4513.171(B)) (Rev. 2010)

#### **§ 74.19 STANDARDS FOR LIGHTS ON SNOW REMOVAL EQUIPMENT AND OVERSIZE VEHICLES.**

(A) It is unlawful to operate snow removal equipment on a highway unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted by the Director of Transportation pursuant to R.C. § 4513.18.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.18) (Rev. 2010)

#### **§ 74.20 FLASHING LIGHTS PERMITTED FOR CERTAIN TYPES OF VEHICLES.**

Rural mail delivery vehicles, state highway survey vehicles, and funeral escort vehicles are permitted to use flashing lights.  
(R.C. § 4513.181)

#### **§ 74.21 LIGHTS AND SIGN ON TRANSPORTATION FOR PRESCHOOL CHILDREN.**

(A) No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten, or day-care center, while transporting preschool children to or from such an institution unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "caution – children", which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Director of Public Safety.

(B) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section.  
(R.C. § 4513.182)

(C) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

#### **§ 74.22 FOCUS AND AIM OF HEADLIGHTS.**

(A) No person shall use any lights mentioned in R.C. §§ 4513.03 through 4513.18, or any substantially equivalent municipal ordinances, upon any motor vehicle, trailer or semitrailer unless these lights are equipped, mounted and adjusted as to focus and aim in accordance with regulations which are prescribed by the Director of Public Safety.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.19) (Rev. 2010)

#### **§ 74.23 BRAKE EQUIPMENT; SPECIFICATIONS.**

(A) The following requirements govern as to brake equipment on vehicles:

(1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be

equipped with brakes adequate to control the movement of and to stop and hold the motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles, manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Every motorcycle, when operated upon a highway shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Director of Public Safety under R.C. § 4511.521.

(4) When operated upon the highways, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

(a) Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942;

(b) Every manufactured home or travel trailer with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 2001.

(5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of 3,000 pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.

(6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

(7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes

shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(9) Every motor vehicle or combination of motor-drawn vehicles shall, at all times and under all conditions of loading, be capable of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

(a) Vehicles or combinations of vehicles having brakes on all wheels shall come to a stop in 30 feet or less from a speed of 20 miles per hour.

(b) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in 40 feet or less from a speed of 20 miles per hour.

(10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(R.C. § 4513.20) (Rev. 2008)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(R.C. § 4513.99) (Rev. 2004)

#### § 74.24 BRAKE FLUID.

(A) No hydraulic brake fluid for use in motor vehicles shall be sold in this municipality if the brake fluid is below the minimum standard of specifications for heavy duty type brake fluid established by the society of automotive engineers and the standard of specifications established by 49 C.F.R. § 571.116, as amended.

(B) All manufacturers, packers, or distributors of brake fluid selling such fluid in this municipality shall state on the containers that the brake fluid meets or exceeds the applicable minimum SAE standard of specifications, and the standard of specifications established in 49 C.F.R. § 571.116, as amended.  
(R.C. § 4513.201) (Rev. 1998)

(C) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

#### § 74.25 MINIMUM STANDARDS FOR BRAKES AND COMPONENTS.

(A) No brake lining, brake lining material, or brake lining assemblies for use as repair and replacement parts in motor vehicles shall be sold in this municipality if these items do not meet or exceed the minimum standard of specifications established by the Society of Automotive Engineers and the standard of specifications established in 49 C.F.R. § 571.105, as amended, and 49 C.F.R. § 571.135, as amended.

(B) All manufacturers or distributors of brake lining, brake lining material, or brake lining assemblies selling these items for use as repair and replacement parts in motor vehicles shall state that the items meet or exceed the applicable minimum standard of specifications.

(C) As used in this section, *MINIMUM STANDARD OF SPECIFICATIONS* means a minimum standard for brake system or brake component performance that meets the need for motor vehicle safety and complies with the applicable SAE standards and recommended practices, and the federal motor vehicle safety standards that cover the same aspect of performance for any brake lining, brake lining material, or brake lining assemblies.  
(R.C. § 4513.202) (Rev. 1998)

(D) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

#### § 74.26 HORNS, SIRENS, AND WARNING DEVICES.

(A) (1) Every motor vehicle when operated upon a highway shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(2) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency vehicle shall be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.21) (Rev. 2010)

#### § 74.27 MUFFLERS; EXCESSIVE SMOKE OR GAS.

(A) (1) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(2) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.22) (Rev. 2010)

#### § 74.28 REARVIEW MIRRORS.

(A) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles and motorcycles and shall have a clear view to the rear of their vehicles and motorcycles by mirror.

(B) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.23) (Rev. 2010)

**§ 74.29 WINDSHIELDS AND WIPERS.**

(A) No person shall drive any motor vehicle on a street or highway in this municipality, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(B) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2) Division (B)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

(a) It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

(b) It does not conceal the vehicle identification number.

(3) Division (B)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

(a) It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

(b) It is mounted not more than 6 inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(C) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(D) Whoever violates this section is guilty of a minor misdemeanor.  
(R.C. § 4513.24) (Rev. 2012)

**§ 74.30 SOLID TIRE REQUIREMENTS.**

(A) Every solid tire, as defined in R.C. § 4501.01, on a vehicle shall have rubber or other resilient material on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.  
(R.C. § 4513.25)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

**§ 74.31 REQUIREMENTS FOR SAFETY GLASS IN MOTOR VEHICLES; USE OF TINTED GLASS OR REFLECTORIZED MATERIAL.**

(A) *Safety glass.*

(1) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered, and no person shall operate any motor vehicle, which is registered in this state and which has been manufactured or assembled on or after January 1, 1936, unless the motor vehicle is equipped with safety glass, wherever glass is used in the windshields, doors, partitions, rear windows, and windows on each side immediately adjacent to the rear window.

(2) As used in this section, **SAFETY GLASS** means any product composed of glass so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when it is struck or broken, or such other or similar product as may be approved by the Registrar of Motor Vehicles.

(3) Glass other than safety glass shall not be offered for sale, or sold for use in, or installed in any door, window, partition, or windshield that is required by this section to be equipped with safety glass.  
(R.C. § 4513.26)

(B) *Tinted or reflectORIZED material.*

(1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements concerning tinted glass and reflectORIZED material of R.C. § 4513.241 and of any applicable rule adopted under that section.

(2) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(3) No used motor vehicle dealer or new motor vehicle dealer, as defined in R.C. § 4517.01, shall sell any motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(5) This division (B) does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by Federal Motor Vehicle Safety Standard #205.

(6) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this division (B) does not apply to any school bus used to transport a child with disabilities pursuant to R.C. Chapter 3323, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, **CHILD WITH DISABILITIES** has the same meaning as in R.C. § 3323.01.

(7) This division (B) does not apply to any school bus that is to be sold and operated outside the municipality.  
(R.C. § 4513.241(C) - (I)) (Rev. 2008)

(C) (1) Whoever violates division (A) of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

(2) Whoever violates division (B)(1), (B)(2), (B)(3) or (B)(4) of this section is guilty of a minor misdemeanor.  
(R.C. § 4513.241(J)) (Rev. 2004)

**Statutory reference:**

*Regulations, see O.A.C. Chapter 4501-41*

## § 74.32 DIRECTIONAL SIGNALS.

(A) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.

(2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(B) As used in this section, **DIRECTIONAL SIGNALS** means an electrical or mechanical signal device

capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(C) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in R.C. § 4513.03 or a substantially equivalent municipal ordinance.

