

OPINION NO. 87-077**Syllabus:**

1. Pursuant to R.C. 4519.44(A), a person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, issued under R.C. Chapter 4507, may not operate a snowmobile or all purpose vehicle on any street or highway in the State of Ohio.
2. It is not generally permissible to operate a snowmobile or all purpose vehicle, as defined in R.C. 4519.01, on a public highway. Rather, such operation is permissible only if it is authorized in particular circumstances - as by the Director of Highway Safety under R.C. 4519.40 or by a local authority under R.C. 4519.41 - and only if the snowmobile or all purpose vehicle meets the registration requirements of R.C. 4519.02 and has the equipment required under R.C. 4519.20.
3. Persons operating snowmobiles or all purpose vehicles on public highways in circumstances other than those in which such operation is permitted under R.C. Chapter 4519 may be cited for violations of provisions applicable generally to motor vehicles operated on the public highways, such as equipment requirements imposed by R.C. Chapter 4513.
4. R.C. 4519.44(B) prohibits a child who is under sixteen years of age from operating a snowmobile or all purpose vehicle on private property other than property owned by or leased to such child's parent or guardian, unless the child is accompanied by a properly licensed driver, eighteen years or older. This prohibition applies even if the child has the permission of

the landowner to operate the snowmobile or all purpose vehicle upon such property.

To: Thomas D. White, Holmes County Prosecuting Attorney, Millersburg, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, October 15, 1987

I have before me your request for an opinion concerning the operation and regulation of snowmobiles and all purpose vehicles under R.C. Chapter 4519. Your request states, in part:

In Holmes County we have substantial trouble with juveniles riding all-purpose vehicles. It seems clear to me that a juvenile who does not have an operator's license cannot operate an all-purpose vehicle on any street or highway, Section 4519.44 Ohio Revised Code. The law also seems to provide, although I am not quite as sure about this, that anyone that has a valid operator's license and who is operating a snowmobile or all-purpose vehicle with [proper] safety equipment per Section 4519.20 [and] which is properly registered per Section 4519.02 may operate a snowmobile or all-purpose vehicle on any public highway except for a limited access highway, Section 4519.40(A).

Assuming that is the case, what purpose does Section 4519.41 have? Does Section 4519.41 restrict the use of snowmobiles and all-purpose vehicles on public highways to the wintertime? To me that would seem very curious since it would be rather impossible to operate a snowmobile on a public highway in anything but winter conditions. Does Section 4519.41 stand for the proposition that an all-purpose vehicle can be operated on the public highway during good weather, but cannot be used on the public highway during winter conditions? Does it mean that a person can operate a snowmobile or all-purpose vehicle in wintertime even though he does not have a valid operator's license? This also would seem anomalous since that would allow a juvenile without a license to operate an all terrain vehicle on the roads in bad weather, but not in good weather.

I also have another question, I assume, although I am not sure, that any juvenile may operate an all-purpose vehicle or snowmobile on property which is owned by that juvenile's parents or on property where the permission of the owner has been obtained. If that assumption is true, what purpose does Section 4519.44(B) have? This Section states that "no person who is less than sixteen years of age shall operate a snowmobile or an all-purpose vehicle on any land...other than private property or waters owned by or leased to such [person's parent] or guardian, unless accompanied by another person who is eighteen years of age or older and who holds a license as provided in division (A) of this Section..." Does this Section mean that unless a child under sixteen is riding on his parent's property, for instance if they were riding on their neighbor's property with their neighbor's consent, that that juvenile must be accompanied by another person who is eighteen years of age or older and who holds a license as provided in division (A)? I have assumed that Section 4519.01 et seq. did not restrict anyone, including those without an operator's license of any age, from riding

snowmobiles or all-purpose vehicles on any private property if the landowner has given permission.

Your request raises a number of questions concerning the overall statutory scheme governing snowmobiles and all purpose vehicles. As you note, R.C. 4519.44 clearly prohibits a juvenile who does not have an operator's license from operating an all purpose vehicle on any street or highway. R.C. 4519.44 states, in part:

(A) No person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, issued under Chapter 4507. of the Revised Code, shall operate a snowmobile or all purpose vehicle on any street or highway in this state, on any portion of the right-of-way thereof, or on any public land or waters.

