

OPINION NO. 71-013**Syllabus:**

1. Section 4513.03, Revised Code, applies to the lighting of bicycles when ridden on a street or highway one-half hour after sunset to one-half hour before sunrise and there appear to be no other statutes regulating the lighting on bicycles.

2. The Director of Highway Safety has no express power to regulate in the area of lighting for bicycles.

To: Warren C. Nelson, Director, Ohio Department of Highway Safety, Columbus, Ohio

By: Paul W. Brown, Attorney General, January 8, 1971

I have before me your request for my opinion on the following questions:

1. What, if any, official regulations or interpretations have been issued with reference to the operation of a bicycle on a public highway at night with respect to the use of a reflector or a tail light.

2. What is the general regulatory authority for the Director of Highway Safety in the area of lighting for bicycles.

Sections 4511.52 through 4511.56, inclusive, Revised Code, are specifically concerned with traffic laws concerning bicycles.

These statutes contain no express provisions for the lighting of bicycles. However, Section 4511.52, supra, states:

"Sections 4511.01 to 4511.78, inclusive, 4511.99, and 4513.01 to 4513.37, inclusive, of the Revised Code which 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."

This statute makes all other laws concerning traffic operation and equipment in Chapters 4511 and 4513, Revised Code, applicable to bicycles unless the statute by its nature specifically excludes bicycles.

An examination of the statutes mentioned in Section 4511.52, supra, shows that Section 4513.03, Revised Code, is the only statute concerning lighting of vehicles that is applicable to bicycles. Section 4513.03, supra, reads in part:

"Every vehicle upon a street or highway within this state during the time from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of five hundred feet ahead, shall display lighted lights and illuminating devices as required by sections 4513.04 to 4513.37, inclusive, of the Revised Code, for different classes of vehicles. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination."

The case of Webb v. Stokes, 26 Ohio L. Abs. 509, found that Section 12614-3, General Code, a statute similar to Section 4513.03, supra, was applicable to bicycles ridden after dark.

In answer to your second question, I have found no specific authority granting the Director of Highway Safety regulatory power in the area of lighting for bicycles. Section 4513.51, Revised Code, The Vehicle Equipment Safety Compact, vests certain powers in the Director of Highway Safety, but by its own terms excludes devices moved by human power.

Therefore, it is my opinion and you are advised that:

1. Section 4513.03, Revised Code, applies to the lighting of bicycles when ridden on a street or highway one-half hour after sunset to one-half hour before sunrise and there appear to be no other statutes regulating the lighting on bicycles.

2. The Director of Highway Safety has no express power to regulate in the area of lighting for bicycles.