(D) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.261) (Rev. 2004)

## § 74.33 INSTALLATION AND SALE OF SEAT SAFETY BELTS REQUIRED; DEFINITION.

(A) As used in this section and in R.C. § 4513.263 or a substantially equivalent municipal ordinance, the component parts of a seat safety belt include a belt, an anchor attachment assembly, and a buckle or closing device.

(B) No person shall sell, lease, rent, or operate any passenger car, as defined in R.C. § 4501.01(E), that is registered or to be registered in this state and that is manufactured or assembled on or after January 1, 1962, unless the passenger car is equipped with sufficient anchorage units at the attachment points for attaching at least two sets of seat safety belts to its front seat. Such anchorage units at the attachment points shall be of such construction, design, and strength to support a loop load pull of not less than 4,000 pounds for each belt.

(C) No person shall sell, lease, or rent any passenger car, as defined in R.C. § 4501.01(E), that is registered or to be registered in this state and that is manufactured or assembled on or after January 1, 1966, unless the passenger car has installed in its front seat at least two seat safety belt assemblies.

(D) After January 1, 1966, neither any seat safety belt for use in a motor vehicle nor any component part of any such seat safety belt shall be sold in this municipality unless the seat safety belt or the component part satisfies the minimum standard of specifications established by the society of automotive engineers for automotive seat belts and unless the seat safety belt or component part is labeled so as to indicate that it meets those minimum standard specifications.

(E) Each sale, lease, or rental in violation of this section constitutes a separate offense.

(F) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.262) (Rev. 2004)

**Statutory reference:**

*Child restraint systems, regulations, see O.A.C. Chapter 4501-37*



#### § 74.34 REQUIREMENTS FOR EXTRA SIGNAL EQUIPMENT.

(A) No person shall operate any motor truck, bus, or commercial tractor upon any highway at any time from sunset to sunrise unless there is carried in such vehicle, except as provided in division (B) of this section, the following equipment which shall be of the types approved by the Director of Transportation.

(1) At least three flares or three red reflectors or three red electric lanterns, each of which is capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime;

(2) At least three red-burning fusees, unless red reflectors or red electric lanterns are carried;

(3) At least two red cloth flags, not less than two inches square, with standards to support them;

(4) The type of red reflectors shall comply with such standards and specifications in effect on September 16, 1963, or later established by the Interstate Commerce Commission and must be certified as meeting such standards by Underwriters Laboratories.

(B) No person shall operate at the time and under the conditions stated in this section any motor vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, unless there is carried in such vehicle three red electric lanterns or three red reflectors meeting the requirements stated in division (A) of this section. There shall not be carried in any such vehicle any flare, fusee, or signal produced by a flame.

(C) This section does not apply to any person who operates any motor vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Department of Transportation under R.C. § 4511.09.  
(R.C. § 4513.27) (Rev. 2001)

(D) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

#### § 74.35 DISPLAY OF WARNING DEVICES ON DISABLED VEHICLES.

(A) Whenever any motor truck, bus, commercial tractor, trailer, semitrailer, or pole trailer is disabled upon any freeway, expressway, thruway and connecting, entering, or exiting ramps within the municipality, at any time when lighted lamps are required on vehicles, the

operator of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in division (B) of this section:

(1) A lighted fusee shall be immediately placed on the roadway at the traffic side of such vehicle, unless red electric lanterns or red reflectors are displayed.

(2) Within the burning period of the fusee and as promptly as possible, three lighted flares or pot torches, or three red reflectors or three red electric lanterns shall be placed on the roadway as follows:

(a) One at a distance of 40 paces or approximately 100 feet in advance of the vehicle;

(b) One at a distance of 40 paces or approximately 100 feet to the rear of the vehicle, except as provided in this section, each in the center of the lane of traffic occupied by the disabled vehicle;

(c) One at the traffic side of the vehicle.

(B) Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a highway at any time or place mentioned in division (A) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:

(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle;

(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (A) of this section.

(C) When a vehicle of a type specified in division (B) of this section is disabled, the use of flares, fusees, or any signal produced by flame as warning signals is prohibited.

(D) Whenever any vehicle of a type referred to in this section is disabled upon any freeway, expressway, thruway, and connecting, entering, or exiting ramps within the municipality, at any time when the display of fusees, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of 40 paces or approximately 100 feet in advance of the vehicle, and one at a distance of 40 paces or approximately 100 feet to the rear of the vehicle, except as provided in this section.

(E) The flares, fusees, lanterns, red reflectors, and flags to be displayed as required in this section shall conform with the applicable requirements of R.C. § 4513.27 or a substantially equivalent municipal ordinance.

(F) In the event the vehicle is disabled near a curve, crest of a hill, or other obstruction of view, the flare, flag, reflector, or lantern in that direction shall be placed as to afford ample warning to other users of the highway, but in no case shall it be placed less than 40 paces or approximately 100 feet nor more than 120 paces or approximately 300 feet from the disabled vehicle.

(G) This section does not apply to the operator of any vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Department of Transportation under R.C. § 4511.09.

(H) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.28) (Rev. 2010)

#### § 74.36 REQUIREMENTS FOR VEHICLES TRANSPORTING EXPLOSIVES.

(A) Any person operating any vehicle transporting explosives upon a highway shall at all times comply with the following requirements:

(1) The vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation regulations.

(2) The vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle.  
(R.C. § 4513.29)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.  
(R.C. § 4513.99) (Rev. 2004)

#### § 74.37 STUDDED TIRES; SEASONAL USE PERMITTED.

(A) For the purposes of this section, **STUDDED TIRE** means any tire designed for use on a vehicle and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire.

(B) (1) Except as provided in division (B)(2) of this section, no person shall operate any motor vehicle other

than a public safety vehicle or school bus that is equipped with studded tires on any street or highway in this municipality, except during the period extending from the first day of November of each year through the fifteenth day of April of the succeeding year.

(2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in division (B)(1) of this section.

(C) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof.

(R.C. § 5589.081) (Rev. 2009)

(D) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 5589.99(B))

#### § 74.38 SAFETY INSPECTION DECALS FOR BUSES.

(A) *Definitions.* As used in this section:

##### **BUS.**

(a) Means any vehicle used for the transportation of passengers that meets at least one of the following:

1. Was originally designed by the manufacturer to transport more than 15 passengers, including the driver;

2. Either the gross vehicle weight rating or the gross vehicle weight exceeds 10,000 pounds.

(b) The term does not include a church bus as defined in R.C. § 4503.07 or a school bus unless the church bus or school bus is used in the transportation of passengers for hire by a motor transportation company or a common carrier by motor vehicle or by a private motor carrier or contract carrier by motor vehicle.

(c) The term also does not include any of the following:

1. Any vehicle operated exclusively on a rail or rails;

2. A trolley bus operated by electric power derived from a fixed overhead wire furnishing local passenger transportation similar to street-railway service;

3. Vehicles owned or leased by government agencies or political subdivisions.

**COMMON CARRIER BY MOTOR VEHICLE.**

has the same meaning as in R.C. § 4921.02.

**CONTRACT CARRIER BY MOTOR VEHICLE.**

Has the same meaning as in R.C. § 4923.02.

**MOTOR TRANSPORTATION COMPANY.** Has the same meaning as in R.C. § 4921.02.

**PRIVATE MOTOR CARRIER.** Has the same meaning as in R.C. § 4923.02.  
(R.C. § 4513.50)

**(B) Safety inspection decals.**

(1) Except as provided in division (B)(2) of this section, on and after July 1, 2001, no person shall operate a bus, nor shall any person being the owner of a bus or having supervisory responsibility for a bus, permit the operation of any bus unless the bus displays a valid, current safety inspection decal issued by the State Highway Patrol under R.C. § 4513.52.

