

**As Reported by the House Transportation, Public Safety and  
Homeland Security Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 343**

**Representatives Raga, Bubp, Evans, D., Key, Law, Widowfield**

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**A B I L L**

To amend sections 4507.05, 4507.071, and 4511.81 of  
the Revised Code to place certain restrictions on  
the operation of motor vehicles by probationary  
license holders and temporary instruction permit  
holders who are less than 18 years of age, to  
require children who are between four and fifteen  
years of age to be restrained in either a child  
restraint system or an occupant restraining device  
when being transported in a motor vehicle, and to  
eliminate the nonresident exemption from the motor  
vehicle child restraint law.

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

**Section 1.** That sections 4507.05, 4507.071, and 4511.81 of  
the Revised Code be amended to read as follows:

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**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 years ~~and~~ six months of age, may issue such a  
permit and identification card entitling the applicant to drive a

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motor vehicle, other than a commercial motor vehicle, upon the 20  
highways under the following conditions: 21

(1) If the permit is issued to a person who is at least 22  
fifteen years ~~and~~ six months of age, but less than sixteen years 23  
of age: 24

(a) The permit and identification card are in the holder's 25  
immediate possession; 26

(b) The holder is accompanied by an eligible adult who 27  
actually occupies the seat beside the permit holder and does not 28  
have a prohibited concentration of alcohol in the whole blood, 29  
blood serum or plasma, breath, or urine as provided in division 30  
(A) of section 4511.19 of the Revised Code; 31

(c) The total number of occupants of the vehicle does not 32  
exceed the total number of occupant restraining devices originally 33  
installed in the motor vehicle by its manufacturer, and each 34  
occupant of the vehicle is wearing all of the available elements 35  
of a properly adjusted occupant restraining device. 36

(2) If the permit is issued to a person who is at least 37  
sixteen years of age: 38

(a) The permit and identification card are in the holder's 39  
immediate possession; 40

(b) The holder is accompanied by a licensed operator who is 41  
at least twenty-one years of age, is actually occupying a seat 42  
beside the driver, and does not have a prohibited concentration of 43  
alcohol in the whole blood, blood serum or plasma, breath, or 44  
urine as provided in division (A) of section 4511.19 of the 45  
Revised Code; 46

(c) The total number of occupants of the vehicle does not 47  
exceed the total number of occupant restraining devices originally 48  
installed in the motor vehicle by its manufacturer, and each 49

occupant of the vehicle is wearing all of the available elements  
of a properly adjusted occupant restraining device.

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(B) The registrar or a deputy registrar, upon receiving from  
any person an application for a temporary instruction permit and  
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

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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  
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.~~ midnight and ~~five~~ six a.m.

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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.~~ midnight and ~~five~~ six 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.

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(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

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of that requirement.	113
(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.	114 115 116 117 118 119 120 121
(H) As used in this section:	122
(1) "Eligible adult" means any of the following:	123
(a) An instructor of a driver training course approved by the department of public safety;	124 125
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	126 127
(i) A parent, guardian, or custodian of the permit holder;	128
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	129 130
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	131 132
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	133 134
<b>Sec. 4507.071.</b> (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 of age and has held a temporary instruction permit for a period of at least six months.	135 136 137 138 139
(B)(1)(a) No holder of a probationary driver's license issued <del>on or after the effective date of this section</del> who has not	140 141

attained the age of seventeen years shall operate a motor vehicle 142  
upon a highway or any public or private property used by the 143  
public for purposes of vehicular travel or parking between the 144  
hours of ~~one a.m.~~ midnight and ~~five six~~ six a.m. unless the holder is 145  
accompanied by the holder's parent or guardian. 146

(b) No holder of a probationary driver's license who has 147  
attained the age of seventeen years but has not attained the age 148  
of eighteen years shall operate a motor vehicle upon a highway or 149  
any public or private property used by the public for purposes of 150  
vehicular travel or parking between the hours of one a.m. and five 151  
a.m. unless the holder is accompanied by the holder's parent or 152  
guardian. 153

(2)(a) Subject to division (D)(1)(a) of this section, 154  
division (B)(1)(a) of this section does not apply to the holder of 155  
a probationary driver's license who is traveling to or from work 156  
between the hours of midnight and six a.m. and has in the holder's 157  
immediate possession written documentation from the holder's 158  
employer. 159

