



Duane Taylor, Director, Safe and Responsible Use Programs

Testimony Submitted to the House Homeland Security Committee

Opposition to H.B. 237

October 25, 2023

On behalf of the Specialty Vehicle Institute of America¹ (SVIA), and Recreational Off-Highway Vehicle Association² (ROHVA), I appreciate the opportunity to submit testimony in opposition to H.B. 237, which proposes “changes regarding off-road vehicles.”

SVIA and ROHVA represent the manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) and recreational off-highway vehicles (ROVs, sometimes referred to as side-by-sides or UTVs). We are opposed to on-road use of the ATVs and ROVs that our member companies manufacture. Use of these vehicles on public roads exceeds their design and equipment specifications and is dangerous.

Below is SVIA’s position statement regarding on-road use of ATVs:

SVIA opposes legislation allowing ATVs on roads that are not part of a designated trail system because:

- ATV manufacturers design, test, and sell ATVs for off-highway use only.
- Unlike cars and trucks, ATVs do not meet Federal motor vehicle safety standards.
- Misuse of ATVs causes the majority of ATV accidents and injuries.

¹ The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA’s primary goal is to promote safe and responsible use of ATVs.

² The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>.

Allowing ATVs on roads falsely signals that this practice is safe. It is not. ATV riders face increased risks from collisions with cars and trucks. ATVs also do not handle as well on paved surfaces. This increased risk remains even if an owner or aftermarket provider modifies an ATV's equipment, including installing tires manufactured for on-road use.

Federal data shows that on-road ATV deaths were 51% of total deaths in 2018 (latest year of complete data). This is a disproportionately high number given that riders use ATVs far more off-road.

And the following is ROHVA's similar position statement regarding on-road use of ROVs:

ROHVA opposes legislation allowing ROVs on roads that are not part of a designated trail system because:

- ROV manufacturers design, test, and sell ROVs for off-highway use only.
- Unlike cars and trucks, ROVs do not meet Federal motor vehicle safety standards.

Allowing ROVs on roads falsely signals that this practice is safe. It is not. ROV manufacturers, along with the National Highway Traffic Safety Administration, stress that ROVs are not designed for use on public roadways. The vehicles do not handle properly on paved roads. They also lack safety equipment required to protect occupants in the event of a collision. On-road ROV operators and passengers face increased risks of losing vehicle control. Collisions with cars and trucks also pose an increased risk of injury. These risks remain even when owners or aftermarket providers install different tires or modify ROV equipment in other ways.

ROHVA urges states to prohibit ROV use on public roads and strengthen law enforcement efforts to eliminate this dangerous practice. States could prevent a substantial number of ROV-related injuries if laws kept ROVs off public roads, which ROHVA proposes in its model legislation.

SVIA's and ROHVA's member companies – the manufacturers of these vehicles – stress that ATVs and ROVs were designed for off-highway use and are not intended for use on public roads. Additionally, each ATV and ROV manufactured by SVIA and ROHVA member companies comes with labels affixed warning against such operation.

We appreciate that the sponsor of H.B. 237, Representative Kevin Miller (R-Newark), wishes to bring “uniformity and clarity” to traffic laws and safety equipment regulations. See comments from the September 27, 2023, bill hearing. However, in the interest of promoting safe use and operation of ATVs and ROVs, the Legislature should uniformly prohibit on-road use of the vehicles.

The unfortunate reality of H.B. 237 is that it would greatly EXPAND the dangerous practice of operating OHVs on Ohio streets and roads. It would allow the vehicles on higher-speed roads -- putting countless riders and drivers of the products at higher risk of harm.

The Bill Analysis prepared by the Legislative Budget Office notes that H.B. 237 “Authorizes local authorities to allow the use of UTVs on streets with up to a 55-mph speed limit, rather than a 35-mph speed limit as under current law.” This is an alarming and dangerous expansion of the allowable use of ROVs on public roads. OHVs are not designed or tested to withstand crashes against motor vehicles (which can easily weigh several tons more than OHVs) at any speed, let alone at speeds of up to 55 mph.

During the HB 237 Proponent Hearing it was claimed that ROVs are “safer” for on-road use than other vehicles including on-highway motorcycles (OHMs), the Can-Am Spyder, and the Polaris Slingshot. This is false. The vehicles mentioned are specifically designed and tested to meet U.S. Federal Motor Vehicle Safety Standards (FMVSS) that specify design, construction, performance, and durability requirements for on-road vehicles. ROVs are not designed for use *on-highway* and are not governed by FMVSS.

Proponents also argued that H.B. 237 was “...designed to ensure the safety of UTV operators and passengers” -- pointing requirements that the Director of Public Safety adopt additional safety equipment specifications for ROVs including provisions for roll cages, reflectors, rearview mirrors, windshields and seat belts, as well as safety inspections by law enforcement to ensure compliance. While the intentions of such provisions seem to promote safety, the proponents ignore the fact that the vehicles are fundamentally not structurally designed for on-road use. They cannot be made safe by the mere addition of safety-related equipment. And law enforcement certifications will merely compound the problem by giving users a false sense of security by countering manufacturers’ warnings against on-road use.

Finally, Section (4519.20) regarding taillights is ambiguous as we conveyed to the bill’s author. SVIA and ROHVA ANSI standards only require one red taillight on ATVs and ROVs manufactured for sale in the U.S., while HB 237 would require every ATV or ROV operated in Ohio (whether on-road or off-road) to have two taillights. This would mean some manufacturers would need to make a model specific to Ohio (which is not realistic), or dealers or owners would be required to add a taillight before the vehicle is operated in the state. Section (4519.20) needs

to be clarified so those who want to continue using their OHVs off-road are not burdened with modifying the vehicles to meet the proposed new law.

Please oppose HB 237.

Thank you for your consideration.