(2) For the purpose of complying with the requirements of this section and R.C. § 4513.52, the owner or other operator of a bus may drive the bus directly to an inspection site conducted by the State Highway Patrol and directly back to the person's place of business without a valid registration and without displaying a safety inspection decal, provided that no passengers may occupy the bus during such operation.  
(R.C. § 4513.51(A), (B))

(C) Whoever violates division (B)(1) of this section is guilty of a misdemeanor of the first degree.  
(R.C. § 4513.51(D)) (Rev. 2004)

**§ 74.39 AIR BAGS.**

(A) As used in this section, **AIR BAG** has the same meaning as in 49 C.F.R. § 579.4, as amended.

(B) No person shall install or reinstall in any motor vehicle any object to fulfill the function of an air bag, including an air bag, other than an air bag that was designed in conformance with or that is regulated by Federal Motor Vehicle Safety Standard Number 208 for the make, model, and model year of the vehicle, knowing that the object is not in accordance with that standard.

(C) Whoever violates division (B) of this section is guilty of improper replacement of a motor vehicle air bag, a misdemeanor of the first degree on a first offense. On each subsequent offense, the person is guilty of a felony to be prosecuted under appropriate state law.  
(R.C. § 4549.20) (Rev. 2005)

**LOADS****§ 74.50 PERMIT REQUIRED TO EXCEED LOAD LIMITS.**

(A) The municipality, with respect to highways under its jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in R.C. §§ 5577.01 through 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 through 4513.37, upon any highway under its jurisdiction.

(B) Notwithstanding R.C. §§ 715.22 and 723.01, the holder of a special permit issued by the Director of Transportation under R.C. § 4513.34 may move the vehicle or combination of vehicles described in the special permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of the municipality. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway which is a part of the state highway system. The Ohio Director of Transportation shall not require the holder of a permit issued by the municipality to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the municipality. Permits may be issued for any period of time not to exceed one year, as the local authority in its discretion determines advisable or for the duration of any public construction project.

(C) The application for a permit shall be in the form that the municipality prescribes. The municipality may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the municipality for the administrative costs incurred in issuing the permit, and also to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. For the purposes of this section and of rules adopted by the Director under R.C. § 4513.34, milk transported in bulk by vehicle is deemed a nondivisible load.

(D) The municipality may issue or withhold a permit. If a permit is to be issued, the municipality may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, the municipality, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the municipality to compensate for or to repair excess damage caused to the roadway by travel under the permit.

(E) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(R.C. § 4513.34) (Rev. 2002)

(F) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(R.C. § 4513.99) (Rev. 2004)

**Statutory reference:**

*Overweight or oversized vehicles, state permit regulations, see O.A.C. Chapter 5501:2-1*

**§ 74.51 LIMITATION OF LOAD EXTENSION ON LEFT SIDE OF VEHICLES.**

(A) No passenger-type vehicle shall be operated on a highway with any load carried on the vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side.

(R.C. § 4513.30)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(R.C. § 4513.99) (Rev. 2004)

**§ 74.52 ALL LOADS SHALL BE PROPERLY SECURED.**

(A) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.

(R.C. § 4513.31)

(C) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(R.C. § 4513.99) (Rev. 2004)

**§ 74.53 TOWING REQUIREMENTS; EXCEPTION TO SIZE AND WEIGHT RESTRICTIONS.**

(A) (1) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all the weight towed thereby, and the drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(2) When one vehicle is towing another and the connection consists only of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(3) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. These chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(4) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility as defined in R.C. § 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of 25 miles per hour or less, and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time except as follows:

(a) An agricultural tractor may tow or draw more than one such vehicle;

(b) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle.

(R.C. § 4513.32) (Rev. 1999)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(R.C. § 4513.99) (Rev. 2004)

(C) Exception to size and weight restrictions.

(1) The size and weight provisions of this chapter and R.C. Chapter 5577 do not apply to a person who is engaged in the initial towing or removal or a wrecked or disabled motor vehicle from the site of an emergency on a public highway where the vehicle became wrecked or disabled to the nearest site where the vehicle can be brought into conformance with the requirements of this chapter and R.C. Chapter 5577 or to the nearest qualified repair facility.

(2) Any subsequent towing of a wrecked or disabled vehicle shall comply with the size and weight provisions of this chapter and R.C. Chapter 5577.

(3) No court shall impose any penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, or the civil liability established in R.C. § 5577.12 upon a person towing or removing a vehicle in the manner described in division (C)(1) of this section.

(R.C. § 5577.15) (Rev. 2005)

#### **§ 74.54 WEIGHING OF VEHICLE; REMOVAL OF EXCESS LOAD.**

(A) Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of the vehicle to stop and submit to a weighing of it by means of a compact, self-contained, portable, sealed scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the wheel loads of highway vehicles; a sealed scale, permanently installed in a fixed location, having a load-receiving element specially adapted to determining the combined load of all wheels on a single axle

or on successive axles of a highway vehicle; or a sealed scale adapted to weighing highway vehicles, loaded or unloaded.

(B) The driver of the vehicle shall, if necessary, be directed to proceed to the nearest available sealed scales to accomplish the weighing, provided the scales are within three miles of the point where the vehicle is stopped.

(C) Any vehicle stopped in accordance with this section may be held by the police officer for a reasonable time only to accomplish the weighing as prescribed by this section.

(D) All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a municipal, county or state sealer with the state standards or standards approved by the state, and the scales shall not be sealed if they do not conform to the state standards or standards approved by the state.

(E) At each end of a permanently installed scale, there shall be a straight approach in the same plane as the platform, of sufficient length and width to insure the level positioning of vehicles during weight determinations. During determination of weight by compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, they shall always be used on a level terrain of sufficient length and width to accommodate the entire vehicle being weighed. Such terrain shall be level, or if not level, it shall be of such elevation that the difference in elevation between the wheels on any one axle does not exceed two inches and the difference in elevation between axles being weighed does not exceed one-quarter inch per foot of the distance between such axles.

(F) In all determinations of all weights, except gross weight, by compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all successive axles, 12 feet or less apart, shall be weighed simultaneously by placing one such scale under the outside wheel of each such axle. In determinations of gross weight by the use of compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all axles shall be weighed simultaneously by placing one such scale under the outside wheel of each axle.

(G) Whenever an officer, upon weighing a vehicle and load, determines that the weight is unlawful, he or she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the weight of the vehicle to the limit permitted under R.C. §§ 5577.01 through 5577.14 and this chapter.