(b) Division (B)(1)(b) of this section does not apply to the 160  
holder of a probationary driver's license who is traveling to or 161  
from work between the hours of one a.m. and five a.m. and has in 162  
the holder's immediate possession written documentation from the 163  
holder's employer. 164

(3) An employer is not liable in damages in a civil action 165  
for any injury, death, or loss to person or property that 166  
allegedly arises from, or is related to, the fact that the 167  
employer provided an employee who is the holder of a probationary 168  
driver's license with the written documentation described in 169  
division (B)(2) of this section. 170

The registrar of motor vehicles shall make available at no 171  
cost a form to serve as the written documentation described in 172

division (B)(2) of this section, and employers and holders of  
probationary driver's licenses may utilize such form or may choose  
to utilize any other written documentation to meet the  
requirements of that division.

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(4) No holder of a probationary driver's license who has not  
attained the age of seventeen 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 with more than  
one person who is not a family member occupying the vehicle unless  
the family member occupying the vehicle is the probationary  
license holder's parent, guardian, or custodian.

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

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(D)(1)(a) If a person is issued a probationary driver's  
license prior to attaining the age of seventeen years and the  
person pleads guilty to, is convicted of, or is adjudicated in  
juvenile court of having committed a moving violation during the  
six-month period commencing on the date on which the person is  
issued the probationary driver's license, the holder must be  
accompanied by the holder's parent or guardian whenever the holder  
is operating a motor vehicle upon a highway or any public or  
private property used by the public for purposes of vehicular  
parking during whichever of the following time periods applies:

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(i) If, on the date the holder of the probationary driver's  
license pleads guilty to, is convicted of, or is adjudicated in

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juvenile court of having committed the moving violation the holder 204  
has not attained the age of sixteen years six months, during the 205  
six-month period commencing on that date; 206

(ii) If, on the date the holder pleads guilty to, is 207  
convicted of, or is adjudicated in juvenile court of having 208  
committed the moving violation the holder has attained the age of 209  
sixteen years six months but not seventeen years, until the person 210  
attains the age of seventeen years. 211

(b) If the holder of a probationary driver's license commits 212  
a moving violation during the six-month period after the person is 213  
issued the probationary driver's license and before the person 214  
attains the age of seventeen years and on the date the person 215  
pleads guilty to, is convicted of, or is adjudicated in juvenile 216  
court of having committed the moving violation the person has 217  
attained the age of seventeen years, or if the person commits the 218  
moving violation during the six-month period after the person is 219  
issued the probationary driver's license and after the person 220  
attains the age of seventeen years, the holder is not subject to 221  
the restriction described in divisions (D)(1)(a)(i) and (ii) of 222  
this section unless the court or juvenile court imposes such a 223  
restriction upon the holder. 224

(2) No person shall violate division (D)(1)(a) of this 225  
section. 226

(E) No holder of a probationary license shall operate a motor 227  
vehicle upon a highway or any public or private property used by 228  
the public for purposes of vehicular travel or parking unless the 229  
total number of occupants of the vehicle does not exceed the total 230  
number of occupant restraining devices originally installed in the 231  
motor vehicle by its manufacturer, and each occupant of the 232  
vehicle is wearing all of the available elements of a properly 233  
adjusted occupant restraining device. 234



~~(E)~~(F) A restricted license may be issued to a person who is 235  
fourteen or fifteen years of age upon proof of hardship 236  
satisfactory to the registrar of motor vehicles. 237

~~(F)~~(G) Notwithstanding any other provision of law to the 238  
contrary, no law enforcement officer shall cause the operator of a 239  
motor vehicle being operated on any street or highway to stop the 240  
motor vehicle for the sole purpose of determining whether each 241  
occupant of the motor vehicle is wearing all of the available 242  
elements of a properly adjusted occupant restraining device as 243  
required by division ~~(D)~~(E) of this section, or for the sole 244  
purpose of issuing a ticket, citation, or summons if the 245  
requirement in that division has been or is being violated, or for 246  
causing the arrest of or commencing a prosecution of a person for 247  
a violation of that requirement. 248

