



# Members Only

AN INFORMATIONAL BRIEF PREPARED FOR MEMBERS OF THE OHIO GENERAL ASSEMBLY BY THE LEGISLATIVE SERVICE COMMISSION STAFF

Volume 130 Issue 2  
April 17, 2013

## Operation of Bicycles on Roads and Highways

PREPARED BY: JOSEPH G. ANINAO, LSC ATTORNEY

REVIEWED BY: BILL ROWLAND, LSC DIVISION CHIEF

Americans are taking to the road on bicycles in increasing numbers, both for exercise and for commuting. A recent survey concluded that there was a 63% increase in the number of people commuting to work by bicycle in the 70 largest cities in the United States between 2000 and 2010.<sup>1</sup> Increased bicycle usage means that motorists are increasingly coming into contact with cyclists. Ohio's traffic laws address the use of bicycles on the public roads. In fact, since 1941, when Ohio adopted its first uniform traffic law, bicycles have been classified as vehicles and permitted to operate on public roads under specified conditions.<sup>2</sup> However, bicycles are not included within the definition of "motor vehicle." Therefore, those traffic laws that refer to motor vehicles do not apply to bicycles.

### General background

The traffic laws of Ohio ("traffic code") are located in Revised Code Chapter 4511.<sup>3</sup> The definitions contained in the chapter are critical to understanding its scope and application; specifically, the definitions of "vehicle" and "motor vehicle" determine the conditions for operation of a bicycle.

For purposes of the traffic code, as a result of recent legislation, "bicycle" is defined broadly as:

every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.<sup>4</sup>

"Vehicle" is defined in part as "every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway . . . ." "Vehicle" does not include "any device, *other than*

---

*Traffic laws that refer to "vehicles" apply to bicycles, but traffic laws that refer to "motor vehicles" do not.*



---

*Cyclists must ride their bicycles as near to the right side of the roadway as practicable and obey all traffic rules that apply to vehicles.*

---

*Speed limits apply solely to motor vehicles, but the prohibition against reckless operation applies to bicycles since it refers to “vehicles.”*

a bicycle, that is moved by human power.”<sup>5</sup> As a result of this language, a bicycle is a vehicle for purposes of the traffic code. A bicycle is not, however, a “motor vehicle,” which is defined in part as “every vehicle propelled or drawn by other than muscular power . . . .”<sup>6</sup>

The distinction between a “vehicle” and a “motor vehicle” is important because if a traffic law refers to “vehicle,” such as “any vehicle being operated on a public road,” that provision and others like it apply to all vehicles being operated on the public road, including bicycles. If a traffic law refers to a “motor vehicle,” it applies only to vehicles propelled or drawn by other than muscular power. For example, speed limits apply solely to motor vehicles.<sup>7</sup> However, with respect to the prohibition against reckless operation, the traffic code prohibits any person from operating a vehicle “on any street or highway in willful or wanton disregard of the safety of persons or property.”<sup>8</sup> Thus, the reckless operation prohibition applies to the operation of a bicycle. The provisions of the traffic code that apply to bicycles apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles.<sup>9</sup>

### **Operation on public roads**

Generally, traffic laws require every vehicle to be driven on the right half of a roadway except when passing or if there is an obstruction

in the road.<sup>10</sup> Every person operating a bicycle upon a roadway must ride as near to the right side of the roadway as practicable, obeying all traffic rules that apply to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a roadway cannot ride more than two abreast in a single lane except on paths or parts of roadways that have been set aside for the exclusive use of bicycles.<sup>11</sup> These provisions specifically do 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 the avoidance of fixed or moving objects, parked or moving vehicles, or surface hazards. A cyclist also may ride away from the edge of the roadway 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.<sup>12</sup>

A bicycle cannot be on a “freeway” unless the bicycle is separated from the roadway and shoulders of the freeway and is on a part of the freeway designed and appropriately marked for bicycle use.<sup>13</sup> A “freeway” is “a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.”<sup>14</sup>