(R.C. § 4513.33)

#### ***Statutory reference:***

*Alteration of weight limits, approval of Director required, see R.C. § 4513.33*

### § 74.55 OPERATION OF VEHICLE EXCEEDING WEIGHT LIMITS PROHIBITED.

(A) No traction engine, steam roller, or other vehicle, load, object or structure, whether propelled by muscular or motor power, not including vehicles run upon stationary rails or tracks, fire engines, fire trucks, or other vehicles or apparatus belonging to or used by any municipal or volunteer fire department in the discharge of its functions, shall be operated or moved over or upon the improved public streets, highways, bridges, or culverts in this municipality upon wheels, rollers or otherwise, weighing in excess of the weights prescribed in this subchapter or R.C. §§ 5577.01 et seq., including the weight of the vehicle, object, structure or contrivance and load, except upon special permission granted as provided by R.C. § 4513.34 or a substantially equivalent municipal ordinance. (R.C. § 5577.02) (Rev. 1999)

(B) Whoever violates the weight provisions of this section shall be fined \$80 for the first 2,000 pounds, or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000 pounds, such person shall be fined \$100, and in addition thereto \$1 per 100 pounds of overload; for overloads in excess of 5,000 pounds but not in excess of 10,000 pounds, such person shall be fined \$130, and in addition thereto \$2 per 100 pounds of overload, or imprisoned not more than 30 days, or both. For all overloads in excess of 10,000 pounds, such person shall be fined \$160, and in addition thereto \$3 per 100 pounds of overload, or imprisoned not more than 30 days, or both. Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than \$100. No penalty prescribed in this division (B)(2) shall be imposed on any vehicle combination if the overload on any one axle does not exceed 1,000 pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or greater amount. For purposes of this division (B)(2), two axles on one vehicle less than eight feet apart shall be considered as one axle. (R.C. § 5577.99(A)) (Rev. 1997)

### § 74.56 LOAD LIMITS.

(A) *Weight of load; width of tire.* No person, firm or corporation shall transport over the improved public streets, alleys, intercounty highways, state highways, bridges or culverts in this municipality, in any vehicle propelled by muscular, motor or other power, any burden, including weight of vehicle and load, greater than the following:

(1) (a) In vehicles having metal tires three inches or less in width, a load of 500 pounds for each inch of the total width of the tire on all wheels;

(b) When the tires on such vehicles exceed three inches in width, an additional load of 800 pounds shall be permitted for each inch by which the total width of the tires on all wheels exceeds 12 inches.

(2) In vehicles having tires of rubber or other similar substance, for each inch of the total width of tires on all wheels, as follows:

<i>Tire Width (in inches)</i>	<i>Load Limit (in pounds)</i>
3	450
3.5	450
4	500
5	600
6 and over	650

(3) The total width of tires on all wheels shall be, in the case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of tire coming in contact with the road surface be less than two-thirds the width so measured between the flanges.

(4) In the case of pneumatic tires, of rubber or other similar substance, the total width of tires on all wheels shall be the actual width of all such tires, measured at the widest portion thereof when inflated and not bearing a load.

(5) In no event shall the load, including the proportionate weight of vehicle that can be concentrated on any wheel, exceed 650 pounds to each inch in width of the tread as defined in this division (A) for solid tires, or each inch in the actual diameter of pneumatic tires measured when inflated and not bearing a load. (R.C. § 5577.03)

#### (B) *Vehicles with pneumatic tires, load limits.*

(1) The maximum wheel load of any one wheel of any vehicle, load, object or structure operated or moved upon improved public highways, streets, bridges or culverts shall not exceed 650 pounds per inch width of pneumatic tire, measured as prescribed by division (A) of this section.

(2) The weight of the vehicle and load imposed upon a road surface that is part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

(a) On any one axle, 20,000 pounds;

(b) On any tandem axle, 34,000 pounds;

(c) On any two or more consecutive axles, the maximum weight as determined by application of the formula provided in division (B)(3) of this section.

(3) (a) For purposes of division (B)(2)(c) of this section, the maximum gross weight on any two or more consecutive axles shall be determined by application of the following formula:  $W = 500[(LN/-1) + 12N + 36]$

(b) In this formula, W equals the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals the distance in rounded whole feet between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration. However, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

(4) Except as provided in division (B)(9) of this section, the weight of vehicle and load imposed upon a road surface that is not part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

(a) On any one axle, 20,000 pounds.

(b) On any two successive axles:

1. Spaced four feet or less apart, and weighed simultaneously, 24,000 pounds;

2. Spaced more than four feet apart, and weighed simultaneously, 34,000 pounds, plus 1,000 pounds per foot or fraction thereof, over four feet, not to exceed 40,000 pounds.

(c) On any three successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three-axle group is more than four feet from the next axle in the three-axle group and so that the spacing between the first axle and the third axle in the three-axle group is no more than nine feet, and with such load-bearing three-axle group weighed simultaneously as a unit:

1. A weight of 48,000 pounds, with the total weight of the vehicle and load not exceeding 38,000 pounds plus an additional 900 pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle;

2. As an alternative to division (B)(4)(c)1. of this section, 42,500 pounds, if part of a six-axle vehicle combination with at least 20 feet of spacing between the front axle and rearmost axle, with the total weight of the vehicle and load not exceeding 54,000 pounds plus an additional 600 pounds per each foot of spacing between the front axle and the rearmost axle of the vehicle.

(d) The total weight of the vehicle and load utilizing any combination of axles, other than as provided for three-axle groups in division (B)(4) of this section, shall not exceed 38,000 pounds plus an additional 900 pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle.

(5) Notwithstanding divisions (B)(2) and (B)(4) of this section, the maximum overall gross weight of a

vehicle and load imposed upon the road surface shall not exceed 80,000 pounds.

(6) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of 12.5 feet.

(7) As used in division (B)(2) of this section, **TANDEM AXLE** means two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle.

(8) This division (B) does not apply to passenger bus type vehicles operated by a regional transit authority pursuant to R.C. §§ 306.30 through 306.54.

(9) Either division (B)(2) or (B)(4) of this section applies to the weight of a vehicle and its load imposed upon any road surface that is not a part of the interstate system by vehicles with pneumatic tires. As between divisions (B)(2) and (B)(4) of this section, only the division that yields the highest total gross vehicle weight limit shall be applied to any such vehicle. Once that division has been determined, only the limits contained in the subdivisions of that division shall apply to that vehicle.

(R.C. § 5577.04) (Rev. 2002)

(C) *Axle and wheel load, gross weights and towing connection length for solid rubber tires.*

(1) No vehicle, load, object or structure having a maximum axle load greater than 16,000 pounds when such vehicle is equipped with solid rubber tires shall be operated or moved upon the improved public highways, streets, bridges or culverts. The maximum wheel load of any one wheel of such vehicle shall not exceed 650 pounds per inch width of tire, measured as prescribed by division (A) of this section, nor shall any solid tire or rubber or other resilient material, on any wheel of any such vehicle, be less than one inch thick when measure from the top of the flanges of the tire channel.

(2) The weight of vehicle and load imposed upon the road surface by any two successive axles, spaces four feet or less apart, shall not exceed 19,000 pounds for solid tires; or by any two successive axles spaced more than four feet but less than eight feet apart, shall not exceed 24,000 pounds for solid tires; or by any two successive axles, spaced eight feet or more apart, shall not exceed 28,000 pounds for solid tires; nor shall the total weight of vehicle and load exceed, for solid rubber tires, 28,000 pounds plus an additional 600 pounds for each foot or fraction thereof of spacing between the front axle and the rear-most axle of the vehicle; nor shall the weight of the vehicle and load imposed upon the road surface by any vehicle equipped with solid rubber tires exceed 80% of the

permissible weight of vehicle and load as provided for pneumatic tires.

(3) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between the nearest axles of the respective vehicles to a distance not in excess of 12.5 feet. If the provisions of this division (C) are held to exceed the weight limitations or other provisions set forth in the "Federal-Aid Highway Act of 1958", 72 Stat. 902, 23 U.S.C. § 127, this division (C) shall become null and void to the extent of such inconsistency.

(R.C. § 5577.041)

(D) *Penalties.*

(1) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree.

(R.C. § 5577.99(C)) (Rev. 2005)

(2) Whoever violates the weight provisions of this section shall be punished as set forth in § 74.55(B).

(E) *Modification of load limits.* The load limits established in this section may be modified or waived upon special permission granted as provided in R.C. § 4513.34 or a substantially equivalent municipal ordinance.  
(Rev. 1999)

**§ 74.57 MAXIMUM WIDTH, HEIGHT, AND LENGTH.**

(A) No vehicle shall be operated upon the public highways, streets, bridges, and culverts within this municipality whose dimensions exceed those specified in this section.