R.C. 4519.01(F) adopts the definition of "street or highway" set forth in R.C. 4511.01(BB) - namely, "the entire width between the boundary lines of every way open to the use of the public as a throughfare for purposes of vehicular travel." See generally City of Cleveland v. Copley, Nos. 48595 and 48596 (Ct. App. Cuyahoga County March 14, 1985) (unreported) (finding under city ordinances that an all-terrain vehicle was a motor vehicle and that a person driving it on the streets was required to have an operator's license).

You have raised the issue of whether a person who has a valid operator's license and who is operating a snowmobile or all purpose vehicle that is registered under R.C. 4519.02 and has the safety equipment required by R.C. 4519.20 is permitted to operate the snowmobile or all purpose vehicle on all public highways except limited access highways. See R.C. 4519.40(A) (prohibiting the operation of snowmobiles and all purpose vehicles on limited access highways or freeways or the right-of-way thereof, except for emergency travel permitted by the Director of Highway Safety). This issue is not addressed directly by a particular statute and, as your letter indicates, the overall statutory scheme is confusing. I am aware of no authority that directly answers this question, and I am unable to predict with certainty how a court might apply the relevant statutes in a particular instance. In an attempt to provide some useful advice, I am, however, setting forth a general analysis of the statutory scheme governing snowmobiles and all purpose vehicles.

R.C. 4519.01 defines "snowmobile" and "all purpose vehicle" as follows:

As used in Chapter 4519. of the Revised Code:

(A) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

(B) "All purpose vehicle" means 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, but excluding any self-propelled vehicle not principally

used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Chapter 4503. [licensing of motor vehicles] or 4561. [aeronautics] of the Revised Code, and any vehicle excepted from definition as a motor vehicle by division (B) of section 4501.01 [excluding motorized bicycles and certain types of equipment] of the Revised Code. (Emphasis added.)

R.C. 4519.01(B) expressly excludes from the definition of "all purpose vehicle" any motor vehicle required to be registered under R.C. Chapter 4503. R.C. 4503.02 levies an annual license tax "upon the operation of motor vehicles on the public roads or highways." See R.C. 4503.04 (containing a schedule of rates for various types of motor vehicles); R.C. 4503.10(A) ("[e]very owner of a motor vehicle...which is operated or driven upon the public roads or highways shall cause to be filed each year...a written application...for registration for the following registration year..."). The fact that R.C. Chapter 4519 does not apply to vehicles that are required to be registered under R.C. Chapter 4503 indicates a legislative understanding that the operation of snowmobiles and all purpose vehicles, as a general matter, occurs in places other than the public roads and highways. This understanding is reflected in the definitions of snowmobile ("designed primarily for use on snow or ice") and all purpose vehicle ("designed primarily for cross-country travel on land and water, or on more than one type of terrain") appearing in R.C. 4519.01. It is consistent with the common perception that snowmobiles and all purpose vehicles are not designed for highway use. See State v. Carkhuff, 26 Ohio Misc. 216, 218, 270 N.E.2d 379, 381 (Ashtabula Mun. Ct. 1971) ("[t]his court realizes that Snowmobiles are not designed for use on the public streets or highways...").

You have suggested that compliance with the registration requirements of R.C. 4519.02 and equipment requirements of R.C. 4519.20 may qualify a snowmobile or all purpose vehicle for general highway travel. Those requirements apply, however, with certain exceptions, to snowmobiles and all purpose vehicles used on any public or private lands within the state. See R.C. 4519.02(A) ("[e]xcept as provided..., no person shall operate any snowmobile or all purpose vehicle within this state unless the snowmobile or all purpose vehicle is registered and numbered in accordance with [R.C. 4519.03 and 4519.04]"); R.C. 4519.20(E) ("[n]o person shall operate any snowmobile or all purpose vehicle in violation of [specified equipment requirements], except that [headlights and tail lights] shall not be required on snowmobiles or all purpose vehicles operated during the daylight hours on state controlled land under the jurisdiction of the department of natural resources and that are limited to off-highway use"); 6 Ohio Admin. Code Chapter 4501-29 (setting forth equipment requirements for snowmobiles and all purpose vehicles). See also R.C. 4511.53 ("[n]o person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device"). Such requirements are, therefore, directed generally to the operation of snowmobiles and all purpose vehicles in any location within the state, and not specifically to their operation on public highways.

