

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 343

Representative Raga

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A BILL

To amend sections 4507.05 and 4507.071 of the Revised Code to increase the age at which a person is eligible to obtain a temporary instruction permit from 15 years 6 months to 16 years and to prohibit the holder of a probationary driver's license from operating a motor vehicle between one a.m. and five a.m. or with more than one person who is not a family member occupying the vehicle.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4507.05 and 4507.071 of the Revised Code be amended to read as follows:

Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least ~~fifteen~~ sixteen years ~~and six months~~ of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the highways under the following conditions:

(1) If the permit is issued to a person who is at least ~~fifteen~~ sixteen years ~~and six months~~ of age, but less than sixteen

years <u>six months</u> of age:	21
(a) The permit and identification card are in the holder's immediate possession;	22 23
(b) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;	24 25 26 27 28
(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.	29 30 31 32 33
(2) If the permit is issued to a person who is at least sixteen years <u>six months</u> of age:	34 35
(a) The permit and identification card are in the holder's immediate possession;	36 37
(b) The holder is accompanied by a licensed operator who is at least twenty-one years of age, is actually occupying a seat beside the driver, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;	38 39 40 41 42 43
(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.	44 45 46 47 48
(B) The registrar or a deputy registrar, upon receiving from any person an application for a temporary instruction permit and	49 50

temporary instruction permit identification card to operate a
motorcycle or motorized bicycle, may issue such a permit and
identification card entitling the applicant, while having the
permit and identification card in the applicant's immediate
possession, to drive a motorcycle or motorized bicycle under
restrictions determined by the registrar. A temporary instruction
permit and temporary instruction permit identification card to
operate a motorized bicycle may be issued to a person fourteen or
fifteen years old.

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(C) Any permit and identification card issued under this
section shall be issued in the same manner as a driver's license,
upon a form to be furnished by the registrar. A temporary
instruction permit to drive a motor vehicle other than a
commercial motor vehicle shall be valid for a period of one year.

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(D) Any person having in the person's possession a valid and
current driver's license or motorcycle operator's license or
endorsement issued to the person by another jurisdiction
recognized by this state is exempt from obtaining a temporary
instruction permit for a driver's license, but shall submit to the
regular examination in obtaining a driver's license or motorcycle
operator's endorsement in this state.

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(E) The registrar may adopt rules governing the use of
temporary instruction permits and temporary instruction permit
identification cards.

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(F)(1) No holder of a permit issued under division (A) of
this section shall operate a motor vehicle upon a highway or any
public or private property used by the public for purposes of
vehicular travel or parking in violation of the conditions
established under division (A) of this section.

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(2) Except as provided in division (F)(2) of this section, no
holder of a permit that is issued under division (A) of this

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section and that is issued on or after July 1, 1998, and who has
not attained the age of ~~seventeen~~ eighteen years, shall operate a
motor vehicle upon a highway or any public or private property
used by the public for purposes of vehicular travel or parking
between the hours of one a.m. and five a.m.

The holder of a permit issued under division (A) of this
section on or after July 1, 1998, who has not attained the age of
~~seventeen~~ eighteen years, may operate a motor vehicle upon a
highway or any public or private property used by the public for
purposes of vehicular travel or parking between the hours of one
a.m. and five a.m. if, at the time of such operation, the holder
is accompanied by the holder's parent, guardian, or custodian, and
the parent, guardian, or custodian holds a current valid driver's
or commercial driver's license issued by this state, is actually
occupying a seat beside the permit holder, and does not have a
prohibited concentration of alcohol in the whole blood, blood
serum or plasma, breath, or urine as provided in division (A) of
section 4511.19 of the Revised Code.

(G)(1) Notwithstanding any other provision of law to the
contrary, no law enforcement officer shall cause the operator of a
motor vehicle being operated on any street or highway to stop the
motor vehicle for the sole purpose of determining whether each
occupant of the motor vehicle is wearing all of the available
elements of a properly adjusted occupant restraining device as
required by division (A) of this section, or for the sole purpose
of issuing a ticket, citation, or summons if the requirement in
that division has been or is being violated, or for causing the
arrest of or commencing a prosecution of a person for a violation
of that requirement.