(B) No such vehicle shall have a width:

(1) In excess of 104 inches for passenger bus type vehicles operated exclusively within the municipality.

(2) In excess of 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other state roads with minimum pavement widths of 22 feet, except those roads or portions thereof over which operation of 102-inch buses is prohibited by order of the Director of Transportation.

(3) In excess of 132 inches for traction engines.

(4) In excess of 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch

recreational vehicles on designated state highways or portions of highways.

(5) In excess of 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such state highways or portions thereof as the Director designates.

(C) No such vehicle shall have a length:

(1) In excess of 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to R.C. §§ 306.30 through 306.54.

(2) In excess of 45 feet for all other passenger bus type vehicles.

(3) In excess of 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may prohibit the operation of any such commercial tractor-semitrailer combination on such state highways or portions thereof as the Director designates.

(4) In excess of 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer combination on such state highways or portions thereof as the Director designates.

(5) (a) In excess of 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or state route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or state route, not to exceed three saddlemounted vehicles, but which may include one fullmount;

(b) In excess of 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any roadway not designated as an interstate, United States route, or state route, not to exceed three saddlemounted vehicles, but which may include one fullmount.

(6) In excess of 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in division (C)(3) and (C)(4), and in division (E) below.

(7) In excess of 45 feet for recreational vehicles.

(8) In excess of 40 feet for all other vehicles, except trailers and semitrailers, with or without load.



(D) No such vehicle shall have a height in excess of 13.5 feet, with or without load.

(E) An automobile transporter or boat transporter shall be allowed a length of 65 feet, and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of 75 feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any state highway or portion thereof that the Director designates.

(F) (1) The widths prescribed in division (B) of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

(2) The widths prescribed in division (B)(5) of this section shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from either side of the vehicle.

(3) The lengths prescribed in divisions (C)(2) through (C)(7) shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigerator equipment attached to the front of trailers and semi-trailers. In special cases, vehicles that dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Director.

(G) (1) This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to the municipality or to the volunteer fire department thereof or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of the municipality, shall comply with the rules of the Director governing such movement. Any person adversely affected shall have the same right of appeal as provided in R.C. Chapter 119.

(2) This section does not require the municipality or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing

structures now crossing streets, roads, and other public thoroughfares.

(H) As used in this section, **RECREATIONAL VEHICLE** has the same meaning as in R.C. § 4501.01. (R.C. § 5577.05) (Rev. 2008)

(I) No person shall violate any rule or regulation promulgated by the Director of Transportation in accordance with R.C. § 5577.05. (R.C. § 5577.06)

(J) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree. (R.C. § 5577.99(C)) (Rev. 2005)

#### § 74.58 STATEMENT OF GROSS VEHICLE WEIGHT.

(A) No person shall issue or aid in issuing any bill of lading or other document of like nature in lieu thereof, which bill or document is to accompany a shipment of goods or property by truck, trailer, semitrailer, commercial tractor, or any other commercial vehicle used for the transportation of property, the gross weight of which, with load, exceeds three tons, with intent to defraud by misrepresentation thereon the weight of such goods of property to be so transported.

(B) Any driver or operator of a commercial car, trailer or semitrailer may obtain from any person, firm, partnership, corporation or association, including the owner, lessee, or operator of such commercial car, trailer or semitrailer, owning and operating sealed scales in this state, a written "statement of gross vehicle weight" showing the gross weight of the vehicle including the cargo on the vehicle, the name and address of the person issuing the statement, and the date and place where the vehicle and its cargo were weighed. The driver or operator of the commercial car, trailer or semitrailer shall retain such statement of gross vehicle weight on his or her person, and any law enforcement officer may request that such driver or operator exhibit it to him or her. If, upon examining the statement of gross vehicle weight, the law enforcement officer has reason to believe that the information contained therein is correct in every respect, he or she shall indorse it with his or her name and the date and place where it was exhibited to him or her. The law enforcement officer may then permit such driver or operator to proceed without weighing by a law enforcement officer. No person shall willfully issue a written statement of gross vehicle weight and knowingly give any false information in such statement. (R.C. § 5577.10)

(C) Whoever violates division (A) of this section shall be fined not more than \$5,000 or imprisoned for not less than 30 days nor more than six months, or both. (R.C. § 5577.99(D))

### § 74.59 WHEEL PROTECTORS REQUIRED ON HEAVY COMMERCIAL VEHICLES.

(A) No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer, or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the public highways, streets, bridges, and culverts within the municipality, unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction, or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle.  
(R.C. § 5577.11) (Rev. 2001)

(B) Whoever violates this section shall be fined not more than \$25.  
(R.C. § 5577.99(E))

### § 74.60 LIABILITY FOR DAMAGES; PROSECUTION; APPLICATION OF MONIES.

Any person violating any law relating to or regulating the use of the improved public roads shall be liable for all damage resulting to any such street, highway, bridge or culvert by reason of such violation. In case of any injury to such street, highway, bridge or culvert, such damages shall be collected by civil action for recovery of such damages brought by the proper authorities of the municipality. All damages collected under this section shall be paid into the treasury of the municipality and credited to any fund for the repairs of streets, highways, roads, bridges or culverts.  
(R.C. § 5577.12)

### § 74.61 WEIGHT EXCEPTIONS FOR CERTAIN VEHICLES.

(A) As used in this section:

**COAL TRUCK.** Means a truck transporting coal from the site where it is mined when the truck is operated in accordance with this section.

**FARM COMMODITIES.** Includes livestock, bulk milk, corn, soybeans, tobacco and wheat.

**FARM MACHINERY.** Has the same meaning as in R.C. § 4501.01.

**FARM TRUCK.** Means a truck used in the transportation from a farm of farm commodities when the truck is operated in accordance with this section.

**LOG TRUCK.** Means a truck used in the transportation of timber from the site of its cutting when the truck is operated in accordance with this section.

**SOLID WASTE.** Has the same meaning as in R.C. § 3743.01.

**SOLID WASTE HAUL VEHICLE.** Means a vehicle hauling solid waste for which a bill of lading has not been issued.

(B) (1) Notwithstanding R.C. §§ 5577.02 and 5577.04, or any substantially equivalent municipal ordinance, the following vehicles under the described conditions may exceed by no more than 7.5% the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially similar municipal ordinance, and no penalty prescribed in R.C. § 5577.99, or any substantially similar municipal ordinance, shall be imposed:

(a) A coal truck transporting coal, from the place of production to the first point of delivery where title to the coal is transferred;

(b) A farm truck or farm machinery transporting farm commodities, from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred;

(c) A log truck transporting timber, from the site of its cutting to the first point of delivery where the timber is transferred;

(d) A solid waste haul vehicle hauling solid waste, from the place of production to the first point of delivery where the solid waste is disposed of or title to the solid waste is transferred.

(2) In addition, if any of the vehicles listed in division (B)(1) of this section and operated under the conditions described in that division does not exceed by more than 7.5% the gross vehicle weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and does not exceed the wheel or axle-load limits of those sections by more than 7.5%, no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, for a wheel or axle overload shall be imposed.

(C) If any of the vehicles listed in division (B)(1) of this section and operated under the conditions described in that division exceeds the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, by more than the percentage allowance

of either divisions (B)(1) or (B)(2) of this section, both of the following apply without regard to the allowance provided by this division (B) of this section:

(1) The applicable penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance;

(2) The civil liability imposed by R.C. § 5577.12, or any substantially equivalent municipal ordinance.

