

As Introduced

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H. B. No. 441

Representative Fessler

**Cosponsors: Representatives Uecker, Webster, Stebelton, Adams,
McGregor, J., Garrison, Williams, S., Chandler**

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A B I L L

To amend section 4507.071 of the Revised Code to 1
allow a court, under certain circumstances, to 2
grant unaccompanied driving privileges one time to 3
a probationary driver's license holder who, 4
because of a moving violation, otherwise would be 5
subject to a restriction that the person be 6
accompanied by the holder's parent or guardian. 7

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

Section 1. That section 4507.071 of the Revised Code be 8
amended to read as follows: 9

Sec. 4507.071. (A) No driver's license shall be issued to any 10
person under eighteen years of age, except that a probationary 11
license may be issued to a person who is at least sixteen years of 12
age and has held a temporary instruction permit for a period of at 13
least six months. 14

(B)(1)(a) No holder of a probationary driver's license who 15
has not attained the age of seventeen years shall operate a motor 16
vehicle upon a highway or any public or private property used by 17
the public for purposes of vehicular travel or parking between the 18

hours of midnight and six a.m. unless the holder is accompanied by 19
the holder's parent or guardian. 20

(b) No holder of a probationary driver's license who has 21
attained the age of seventeen years but has not attained the age 22
of eighteen years shall operate a motor vehicle upon a highway or 23
any public or private property used by the public for purposes of 24
vehicular travel or parking between the hours of one a.m. and five 25
a.m. unless the holder is accompanied by the holder's parent or 26
guardian. 27

(2)(a) Subject to division (D)(1)(a) of this section, 28
division (B)(1)(a) of this section does not apply to the holder of 29
a probationary driver's license who is traveling to or from work 30
between the hours of midnight and six a.m. and has in the holder's 31
immediate possession written documentation from the holder's 32
employer. 33

(b) Division (B)(1)(b) of this section does not apply to the 34
holder of a probationary driver's license who is traveling to or 35
from work between the hours of one a.m. and five a.m. and has in 36
the holder's immediate possession written documentation from the 37
holder's employer. 38

(3) An employer is not liable in damages in a civil action 39
for any injury, death, or loss to person or property that 40
allegedly arises from, or is related to, the fact that the 41
employer provided an employee who is the holder of a probationary 42
driver's license with the written documentation described in 43
division (B)(2) of this section. 44

The registrar of motor vehicles shall make available at no 45
cost a form to serve as the written documentation described in 46
division (B)(2) of this section, and employers and holders of 47
probationary driver's licenses may utilize that form or may choose 48
to utilize any other written documentation to meet the 49

requirements of that division. 50

(4) No holder of a probationary driver's license who is less 51
than seventeen years of age shall operate a motor vehicle upon a 52
highway or any public or private property used by the public for 53
purposes of vehicular travel or parking with more than one person 54
who is not a family member occupying the vehicle unless the 55
probationary license holder is accompanied by the probationary 56
license holder's parent, guardian, or custodian. 57

(C) It is an affirmative defense to a violation of division 58
(B)(1)(a) or (b) of this section if, at the time of the violation, 59
the holder of the probationary driver's license was traveling to 60
or from an official function sponsored by the school the holder 61
attends, or an emergency existed that required the holder to 62
operate a motor vehicle in violation of division (B)(1)(a) or (b) 63
of this section, or the holder was an emancipated minor. 64

(D)(1)(a) ~~If~~ Except as otherwise provided in division (D)(2) 65
of this section, if a person is issued a probationary driver's 66
license prior to attaining the age of seventeen years and the 67
person pleads guilty to, is convicted of, or is adjudicated in 68
juvenile court of having committed a moving violation during the 69
six-month period commencing on the date on which the person is 70
issued the probationary driver's license, the holder must be 71
accompanied by the holder's parent or guardian whenever the holder 72
is operating a motor vehicle upon a highway or any public or 73
private property used by the public for purposes of vehicular 74
travel or parking during whichever of the following time periods 75
applies: 76