~~(G)~~(H) Notwithstanding any other provision of law to the 249  
contrary, no law enforcement officer shall cause the operator of a 250  
motor vehicle being operated on any street or highway to stop the 251  
motor vehicle for the sole purpose of determining whether a 252  
violation of division (B)(1)(a) or (b) of this section has been or 253  
is being committed or for the sole purpose of issuing a ticket, 254  
citation, or summons for such a violation or for causing the 255  
arrest of or commencing a prosecution of a person for such 256  
violation. 257

~~(H)~~(I) As used in this section, ~~"occupant:~~ 258

(1) "Occupant restraining device" has the same meaning as in 259  
section 4513.263 of the Revised Code. 260

(2) "Family member" of a probationary license holder includes 261  
any of the following: 262

(a) A spouse; 263

(b) A child or stepchild; 264

<u>(c) A parent, stepparent, grandparent, or parent-in-law;</u>	265
<u>(d) An aunt or uncle;</u>	266
<u>(e) A sibling, whether of the whole or half blood, or by</u> <u>adoption, a brother-in-law, or sister-in-law;</u>	267 268
<u>(f) A son or daughter of the probationary license holder's</u> <u>stepparent if the stepparent has not adopted the probationary</u> <u>license holder;</u>	269 270 271
<u>(g) An eligible adult, as defined in section 4507.05 of the</u> <u>Revised Code.</u>	272 273
<u>(3) "Moving violation" means any violation of any statute or</u> <u>ordinance that regulates the operation of vehicles, streetcars, or</u> <u>trackless trolleys on the highways or streets. "Moving violation"</u> <u>does not include a violation of section 4513.263 of the Revised</u> <u>Code or a substantially equivalent municipal ordinance, or a</u> <u>violation of any statute or ordinance regulating pedestrians or</u> <u>the parking of vehicles, vehicle size or load limitations, vehicle</u> <u>fitness requirements, or vehicle registration.</u>	274 275 276 277 278 279 280 281
<u>(I) Whoever violates division (B)(1) or (4) or, (D)(2), or</u> <u>(E) of this section is guilty of a minor misdemeanor.</u>	282 283
<b>Sec. 4511.81.</b> (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is <del>registered in this</del> <del>state and is</del> required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:	284 285 286 287 288 289 290 291 292 293
(1) A child who is less than four years of age;	294

(2) A child who weighs less than forty pounds. 295

(B) When any child who is in either or both of the following 296  
categories is being transported in a motor vehicle, other than a 297  
taxicab, that is ~~registered in this state and is~~ owned, leased, or 298  
otherwise under the control of a nursery school, kindergarten, or 299  
day-care center, the operator of the motor vehicle shall have the 300  
child properly secured in accordance with the manufacturer's 301  
instructions in a child restraint system that meets federal motor 302  
vehicle safety standards: 303

(1) A child who is less than four years of age; 304

(2) A child who weighs less than forty pounds. 305

(C) When any child who is at least four years of age but not 306  
older than fifteen years of age is being transported in a motor 307  
vehicle, other than a taxicab or public safety vehicle as defined 308  
in section 4511.01 of the Revised Code, that is required by the 309  
United States department of transportation to be equipped with 310  
seat belts at the time of manufacture or assembly, the operator of 311  
the motor vehicle shall have the child properly restrained either 312  
in accordance with the manufacturer's instructions in a child 313  
restraint system that meets federal motor vehicle safety standards 314  
or in an occupant restraining device as defined in section 315  
4513.263 of the Revised Code. 316

(D) Notwithstanding any provision of law to the contrary, no 317  
law enforcement officer shall cause an operator of a motor vehicle 318  
being operated on any street or highway to stop the motor vehicle 319  
for the sole purpose of determining whether a violation of 320  
division (C) of this section has been or is being committed or for 321  
the sole purpose of issuing a ticket, citation, or summons for a 322  
violation of that nature or causing the arrest of or commencing a 323  
prosecution of a person for a violation of that nature, and no law 324  
enforcement officer shall view the interior or visually inspect 325

any automobile being operated on any street or highway for the 326  
sole purpose of determining whether a violation of that nature has 327  
been or is being committed. 328