As your letter indicates, certain provisions of R.C. Chapter 4519 address the operation of snowmobiles and all

purpose vehicles on particular classes of public highways in various circumstances. R.C. 4519.40(A) permits operation of such vehicles on limited access highways or freeways only in emergency situations as authorized by the Director of Highway Safety. R.C. 4519.40 states:

The applicable provisions of Chapters 4511. [traffic laws - operation of motor vehicles] and 4549. [motor vehicle crimes] of the Revised Code shall be applied to the operation of snowmobiles and all purpose vehicles, except that no snowmobile or all purpose vehicle shall be operated as follows:

(A) On any 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 director of highway safety shall designate....
(Emphasis added.)

R.C. 4519.41 authorizes the use of such vehicles for winter travel, as follows:

Snowmobiles and all purpose vehicles being used for winter travel may be operated as follows:

(A) To make a crossing of a highway, other than a highway as designated in division (A) of section 4519.40 of the Revised Code, 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 a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile 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 division (A) of section 4519.40 of the Revised Code, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane.
(Emphasis added.)

No provision of R.C. Chapter 4519 directly addresses the operation of snowmobiles and all purpose vehicles on state highways that are not limited access highways or freeways, see generally R.C. Chapter 5511, or on streets of a municipality, see generally R.C. Chapter 723; R.C. 5557.01. R.C. 4519.48 does, however, recognize the power of local authorities to regulate snowmobiles and all purpose vehicles, as follows:

Nothing contained in Chapter 4519. of the Revised Code shall prevent local authorities from regulating the operation of snowmobiles and all purpose vehicles on streets and highways and other public property under their jurisdiction, and within the reasonable exercise of the police power, except that no local authority shall require the registration or licensing of any snowmobile or all purpose vehicle required to be registered under such chapter.

In Sharp v. Norfolk & Western Railway Co., No. E-85-49, slip op. at 15 (Ct. App. Erie County Nov. 28, 1986) (unreported), the court considered the operation of R.C. 4519.40 and R.C. 4519.41 and stated: "At the outset, we note that R.C. 4519.40 prohibits snowmobile operation on specific roads, e.g., limited access highways." With respect to R.C. 4519.41, the court stated: "The clear meaning of R.C. 4519.41(B) is that snowmobile operation on a township road is unlawful unless the township authority permits such operation....R.C. 4519.41(B) is, in effect, a prohibitory statute....R.C. 4519.41(B) specifically prescribed the decedent's duty not to operate his snowmobile on" the township road in question. Sharp v. Norfolk & Western Railway Co., slip op. at 15. This language, considered in light of the statutory scheme outlined above, indicates that it is not generally permissible to operate a snowmobile or all purpose vehicle on a public highway. Rather, such operation is permissible only if it is authorized in particular circumstances - as by the Director of Highway Safety under R.C. 4519.40 or by a local authority under R.C. 4519.41. See 1986 Op. Att'y Gen. No. 86-071 at 2-399 ("R.C. 4519.41...sets forth those instances in which a snowmobile or all purpose vehicle may be operated on or along streets, highways, or roads"). Further, it appears under R.C. 4519.20 that, to be operated on a highway in any circumstances, a snowmobile or all purpose vehicle must meet the equipment requirements established under that provision, including the headlight and tail light requirements of R.C. 4519.20(A) and (B). See R.C. 4519.20(E). In addition, the registration requirements of R.C. 4519.02 are applicable to snowmobiles and all purpose vehicles that are operated on public highways.¹

¹ R.C. 4519.02 states, in part:

(A) Except as provided in divisions (B), (C), and (D) of this section, no person shall operate any snowmobile or all purpose vehicle within this state unless the snowmobile or all purpose vehicle is registered and numbered in accordance with sections 4519.03 and 4519.04 of the Revised Code.

