Better Ohio Bicycling Bill:  
House Bill 389

This page describes improvements to Ohio Bicycle Traffic Law (Ohio Revised Code) from House Bill 389, which was passed by the 126th General Assembly and signed into law in 2006. This bill is based on 10 changes proposed by the Ohio Bicycle Federation. The description below follows the format of our proposal: two priority reforms and eight secondary reforms.

Priority Reform #1: Problems created by local ordinances.

Previous Ohio law allowed local authorities powers for regulating the operation of bicycles with no limitation on what form this "regulation" might take. The result was a crazy quilt of inconsistent and sometimes dangerous regulations. The regulations were inconsistent with the "rules of the road" as followed by other drivers. These regulations created a feudal system where communities operate like little feudal fiefs with no consistency between them.

H. B. 389 requires that no such regulation shall be fundamentally inconsistent with the uniform rules of the road. This is similar to § 4511.06, which requires motor vehicle laws to be "applicable and uniform throughout this state". In addition, the bill says no local authority may require that bicycles be operated on sidewalks.

Priority Reform #2: Unsafe Lane Position, § 4511.55(A) and § 4511.25(B)

Ohio law says "Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable ..." This is often misinterpreted "as far right as possible", which encourages the beginner's mistake of "hugging the curb".

Riding too close to the curb encourages motorists to attempt to pass, even where passing is not safe. It contributes to mistakes where motorists turn in front of cyclists, the so-called "right hook". It tends to force cyclists to ride too close to parked cars, exposing them to risk of being "doored", and to ride over and through hazards rather than around them. It also leads to novice cyclists making left turns from the right edge by swerving in front of traffic, as in a "shooting gallery".

H. B. 389 adds the following paragraph from the Model Municipal Bicycle Code to eliminate misinterpretation of this law. It also clarifies the "slow vehicle rule", § 4511.25(B).

§ 4511.55 (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.

Other Reforms

The following eight measures are somewhat less important than the two priority reforms above.

Reform #1: Clarification of penalties for bicycle infractions. Cycling skills course for violators.

H. B. 389 prohibits "points" being assessed against a driver's license for offenses committed on a bicycle except for "operating under the influence". It also allows a court to require a "bicycling skills course" for bicycle-related offenses, including where a motorist "endangered the lives of bicycle riders at the time of the violation."
Reform #2: Exception from continuous turn signal requirement

H. B. 389 relieves cyclists from the obligation to give turn signals continuously, especially when the "hands are needed for the safe operation of the bicycle" or when the bicycle is in a designated turn lane.

Reform #3: Clarification of the "Stopping or Slow Speed Rule"

H. B. 389 clarifies § 4511.22(A), which prohibits impeding traffic by traveling at slow speed, by adding that "slow speed" will be defined considering the capabilities of the vehicle and its operator. This revision may prevent future trouble such as in the City of Trotwood v. Selz "Impeding Traffic" case.

Reform #4: Exceptions for exclusion of bicycles from freeway shoulders

Unfortunately, this reform was deleted from H. B. 389.

Reform #5: Allowing passing of slow vehicles in "Hazardous zones"

H. B. 389 will ease tensions between cyclists and motorists by allowing passing in no-passing zones under certain conditions. It also offers relief to anyone traveling behind horse-drawn buggies, farm vehicles, etc. on two-lane roads that are too narrow for passing within the lane.

Reform #6: Revise Bicycle Safety Equipment Requirements

H. B. 389 eliminated requirements for nearly worthless safety equipment such as front reflectors, wheel reflectors, and a bell. It clarifies other requirements: allowing the headlight to be mounted on the front of "either the bicycle or the operator", allows a "generator-powered lamp that emits light only when the bicycle is moving", allows the rear light to be "either flashing or steady", etc.

We had asked that Ohio adopt the Uniform Vehicle Code § 12-706 brake metric "enable its driver to stop the bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement." This is because some communities require brakes that "skid the wheel", which is impossible for the front wheel on most bikes and is dangerous to test and irresponsible to suggest in traffic law. However, this reform was taken out of the bill.

Reform #7: Clarify titles:

Because traffic laws contain many provisions that apply to pedestrians, trackless trolleys and other non vehicles, and to vehicles that are not motor vehicles, we had asked for changes in the names given to various sections of the Ohio Revised Code. For example, "Ohio Motor Vehicle Laws" be renamed to "Ohio Traffic Laws". This was not included in the bill.

Reform #8: Clarify requirement to "ride upon the seat"

H. B. 389 eliminates a mistaken interpretation of § 4511.53 that would outlaw standing up to pedal by allowing riding "upon or astride the permanent and regular seat." It also allows the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

For more information, see:
- The bill as introduced into the Ohio Legislature
- Original OBF Proposal with analysis of changes by Highway Patrol and ODOT

Please send any ideas, questions, suggestions or corrections to fredoswald_AT_yahoo.com

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