(E) The director of public safety shall adopt such rules as 329  
are necessary to carry out this section. 330

~~(D)~~(F) The failure of an operator of a motor vehicle to 331  
secure a child in a child restraint system or in an occupant 332  
restraining device as required by this section is not negligence 333  
imputable to the child, is not admissible as evidence in any civil 334  
action involving the rights of the child against any other person 335  
allegedly liable for injuries to the child, is not to be used as a 336  
basis for a criminal prosecution of the operator of the motor 337  
vehicle other than a prosecution for a violation of this section, 338  
and is not admissible as evidence in any criminal action involving 339  
the operator of the motor vehicle other than a prosecution for a 340  
violation of this section. 341

~~(E)~~(G) This section does not apply when an emergency exists 342  
that threatens the life of any person operating a motor vehicle 343  
and to whom this section otherwise would apply or the life of any 344  
child who otherwise would be required to be restrained under this 345  
section. 346

~~(F)~~ If a person who is not a resident of this state is 347  
charged with a violation of division (A) or (B) of this section 348  
and does not prove to the court, by a preponderance of the 349  
evidence, that the person's use or nonuse of a child restraint 350  
system was in accordance with the law of the state of which the 351  
person is a resident, the court shall impose the fine levied by 352  
division ~~(H)(2)~~ of this section. 353

~~(G)~~(H) There is hereby created in the state treasury the 354  
"child highway safety fund," consisting of fines imposed pursuant 355  
to ~~divisions (H)~~ division (J)(1) and ~~(2)~~ of this section for 356

violations of divisions (A) ~~and~~, (B), and (C) of this section. The 357  
money in the fund shall be used by the department of health only 358  
to defray the cost of designating hospitals as pediatric trauma 359  
centers under section 3727.081 of the Revised Code and to 360  
establish and administer a child highway safety program. The 361  
purpose of the program shall be to educate the public about child 362  
restraint systems generally and the importance of their proper 363  
use. The program also shall include a process for providing child 364  
restraint systems to persons who meet the eligibility criteria 365  
established by the department, and a toll-free telephone number 366  
the public may utilize to obtain information about child restraint 367  
systems and their proper use. 368

(I) The director of health, in accordance with Chapter 119. 369  
of the Revised Code, shall adopt any rules necessary to carry out 370  
this section, including rules establishing the criteria a person 371  
must meet in order to receive a child restraint system under the 372  
department's child restraint system program; provided that rules 373  
relating to the verification of pediatric trauma centers shall not 374  
be adopted under this section. 375

~~(H)~~(J)(1) ~~Whoever is a resident of this state and~~ violates 376  
division (A) ~~or~~, (B), or (C) of this section shall be punished as 377  
follows: 378

(a) Except as otherwise provided in division ~~(H)~~(J)(1)(b) of 379  
this section, the offender is guilty of a minor misdemeanor and 380  
shall be fined not less than twenty-five dollars. 381

(b) If the offender previously has been convicted of or 382  
pleaded guilty to a violation of division (A) ~~or~~, (B), or (C) of 383  
this section or of a municipal ordinance that is substantially 384  
similar to ~~either~~ any of those divisions, the offender is guilty 385  
of a misdemeanor of the fourth degree. 386

(2) ~~Whoever is not a resident of this state, violates~~ 387

As Reported by the House Transportation, Public Safety and Homeland Security Committee

~~division (A) or (B) of this section, and fails to prove by a 388  
preponderance of the evidence that the offender's use or nonuse of 389  
a child restraint system was in accordance with the law of the 390  
state of which the offender is a resident is guilty of a minor 391  
misdemeanor on a first offense; on a second or subsequent offense, 392  
that person is guilty of a misdemeanor of the fourth degree. 393~~

~~(3) All fines imposed pursuant to division ~~(H)~~(J)(1) ~~or (2)~~ 394  
of this section shall be forwarded to the treasurer of state for 395  
deposit in the "child highway safety fund" created by division 396  
~~(G)~~(H) of this section. 397~~

**Section 2.** That existing sections 4507.05, 4507.071, and 398  
4511.81 of the Revised Code are hereby repealed. 399