(B) No registration is required for a snowmobile or all purpose vehicle that is operated exclusively upon lands owned by the owner of the snowmobile or all purpose vehicle, or on lands to which the owner has a contractual right.

(C) No registration is required for a snowmobile 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 Chapter 4519. of the Revised Code and the snowmobile or all purpose vehicle is properly registered thereunder. Any snowmobile or all purpose vehicle owned and used in this state by a resident of another state not having such a registration requirement shall comply with section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile or all purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile or all purpose vehicle shall display the name of the owner thereon.

You have inquired as to the purpose of R.C. 4519.41. While there is no legislative history that definitively sets forth the intention of the General Assembly in adopting the provisions of R.C. Chapter 4519, the summaries prepared by the Legislative Service Commission are informative. See generally Meeks v. Papadopoulos, 62 Ohio St. 2d 187, 191, 404 N.E.2d 159, 162 (1980) (Legislative Service Commission analyses are not determinative of legislative intent but may be useful references). With respect to the bill that initially enacted R.C. Chapter 4519, see 1971-1972 Ohio Laws, Part II, 1315 (109th Gen. A. 1971) (Am. Sub. H.B. 214, eff. March 7, 1972), the Commission's summary states, in part: "The act...prohibits operation [of snowmobiles and all purpose vehicles]...on or within the right-of-way...of...specified high speed and multi-lane highways; authorizes the vehicles to be operated on other roads and highways, and public property, under certain conditions." Ohio Legislative Service Commission, Summary of 1971 Enactments 88 (Jan.-Dec. 1971) (emphasis added). The implication is that the authority to operate snowmobiles and all purpose vehicles on roads and highways exists only when certain conditions have been met. R.C. 4519.40 and R.C. 4519.41 set forth such conditions.

As initially enacted by Am. Sub. H.B. 214, R.C. 4519.41(B) permitted snowmobiles and all purpose vehicles being used for winter travel to be operated only on county and township highways that were "not maintained for vehicular winter travel by snow removal," when permission was granted by local authorities. 1971-1972 Ohio Laws, Part II, at 1326. Subsequent legislation, see 1979-1980 Ohio Laws, Part II, 2836 (113th Gen. A. 1980) (H.B. 450, eff. May 29, 1980), amended R.C. 4519.41(B) to permit such travel whenever the local authority permitted it. The intention of the amendment, as reflected in the summary by the Legislative Service Commission, was to remove the restriction relating to unplowed roads:

Formerly, snowmobiles and all-purpose vehicles being used for winter travel could be operated on highways in the county or township road systems that were not maintained for vehicular winter travel by snow removal, whenever the local authority with jurisdiction over the road (board of township trustees or board of county commissioners) permitted such operation. The act allows snowmobiles or all-purpose vehicles to be operated for winter travel on county or township roads when permitted by the local authorities, regardless of whether the roads are maintained for vehicular winter travel by snow removal.

Ohio Legislative Service Commission, Summary of Enactments 327 (Aug. 1979-Dec. 1980).

This summary of H.B. 450 suggests that the general word "whenever" remains restricted by the initial language of R.C. 4519.41 to instances involving "winter travel." R.C. 4519.41 thus appears to provide that, for purposes of winter travel, snowmobiles and all purpose vehicles may be used, as designated therein, on or around public roads. There is no indication that requirements for valid operator's licenses are to be waived in such circumstances. I concluded in Op. No. 86-071 that, for purposes of R.C. 4519.41, the use of an all purpose vehicle for winter travel is the use of such vehicle "for travel primarily where conditions such as snow or ice, which are typically associated with the winter season, are present."

Op. No. 86-071 (syllabus, paragraph 1). It appears that the General Assembly intended to permit all purpose vehicles complying with the provisions of R.C. Chapter 4519 to travel in and around public highways when inclement conditions make it more difficult for other types of vehicles to travel. See generally 1986 Op. Att'y Gen. No. 86-023.