(D) (1) Division (B) of this section does not apply to the operation of a farm truck, log truck, or farm machinery transporting farm commodities during the months of February and March.

(2) Regardless of when the operation occurs, division (B) of this section does not apply to the operation of a vehicle on either of the following:

(a) A highway that is part of the interstate system;

(b) A highway, road, or bridge that is subject to reduced maximum weights under R.C. § 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42, or any substantially equivalent municipal ordinance.  
(R.C. § 5577.042) (Rev. 2012)

(E) Notwithstanding R.C. §§ 5577.02 and 5577.04, or any substantially equivalent municipal ordinance, the following vehicles under the described conditions may exceed by no more than 7.5% the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, shall be imposed:

(1) A surface mining truck transporting minerals from the place where the minerals are loaded to any of the following:

(a) The construction site where the minerals are discharged;

(b) The place where title to the minerals is transferred;

(c) The place of processing.

(2) A vehicle transporting hot mix asphalt material from the place where the material is first mixed to the paving site where the material is discharged;

(3) A vehicle transporting concrete from the place where the material is first mixed to the site where the material is discharged;

(4) A vehicle transporting manure, turf, sod, or silage from the site where the material is first produced to the first place of delivery;

(5) A vehicle transporting chips, sawdust, mulch, bark, pulpwood, biomass, or firewood from the site where the product is first produced or harvested to first point where the product is transferred.

(F) In addition, if any of the vehicles listed in division (E) of this section and operated under the conditions described in that division do not exceed by more than 7.5% the gross vehicle weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, and do not exceed the wheel or axle-load limits of those sections by more than 7.5%, no penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance, for a wheel or axle overload shall be imposed.

(G) If any of the vehicles listed in division (E) of this section and operated under the conditions described in that division exceed the weight provisions of R.C. §§ 5577.01 to 5577.09, or any substantially equivalent municipal ordinance, by more than the percentage allowance of either divisions (E) or (F) of this section, both of the following apply without regard to the allowance provided by division (E) or (F) of this section:

(1) The applicable penalty prescribed in R.C. § 5577.99, or any substantially equivalent municipal ordinance;

(2) The civil liability imposed by R.C. § 5577.12, or any substantially equivalent municipal ordinance.

(H) Divisions (E) and (F) of this section do not apply to the operation of a vehicle listed in division (E) of this section on either of the following:

(1) A highway that is part of the interstate system;

(2) A highway, road, or bridge that is subject to reduced maximum weights under R.C. § 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42, or any substantially equivalent municipal ordinance.  
(R.C. § 5577.043) (Rev. 2012)



## CHAPTER 75: BICYCLES, MOTORCYCLES, AND OFF-ROAD VEHICLES

### Section

#### *General Provisions*

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- 75.25 Definitions
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#### *Statutory reference:*

*Bicycle regulations to be consistent with state law, see R.C. § 4511.07(A)(8)*

*Protective eye devices required for motorcycle operators and passengers; helmets required for persons under 18 years of age, see O.A.C. § 4501-17-01*

### **GENERAL PROVISIONS**

#### **§ 75.01 BICYCLES; APPLICATION OF TITLE VII.**

(A) The provisions of this title that are applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.

(B) Except as provided in division (D) of this section, a bicycle operator who violates any provisions of this title described in division (A) of this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points

assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under R.C. § 4510.036.

(C) Except as provided in division (D) of this section, in the case of a violation of any provision of this title described in division (A) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of the Ohio Revised Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Ohio Revised Code for that violation.

(D) Divisions (B) and (C) of this section do not apply to violations of R.C. § 4511.19, or a substantially equivalent municipal ordinance.  
(R.C. § 4511.52) (Rev. 2007)

#### **§ 75.02 OPERATION OF MOTORIZED BICYCLE.**

(A) No person shall operate a motorized bicycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is 14 or 15 years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is 16 years of age or older and holds either a valid commercial driver's license issued under R.C. Chapter 4506 or a driver's license issued under R.C. Chapter 4507 or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is 16 years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in this section.

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of this section and is in proper working order.

(3) The person, if under 18 years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rearview mirror.

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(B) The Director of Public Safety, subject to R.C. Chapter 119, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under R.C. § 4507.11. The test shall also require the operator to give an actual demonstration of the operator's ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(C) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years.

(D) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(E) The protective helmet and rearview mirror required by division (A)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the Director under division (B) of this section.

(F) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(G) Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor.  
(R.C. § 4511.521) (Rev. 2004)

**Statutory reference:**

*Suspension of probationary motorized bicycle license by the state, see R.C. § 4510.34*

**§ 75.03 RULES FOR BICYCLES, MOTORCYCLES, AND SNOWMOBILES.**

(A) For purposes of this section, **SNOWMOBILE** has the same meaning as given that term in R.C. § 4519.01.

(B) (1) No person operating a bicycle shall ride other than upon or astride the permanent and regular seat attached thereto or carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle other than upon such a firmly attached and regular seat.

(2) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(3) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(4) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(5) No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handlebars.

(6) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handlebars or grips are more than 15 inches higher than the seat or saddle for the operator.

(7) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of 18 years, or who holds a motorcycle operator's endorsement or license bearing a "NOVICE" designation that is currently in effect as provided in R.C. § 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with rules adopted by the Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(C) (1) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to R.C. § 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that conforms with rules adopted by the Director of Public Safety.

(2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to R.C. § 4507.05 in any of the following circumstances:

(a) At any time when lighted lights are required by R.C. § 4513.03(A)(1).

(b) While carrying a passenger.

(c) On any limited access highway.

(D) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.53) (Rev. 2012)

#### **§ 75.04 PROHIBITION AGAINST ATTACHING BICYCLES AND SLEDS TO VEHICLES.**

(A) (1) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or self to any vehicle upon a roadway.

(2) No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway.

(3) This section does not apply to towing a disabled vehicle.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.54) (Rev. 2004)

#### **§ 75.05 RIDING BICYCLES; MOTORCYCLES ABREAST.**

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(C) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is

unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.55) (Rev. 2007)

#### **§ 75.06 EQUIPMENT OF BICYCLES.**

(A) Every bicycle when in use at the times specified in R.C. § 4513.03 or a substantially equivalent municipal ordinance shall be equipped with the following:

(1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least 500 feet to the front and 300 feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.

(2) A red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3) A lamp emitting either flashing or steady red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (A)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(B) Additional lamps and reflectors may be used in addition to those required under division (A) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(C) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(D) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever

violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.56) (Rev. 2007)

***SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES,  
AND ALL-PURPOSE VEHICLES***

**§ 75.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALL-PURPOSE VEHICLE.*** 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. The term does not include a utility vehicle as defined in R.C. § 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under R.C. Chapter 4503 or R.C. Chapter 4561, and any vehicle excepted from definition as a motor vehicle by R.C. § 4501.01(B).

***DEALER.*** Any person or firm engaged in the business of manufacturing or selling snowmobiles, off-highway motorcycles, or all-purpose vehicles at wholesale or retail, or who rents, leases or otherwise furnishes snowmobiles, off-highway motorcycles, or all-purpose vehicles for hire.

***ELECTRONIC.*** Has the same meaning as in R.C. § 4501.01.

***ELECTRONIC DEALER.*** A dealer whom the Registrar of Motor Vehicles designates under R.C. § 4519.511.

***ELECTRONIC RECORD.*** Has the same meaning as in R.C. § 4501.01.

***HIGHWAY.*** Has the same meaning as in R.C. § 4511.01.

***INTERSTATE HIGHWAY.*** Any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C. § 103, as amended.

***LIMITED ACCESS HIGHWAY OR FREEWAY.*** Have the same meanings as in R.C. § 5511.02.

***OFF-HIGHWAY MOTORCYCLE.*** Every motorcycle, as defined in R.C. § 4511.01, that is designed to be operated primarily on lands other than a street or highway.