(2) Notwithstanding any other provision of law to the
contrary, no law enforcement officer shall cause the operator of a
motor vehicle being operated on any street or highway to stop the

motor vehicle for the sole purpose of determining whether a
violation of division (F)(2) of this section has been or is being
committed or for the sole purpose of issuing a ticket, citation,
or summons for such a violation or for causing the arrest of or
commencing a prosecution of a person for such violation.

(H) As used in this section:

(1) "Eligible adult" means any of the following:

(a) An instructor of a driver training course approved by the
department of public safety;

(b) Any of the following persons who holds a current valid
driver's or commercial driver's license issued by this state:

(i) A parent, guardian, or custodian of the permit holder;

(ii) A person twenty-one years of age or older who acts in
loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in
section 4513.263 of the Revised Code.

(I) Whoever violates division (F)(1) or (2) of this section
is guilty of a minor misdemeanor.

Sec. 4507.071. (A) No driver's license shall be issued to any
person under eighteen years of age, except that a probationary
license may be issued to a person who is at least sixteen years
six months of age and has held a temporary instruction permit for
a period of at least six months.

(B)(1) No holder of a probationary driver's license issued on
or after ~~the effective date of this section who has not attained~~
~~the age of seventeen years~~ January 1, 1999, shall operate a motor
vehicle upon a highway or any public or private property used by
the public for purposes of vehicular travel or parking between the
hours of one a.m. and five a.m. unless the holder is accompanied

by the holder's parent or guardian. 143

(2) No holder of a probationary driver's license shall 144
operate a motor vehicle upon a highway or any public or private 145
property used by the public for purposes of vehicular travel or 146
parking with more than one person who is not a family member 147
occupying the vehicle. 148

(C) It is an affirmative defense to a violation of division 149
(B)(1) or (2) of this section if, at the time of the violation, 150
the holder of the probationary driver's license was traveling to 151
or from the holder's place of employment or an official function 152
sponsored by the school the holder attends, or an emergency 153
existed that required the holder to operate a motor vehicle in 154
violation of division (B)(1) or (2) of this section, or the holder 155
was an emancipated minor. 156

(D) No holder of a probationary license shall operate a motor 157
vehicle upon a highway or any public or private property used by 158
the public for purposes of vehicular travel or parking unless the 159
total number of occupants of the vehicle does not exceed the total 160
number of occupant restraining devices originally installed in the 161
motor vehicle by its manufacturer, and each occupant of the 162
vehicle is wearing all of the available elements of a properly 163
adjusted occupant restraining device. 164

(E) A restricted license may be issued to a person who is 165
fourteen or fifteen years of age upon proof of hardship 166
satisfactory to the registrar of motor vehicles. 167

(F) Notwithstanding any other provision of law to the 168
contrary, no law enforcement officer shall cause the operator of a 169
motor vehicle being operated on any street or highway to stop the 170
motor vehicle for the sole purpose of determining whether each 171
occupant of the motor vehicle is wearing all of the available 172
elements of a properly adjusted occupant restraining device as 173

required by division (D) of this section, or for the sole purpose
of issuing a ticket, citation, or summons if the requirement in
that division has been or is being violated, or for causing the
arrest of or commencing a prosecution of a person for a violation
of that requirement.

(G) Notwithstanding any other provision of law to the
contrary, no law enforcement officer shall cause the operator of a
motor vehicle being operated on any street or highway to stop the
motor vehicle for the sole purpose of determining whether a
violation of division (B) of this section has been or is being
committed or for the sole purpose of issuing a ticket, citation,
or summons for such a violation or for causing the arrest of or
commencing a prosecution of a person for such violation.

(H) As used in this section, ~~"occupant;~~ 187

(1) "Occupant restraining device" has the same meaning as in
section 4513.263 of the Revised Code. 189

(2) "Family member" of a probationary license holder includes
any of the following: 191

(a) A spouse; 192

(b) A child or stepchild; 193

(c) A parent, stepparent, grandparent, or parent-in-law; 194

(d) An aunt or uncle; 195

(e) A sibling, whether of the whole or half blood, or by
adoption, a brother-in-law, or sister-in-law; 197

(f) A son or daughter of the probationary license holder's
stepparent if the stepparent has not adopted the probationary
license holder; 200

(g) An eligible adult, as defined in section 4507.05 of the
Revised Code. 202

(I) Whoever violates division (B)(1) or (2) or (D) of this section is guilty of a minor misdemeanor.

Section 2. That existing sections 4507.05 and 4507.071 of the Revised Code are hereby repealed.