Your concern is, however, not merely whether the General Assembly intended that snowmobiles and all purpose vehicles travel on public highways, but how provisions relating to such travel may be enforced. R.C. 4519.99 imposes criminal penalties for violation of registration or equipment requirements and for operating a snowmobile or all purpose vehicle without the required operator's license. R.C. 4519.99(D) expressly authorizes a fine of between fifty and five hundred dollars and imprisonment for between three and thirty days for a violation of R.C. 4519.40. A person operating a snowmobile or all purpose vehicle on a limited access highway might, accordingly, be cited under R.C. 4519.99(D) for violation of R.C. 4519.40(A). No statutory penalty is, however, provided for a violation of R.C. 4519.41.

As a practical matter, it appears that other portions of R.C. Title 45 may be used to enforce the general policy of restricting snowmobiles and all purpose vehicles to streets and roads on which their presence is expressly permitted. R.C. 4519.40 provides that R.C. Chapters 4511 and 4549, relating to traffic laws and motor vehicle crimes, apply, with certain exceptions, to snowmobiles and all purpose vehicles. R.C. 4519.40 does not, however, exempt such vehicles from other statutes that are generally applicable to motor vehicles traveling on the highways. See, e.g., R.C. 4501.01(B) and 4511.01(B) (defining "motor vehicle" as a vehicle "propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires," with certain exceptions); State v. Carkhuff, 26 Ohio Misc. at 217, 270 N.E.2d at 380 ("a Snowmobile is a motor vehicle" as defined in R.C. 4511.01(B)). See generally Metropolitan Property & Liability Insurance Co. v. Kott, 62 Ohio St. 2d 114, 403 N.E.2d 986 (1980) (syllabus) ("[a] snowmobile is a 'motor vehicle' within the meaning of R.C. 3937.18," governing uninsured motorist coverage).

Prior to the enactment of R.C. Chapter 4519, governing snowmobiles and all purpose vehicles, it was held in State v. Carkhuff that a snowmobile was a motor vehicle as defined in R.C. 4511.01(B), and that a snowmobile operated upon a public highway was required to comply with the safety standards for motor vehicles established by R.C. Chapter 4513. See, e.g., R.C. 4513.02(A) ("[n]o person shall drive or move...on any highway any vehicle...which is in such unsafe condition as to endanger any person"). The effect of the enactment of R.C. Chapter 4519 was apparently to authorize the operation of snowmobiles and all purpose vehicles meeting the safety requirements of R.C. 4519.20 upon public highways in certain circumstances, as permitted under R.C. Chapter 4519. Snowmobiles and all purpose vehicles operated on public highways in other circumstances appear, however, to remain subject to equipment requirements imposed by R.C. Chapter 4513 upon vehicles operated on the public highways. See, e.g., R.C. 4513.04 (motor vehicles other than motorcycles shall be equipped with at least two headlights); R.C. 4513.071 ("[a]ll motor vehicles when operated upon a highway shall be equipped with at least one stop light mounted on the rear of the vehicle

which shall be actuated upon application of the service brake..."); R.C. 4513.14 (motor vehicles must have two lighted lights displayed on the front during hours of darkness); R.C. 4513.20 (brake equipment requirements); R.C. 4513.21 ("[e]very motor vehicle...when operated upon a highway shall be equipped with a horn..."). See generally 1975 Op. Att'y Gen. No. 75-018. Since these requirements are, in some respects, more stringent than those established under R.C. 4519.20, a person who operates a snowmobile or all purpose vehicle on a public highway where no permission has been granted by the appropriate authority might, on the basis of particular facts, be cited for a failure to meet the equipment requirements applicable generally to motor vehicles that are operated on the public highways.

I conclude, therefore, that it is not generally permissible to operate a snowmobile or all purpose vehicle on a public highway. Rather, such operation is permissible only if it is authorized in particular circumstances - as by the Director of Highway Safety under R.C. 4519.40 or by a local authority under R.C. 4519.41 - and only if the snowmobile or all purpose vehicle meets the registration requirements of R.C. 4519.02 and has the equipment required under R.C. 4519.20. Persons operating snowmobiles or all purpose vehicles on public highways under circumstances other than those in which such operation is permitted under R.C. Chapter 4519 may be cited for violations of provisions applicable generally to motor vehicles operated on the public highways, such as equipment requirements imposed by R.C. Chapter 4513.