***OPERATOR.*** Any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle, or all-purpose vehicle.

***OWNER.*** Any person or firm, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all-purpose vehicle, or other right to the possession thereof.

***SNOWMOBILE.*** Any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.

***STREET.*** Has the same meaning as in R.C. § 4511.01. (R.C. § 4519.01) (Rev. 2006)

**§ 75.26 EQUIPMENT.**

(A) In addition to any rules or regulations promulgated by the Ohio Director of Public Safety pursuant to R.C. § 4519.20 and R.C. Chapter 119, equipment of snowmobiles, off-highway motorcycles, and all-purpose vehicles shall include but not necessarily be limited to requirements for the following items of equipment:

(1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;

(2) At least one red tail light having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;

(3) Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in no more than 40 feet from an initial steady speed of 20 miles per hour, or locking its traction belt; and

(4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed 82 decibels on the "A" scale at 50 feet as measured according to SAE J192 (September 1970).

(B) No person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of this section, except that equipment specified in division (A)(1) and (A)(2) of this section shall not be required on snowmobiles, off-highway motorcycles, or all-purpose vehicles operated during the daylight hours. (R.C. § 4519.20(A), (B))

(C) No person shall sell, offer for sale, lease, rent or otherwise furnish for hire in this municipality any new



snowmobile, off-highway motorcycle, or all-purpose vehicle that fails to comply with any rule adopted by the Ohio Director of Public Safety under R.C. § 4519.20 after the effective date of the rule.

(R.C. § 4519.22(A))

(D) (1) Except as otherwise provided in this division, whoever violates division (B) of this section shall be fined not more than \$50. If the offender within the preceding year previously has committed a violation of division (B) of this section or of R.C. § 4519.20(B), whoever violates division (B) of this section shall be fined not less than \$15 nor more than \$100, imprisoned not more than three days, or both.

(R.C. § 4519.20(C)) (Rev. 2004)

(2) Except as otherwise provided in this division, whoever violates division (C) of this section shall be fined not more than \$50. If the offender within the preceding year previously has committed a violation of division (C) of this section or of R.C. § 4519.22(A), whoever violates this section shall be fined not less than \$15 nor more than \$100, imprisoned not more than three days, or both.

(R.C. § 4519.22(B)) (Rev. 2004)

#### **§ 75.27 CODE APPLICATION; PROHIBITED OPERATION.**

(A) The applicable provisions of this traffic code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no snowmobile, off-highway motorcycle, or all-purpose vehicle shall be operated as follows:

(1) On any street, highway, limited access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Public Safety or local authority having jurisdiction shall designate, and except as provided in § 75.28;

(2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

(3) On any land or waters controlled by the state, except at those locations where a sign has been posted permitting such operation;

(4) On the tracks or right-of-way of any operating railroad;

(5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased;

(6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or

(7) During the time from sunset to sunrise, unless displaying lighted lights as required by R.C. § 4519.20 or a substantially equivalent municipal ordinance.

(B) Whoever violates this section shall be fined not less than \$50 nor more than \$500, imprisoned not less than 3 nor more than 30 days, or both.

(R.C. § 4519.40) (Rev. 2004)

#### **§ 75.28 PERMITTED OPERATION.**

Snowmobiles, off-highway motorcycles, and all-purpose vehicles may be operated as follows:

(A) To make a crossing of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;

(B) On highways in the county or township road systems whenever the local authority having jurisdiction over such highways so permits;

(C) Off and alongside street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all-purpose vehicle is intended and authorized to be operated;

(D) On the berm or shoulder of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;

(E) On the berm or shoulder or a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area.

(R.C. § 4519.41) (Rev. 2004)

#### **§ 75.29 LICENSING REQUIREMENTS OF OPERATOR.**

(A) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license, issued under R.C. Chapter 4506 or R.C. Chapter 4507 or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any street or highway in this municipality, on any portion of the right-of-way thereof, or on any public land or waters.

(B) No person who is less than 16 years of age shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle 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 18 years of age or older, and who holds a license as provided in division (A) of this section, except that the Ohio Department of Natural Resources may permit such operation on state controlled land under its jurisdiction when such person is less than 16 years of age and is accompanied by a parent or guardian who is a licensed driver 18 years of age or older.

(C) Whoever violates this section shall be fined not less than \$50 nor more than \$500, imprisoned not less than 3 nor more than 30 days, or both.

(R.C. § 4519.44) (Rev. 2010)

### **§ 75.30 MAINTENANCE OF VEHICLES FOR HIRE.**

(A) Any dealer who rents, leases or otherwise furnishes a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire shall maintain the vehicle in safe operating condition. No dealer, or agent or employee of a dealer, shall rent, lease or otherwise furnish a snowmobile, off-highway motorcycle, or all-purpose vehicle for hire to any person who does not hold a license as required by R.C. § 4519.44(A) or a substantially equivalent municipal ordinance, or to any person whom the dealer or an agent or employee of the dealer has reasonable cause to believe is incompetent to operate the vehicle in a safe and lawful manner.

(B) Whoever violates this section shall be fined not less than \$100 nor more than \$500.

(R.C. § 4519.45) (Rev. 2004)

### **§ 75.31 ACCIDENT REPORTS.**

(A) The operator of a snowmobile, off-highway motorcycle, or all-purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of \$100 shall report the accident within 48 hours to the Chief of Police, and within 30 days shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

(B) Any law enforcement officer or other person authorized by R.C. §§ 4519.42 and 4519.43 who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all-purpose

vehicle shall forward to the Registrar a written report of the accident within 48 hours.

(R.C. § 4519.46) (Rev. 1999)

### **§ 75.32 IMPOUNDING OF VEHICLE.**

(A) Whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of any rule authorized to be adopted under R.C. § 4519.21 or 4519.42, the trial judge of any court of record, in addition to or independent of any other penalties provided by law, may impound for not less than 60 days the certificate of registration and license plate, if applicable, of that snowmobile, off-highway motorcycle, or all-purpose vehicle. The court shall send the impounded certificate of registration and license plate, if applicable, to the Registrar of Motor Vehicles, who shall retain the certificate of registration and license plate, if applicable, until the expiration of the period of impoundment.

(B) If a court impounds the certificate of registration and license plate of an all-purpose vehicle pursuant to R.C. § 2911.21, the court shall send the impounded certificate of registration and license plate to the Registrar, who shall retain them until the expiration of the period of impoundment.

(R.C. § 4519.47) (Rev. 2010)

### **§ 75.33 LOCAL CONTROL WITHIN POLICE POWER.**

Nothing contained in this subchapter shall prevent the municipality from regulating the operation of snowmobiles, off-highway motorcycle, and all-purpose vehicles on streets and highways and other public property under municipal jurisdiction, and within the reasonable exercise of the police power, except that no registration or licensing of any snowmobile, off-highway motorcycle, or all-purpose vehicle required to be registered or titled under R.C. Chapter 4519 shall be required.

(R.C. § 4519.48) (Rev. 1999)

### **§ 75.34 REGISTRATION OF VEHICLES.**

(A) Except as provided in division (B), (C) and (D) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within this municipality unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with R.C. §§ 4519.03 and 4519.04.