The traffic code establishes special provisions for vehicles, including bicycles, that are proceeding at less than the prevailing and lawful speed



of traffic. These vehicles must be driven in the right-hand lane, far enough to the right to allow passing by faster vehicles when passing is safe, reasonable, and otherwise lawful. However, a driver of a slower vehicle is not required to compromise the driver's own safety to allow overtaking by a faster vehicle.<sup>15</sup> A vehicle passing a slower vehicle is permitted to violate the solid yellow lines indicating a no-passing zone if (1) the slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location, (2) the faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit, and (3) there is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of law, considering the speed of the slower vehicle.<sup>16</sup>

The traffic code prohibits any person from stopping or operating a vehicle, including a bicycle, 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. In a case involving a violation of this prohibition, the judge or jury, in determining whether the vehicle was being operated at an unreasonably slow speed, must consider the capabilities of the vehicle and its operator.<sup>17</sup>

## **Local regulation**

Local authorities may regulate bicycle operation, but the regulation must be fundamentally consistent with the uniform rules of the road prescribed by the traffic code. Except in regard to bicycle operation on a freeway, which is prohibited statewide, no local regulation may prohibit the use of bicycles on any public street or highway.<sup>18</sup>

Since 1941, local authorities have been permitted to require the registration and licensing of bicycles, including the requirement of a registration fee.<sup>19</sup> Legislation enacted in 2006 limited the scope of local licensing or registration to residents of the local authority.<sup>20</sup>



---

*Local authorities may regulate bicycle operation, but the regulation must be fundamentally consistent with the traffic code's uniform rules of the road.*

---

*The traffic code establishes special provisions for vehicles, including bicycles, that are proceeding at less than the prevailing and lawful speed of traffic.*



## **Endnotes**

- <sup>1</sup> League of American Bicyclists web site, [www.bikeleague.org/news/acs2010.php](http://www.bikeleague.org/news/acs2010.php).
- <sup>2</sup> Am. Sub. S.B. 29 of the 94th General Assembly, effective September 6, 1941.
- <sup>3</sup> This brief does not address bicycle equipment requirements, which may be found in Revised Code Chapter 4153.
- <sup>4</sup> R.C. 4511.01(G) as amended by Am. Sub. H.B. 51 of the 130th General Assembly, effective July 1, 2013.
- <sup>5</sup> R.C. 4511.01(A).
- <sup>6</sup> R.C. 4511.01(B).
- <sup>7</sup> R.C. 4511.21.
- <sup>8</sup> R.C. 4511.20.
- <sup>9</sup> R.C. 4511.52(A).
- <sup>10</sup> R.C. 4511.25(A).
- <sup>11</sup> R.C. 4511.55(A) and (B).
- <sup>12</sup> R.C. 4511.55(C).
- <sup>13</sup> R.C. 4511.051(A)(2).
- <sup>14</sup> R.C. 4511.01(YY).
- <sup>15</sup> R.C. 4511.25(B)(1) and (2).
- <sup>16</sup> R.C. 4511.31(A) and (B).
- <sup>17</sup> R.C. 4511.22.
- <sup>18</sup> R.C. 4511.07(A)(8).
- <sup>19</sup> R.C. 4511.07(A)(9); General Code 6307-7.
- <sup>20</sup> H.B. 389 of the 126th General Assembly, effective September 21, 2006.

**PUBLISHED BY THE OHIO  
LEGISLATIVE SERVICE  
COMMISSION STAFF**

9th Floor  
Vern Riffe Center  
Columbus, Ohio  
614/466-3615

Director  
Mark Flanders

Deputy Director  
Jim Kelly

Contributing Author  
Joseph G. Aninao,  
LSC Attorney

Reviewer  
Bill Rowland,  
LSC Division Chief

Layout & Design  
Kristen Schwartz  
Linda Bayer