(i) If, on the date the holder of the probationary driver's 77
license pleads guilty to, is convicted of, or is adjudicated in 78
juvenile court of having committed the moving violation, the 79
holder has not attained the age of sixteen years six months, 80
during the six-month period commencing on that date; 81

(ii) If, on the date the holder pleads guilty to, is 82
convicted of, or is adjudicated in juvenile court of having 83
committed the moving violation, the holder has attained the age of 84
sixteen years six months but not seventeen years, until the person 85
attains the age of seventeen years. 86

(b) If the holder of a probationary driver's license commits 87
a moving violation during the six-month period after the person is 88
issued the probationary driver's license and before the person 89
attains the age of seventeen years and on the date the person 90
pleads guilty to, is convicted of, or is adjudicated in juvenile 91
court of having committed the moving violation the person has 92
attained the age of seventeen years, or if the person commits the 93
moving violation during the six-month period after the person is 94
issued the probationary driver's license and after the person 95
attains the age of seventeen years, the holder is not subject to 96
the restriction described in divisions (D)(1)(a)(i) and (ii) of 97
this section unless the court or juvenile court imposes such a 98
restriction upon the holder. 99

(2) Any person who is subject to the operating restrictions 100
established under division (D)(1) of this section as a result of a 101
first moving violation may petition the court for occupational or 102
educational driving privileges without being accompanied by the 103
holder's parent or guardian during the period of time specified in 104
that division. The court may grant the person such driving 105
privileges if the court finds reasonable cause to believe that the 106
restrictions established in division (D)(1) will seriously affect 107
the person's ability to continue in employment or educational 108
training or will cause undue hardship on the license holder or a 109
family member of the license holder. In granting the driving 110
privileges, the court shall specify the purposes, times, and 111
places of the privileges and shall issue the person appropriate 112
forms setting forth the privileges granted. Occupational or 113

educational driving privileges under this division shall not be 114
granted to the same person more than once. If a person is 115
convicted of, pleads guilty to, or is adjudicated in juvenile 116
court of having committed a second or subsequent moving violation, 117
any driving privileges previously granted under this division are 118
terminated upon the subsequent conviction, plea, or adjudication. 119

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(3) No person shall violate division (D)(1)(a) of this 121
section. 122

(E) No holder of a probationary license shall operate a motor 123
vehicle upon a highway or any public or private property used by 124
the public for purposes of vehicular travel or parking unless the 125
total number of occupants of the vehicle does not exceed the total 126
number of occupant restraining devices originally installed in the 127
motor vehicle by its manufacturer, and each occupant of the 128
vehicle is wearing all of the available elements of a properly 129
adjusted occupant restraining device. 130

(F) A restricted license may be issued to a person who is 131
fourteen or fifteen years of age upon proof of hardship 132
satisfactory to the registrar of motor vehicles. 133

(G) Notwithstanding any other provision of law to the 134
contrary, no law enforcement officer shall cause the operator of a 135
motor vehicle being operated on any street or highway to stop the 136
motor vehicle for the sole purpose of determining whether each 137
occupant of the motor vehicle is wearing all of the available 138
elements of a properly adjusted occupant restraining device as 139
required by division (E) of this section, or for the sole purpose 140
of issuing a ticket, citation, or summons if the requirement in 141
that division has been or is being violated, or for causing the 142
arrest of or commencing a prosecution of a person for a violation 143
of that requirement. 144

(H) 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)(1)(a) or (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.

(I) As used in this section:

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

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

(a) A spouse;

(b) A child or stepchild;

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

(d) An aunt or uncle;

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

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

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

(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a

violation of any statute or ordinance regulating pedestrians or 175
the parking of vehicles, vehicle size or load limitations, vehicle 176
fitness requirements, or vehicle registration. 177

(J) Whoever violates division (B)(1) or (4), (D)~~(2)~~(3), or 178
(E) of this section is guilty of a minor misdemeanor. 179

Section 2. That existing section 4507.071 of the Revised Code 180
is hereby repealed. 181