You have also raised a question concerning R.C. 4519.44(B), which states:

No person who is less than sixteen years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in division (A) of this section, except that the department of natural resources may permit such operation on state controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.

Your question is whether this provision prohibits a child under age sixteen from operating a snowmobile or all purpose vehicle on a neighbor's property, with the consent of that neighbor, if the child is not accompanied by a licensed adult. See generally R.C. 4519.40(B) (providing that R.C. Chapters 4511 and 4549 apply to the operation of snowmobiles and all purpose vehicles, with the exception that no snowmobile or all purpose vehicle may be operated "[o]n 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").

This question was addressed in Crabtree v. Shultz, 57 Ohio App. 2d 33, 384 N.E.2d 1294 (Franklin County 1977), in connection with the operation of a mini-bike. The court read the statute literally and stated: "R.C. 4519.44 does prohibit a 14 year old...from riding a...mini-bike on any property other

than that owned or leased to his parents unless he is accompanied by a properly licensed driver, 18 years of age or older." 57 Ohio App. 2d at 37, 384 N.E.2d at 1297. In the Crabtree case, it appeared that the operator of the mini-bike had the permission of the landowners to ride on their property. The court went on to find that the prohibition of R.C. 4519.44 applied only to the rider of the vehicle, and that the parents of a child who injured another while riding without the supervision required by R.C. 4519.44(B) were not liable for the injury unless they had reason to know of the child's irresponsibility.² In accordance with the literal interpretation of R.C. 4519.44(B) adopted by the court in the Crabtree case, I conclude that a child under age sixteen may not operate a snowmobile or all purpose vehicle upon the property of a neighbor, even with the permission of the neighbor, unless the child is accompanied by a properly licensed driver, eighteen years or older. I note that R.C. 4519.99(D) imposes a criminal penalty for a violation of R.C. 4519.44.

It is, therefore, my opinion, and you are hereby advised, as follows:

1. Pursuant to R.C. 4519.44(A), a person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, issued under R.C. Chapter 4507, may not operate a snowmobile or all purpose vehicle on any street or highway in the State of Ohio.
2. It is not generally permissible to operate a snowmobile or all purpose vehicle, as defined in R.C. 4519.01, on a public highway. Rather, such operation is permissible only if it is authorized

² A separate opinion by Judge McCormac disagreed with the conclusion that the parents should bear no liability, stating:

The restrictions contained in R.C. 4519.44 are intended to make a person of tender years incompetent, as a matter of law, to operate an all purpose vehicle, except when properly supervised, in areas where others may be encountered. It recognizes the hazards inherent to the operation of such vehicles by an immature operator, regardless of how technically competent that operator may be....

....

R.C. 4519.44 was designed to protect the public against damages caused by an immature operator of an all purpose vehicle in an area other than private property owned by or leased to the person operating the vehicle or his parents or guardian.

Crabtree v. Shultz, 57 Ohio App. 2d 33, 40-42, 384 N.E.2d 1294, 1298-1300 (Franklin County 1977) (McCormac, J., concurring in part and dissenting in part)..

in particular circumstances - as by the Director of Highway Safety under R.C. 4519.40 or by a local authority under R.C. 4519.41 - and only if the snowmobile or all purpose vehicle meets the registration requirements of R.C. 4519.02 and has the equipment required under R.C. 4519.20.

3. Persons operating snowmobiles or all purpose vehicles on public highways in circumstances other than those in which such operation is permitted under R.C. Chapter 4519 may be cited for violations of provisions applicable generally to motor vehicles operated on the public highways, such as equipment requirements imposed by R.C. Chapter 4513.
4. R.C. 4519.44(B) prohibits a child who is under sixteen years of age from operating a snowmobile or all purpose vehicle on private property other than property owned by or leased to such child's parent or guardian, unless the child is accompanied by a properly licensed driver, eighteen years or older. This prohibition applies even if the child has the permission of the landowner to operate the snowmobile or all purpose vehicle upon such property.