(B) (1) No registration is required for a snowmobile or off-highway motorcycle that is operated exclusively upon lands owned by the owner of the snowmobile or off-highway motorcycle, or on lands to which the owner of the snowmobile or off-highway motorcycle has a contractual right.

(2) No registration is required for an all-purpose vehicle that is used primarily for agricultural purposes when the owner qualifies for the current agricultural use valuation tax credit, unless it is to be used on any public land, trail, or right-of-way.

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate R.C. § 4519.41.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to R.C. Chapter 4519 and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to R.C. Chapter 4519 shall comply with R.C. § 4519.09.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this municipality by the United States, another state or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this municipality shall comply with R.C. Chapter 1547 and R.C. Chapter 1548 relative to the operation of watercraft.

(F) Whoever violates division (A) of this section shall be fined not less than \$50 nor more than \$100.

(R.C. § 4519.02) (Rev. 2010)

**Statutory reference:**

*Destruction or disposal of vehicle; transfer of ownership; change of address; loss of certificate, see R.C. § 4519.05*

*Registration of emergency vehicles, see R.C. § 4519.08*

*Registration procedure, see R.C. § 4519.03*

*Temporary license placards and fees, see R.C. § 4519.10*

*Temporary operating permit for certain nonresidents, see R.C. § 4519.09*

Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information related to the motorcycle or vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas.

(2) Operate in this municipality an off-highway motorcycle or all-purpose vehicle is a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled.

(3) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in R.C. Chapter 4519.

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title.

(5) Violate any provision of R.C. §§ 4519.51 through 4519.70 for which no penalty is otherwise provided or any lawful rules adopted pursuant to those sections.

(6) Operate in this state an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(B) Whoever violates this section shall be fined not more than \$200, imprisoned not more than 90 days, or both. (R.C. § 4519.66) (Rev. 2010)

**Statutory reference:**

*Certificate of title: rules and procedures, see R.C. §§ 4519.51 et seq.*

*Stolen vehicles and restrictions on sale or transfer, felony provisions, see R.C. § 4519.67*

**§ 75.35 CERTIFICATE OF TITLE;  
PROHIBITIONS.**

(A) No person shall do any of the following:

(1) Operate in this state an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle if such a certificate is required by R.C.



## CHAPTER 76: PARKING REGULATIONS

### Section

- 76.01 Prohibition against parking on highways
- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
- 76.04 Parking prohibitions
- 76.05 Parking near curb; privileges for persons with disabilities
- 76.06 Parking on private property in violation of posted prohibition
- 76.07 Selling, washing or repairing vehicle upon roadway
- 76.08 Truck loading zones
- 76.09 Bus stops and taxicab stands
- 76.10 Parking in alleys and narrow streets; exceptions
- 76.11 Registered owner prima facie liable for unlawful parking
- 76.12 Waiver

#### **Cross-reference:**

*Unclaimed and abandoned vehicles, see Chapter 95*  
*Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates, see § 138.17*

#### **Statutory reference:**

*Noncriminal parking infractions, local option to create, see R.C. Chapter 4521*

### **§ 76.01 PROHIBITION AGAINST PARKING ON HIGHWAYS.**

(A) (1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor

misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.66) (Rev. 2004)

### **§ 76.02 CONDITION WHEN MOTOR VEHICLE LEFT UNATTENDED.**

(A) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (R.C. § 4511.661) (Rev. 2004)

### **§ 76.03 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.**

(A) Whenever any police officer finds a vehicle standing upon a highway in violation of R.C. § 4511.66 or a substantially equivalent municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(B) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to

traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.  
(R.C. § 4511.67) (Rev. 1999)

#### § 76.04 PARKING PROHIBITIONS.

(A) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except a bicycle;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;
- (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- (14) At any place where signs prohibit stopping;
- (15) Within one foot of another parked vehicle;
- (16) On the roadway portion of a freeway, expressway, or thruway.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor

misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.  
(R.C. § 4511.68) (Rev. 2004)

#### § 76.05 PARKING NEAR CURB; PRIVILEGES FOR PERSONS WITH DISABILITIES.

(A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(C) (1) Except as provided in division (C)(2) of this section, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(D) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The

locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and R.C. § 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(F) (1) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

(a) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates; or

(b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a) or (F)(1)(b) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (F)(1)(a) or (F)(1)(b) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in R.C. § 4503.44(A)(1).

(G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield

placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person, and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(I) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(J) As used in this section:

**HANDICAPPED PERSON.** Means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

**PERSON WITH A DISABILITY THAT LIMITS OR IMPAIRS THE ABILITY TO WALK.** Has the same meaning as in R.C. § 4503.44.

**SPECIAL LICENSE PLATES and REMOVABLE WINDSHIELD PLACARD.** Mean any license plates or removable windshield placard or temporary removable windshield placard issued under R.C. § 4503.41 or 4503.44, and also mean any substantially equivalent license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(K) Penalty.

(1) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor.

(2) (a) Whoever violates division (F)(1)(a) or (F)(1)(b) of this section is guilty of a misdemeanor and shall be punished as provided in division (K)(2)(a) and (K)(2)(b) of this section. Except as otherwise provided in division (K)(2)(a) of this section, an offender who violates division (F)(1)(a) or (F)(1)(b) of this section shall be fined not less than \$250 nor more than \$500. An offender who violates division (F)(1)(a) or (F)(1)(b) of this section shall be fined not more than \$100 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of division (F)(1)(a) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a) of this section.

2. At the time of the violation of division (F)(1)(b) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (F)(1)(b) of this section.

(b) In no case shall an offender who violates division (F)(1)(a) or (F)(1)(b) be sentenced to any term of imprisonment.

(c) An arrest or conviction for a violation of division (F)(1)(a) or (F)(1)(b) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(d) The clerk of the court shall pay every fine collected under division (K)(2) of this section to the municipality. Except as provided in division (K)(2) of this section, the municipality shall use the fine moneys it receives under division (K)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The municipality may use up to 50% of each fine it receives under division (K)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (K)(3) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially equivalent to that division, the offender shall not be issued a warning but shall be fined not more than \$25 for each parking location that is not properly marked or whose markings are not properly maintained.  
(R.C. § 4511.69) (Rev. 2012)

**Cross-reference:**

*Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates, see § 138.17*

**Statutory reference:**

*Buildings, access for disabled persons, see R.C. § 3781.111*

**§ 76.06 PARKING ON PRIVATE PROPERTY IN VIOLATION OF POSTED PROHIBITION.**

(A) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4511.681) (Rev. 2004)

**Cross-reference:**

*Towing from private property, requirements, see § 95.01*

**§ 76.07 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.**

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

(A) Displaying such vehicle for sale; or

(B) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.  
(Rev. 2002) Penalty, see § 70.99

**§ 76.08 TRUCK LOADING ZONES.**

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(Rev. 2002) Penalty, see § 70.99

**§ 76.09 BUS STOPS AND TAXICAB STANDS.**

(A) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab



stand, when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(B) No operator of a bus shall stop, stand or park such vehicle upon any street or other public way at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(C) No operator of a bus shall fail to enter a bus stop on a street or other public way in such a manner that the bus when stopped to load or unload passengers or baggage is in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(D) No operator of a taxicab shall stand or park such vehicle upon any street or other public way at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

(Rev. 2002) Penalty, see § 70.99

#### **§ 76.10 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.**

(A) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

(B) Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

(Rev. 2002) Penalty, see § 70.99

#### **§ 76.11 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING.**

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that

the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

(Rev. 2002)

#### **§ 76.12 WAIVER.**

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

(Rev. 2002)

