

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 627**

**Representative Hottinger**

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**A B I L L**

To amend section 4506.16 of the Revised Code to 1  
require the Registrar of Motor Vehicles to 2  
disqualify the holder of a commercial driver's 3  
license from operating a commercial motor vehicle 4  
upon a municipal OVI conviction. 5

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

**Section 1.** That section 4506.16 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4506.16.** (A) Any person who is found to have been 8  
convicted of a violation of an out-of-service order shall be 9  
disqualified by the registrar of motor vehicles as follows: 10

(1) If the person has not been convicted previously of a 11  
violation of an out-of-service order, the period of 12  
disqualification is ninety days. 13

(2) If, during any ten-year period, the driver is convicted 14  
of a second violation of an out-of-service order in an incident 15  
separate from the incident that resulted in the first violation, 16  
the period of disqualification is one year. 17

(3) If, during any ten-year period, the driver is convicted 18  
of a third or subsequent violation of an out-of-service order in 19

an incident separate from the incidents that resulted in the 20  
previous violations during that ten-year period, the period of 21  
disqualification is three years. 22

(B)(1) A driver is disqualified for one hundred eighty days 23  
if the driver is convicted of a first violation of an 24  
out-of-service order while transporting hazardous materials 25  
required to be placarded under the "Hazardous Materials 26  
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 27  
amended, or while operating a motor vehicle designed to transport 28  
sixteen or more passengers, including the driver. 29

(2) A driver is disqualified for a period of three years if, 30  
during any ten-year period, the driver is convicted of a second or 31  
subsequent violation, in an incident separate from the incident 32  
that resulted in a previous violation during that ten-year period, 33  
of an out-of-service order while transporting hazardous materials 34  
required to be placarded under that act, or while operating a 35  
motor vehicle designed to transport sixteen or more passengers, 36  
including the driver. 37

(C) Whoever violates division (A)(1) of section 4506.15 of 38  
the Revised Code or a similar law of another state or a foreign 39  
jurisdiction, immediately shall be placed out-of-service for 40  
twenty-four hours, in addition to any disqualification required by 41  
this section and any other penalty imposed by the Revised Code. 42

(D) The registrar of motor vehicles shall disqualify any 43  
holder of a commercial driver's license, or any operator of a 44  
commercial motor vehicle for which a commercial driver's license 45  
is required, from operating a commercial motor vehicle as follows: 46

(1) Upon a first conviction for a violation of any provision 47  
of divisions (A)(2) to (9) of section 4506.15 of the Revised Code, 48  
or of section 4511.19 or sections 4549.02 to 4549.03 of the 49  
Revised Code, or a municipal OVI ordinance as defined in section 50

4511.181 of the Revised Code, or a similar law of another state or a foreign jurisdiction, one year;

(2) Upon a second conviction for a violation of any provision of divisions (A)(2) to (9) of section 4506.15 of the Revised Code, or of section 4511.19 or sections 4549.02 to 4549.03 of the Revised Code, or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code, or a similar law of another state or a foreign jurisdiction, or any combination of such violations arising from two or more separate incidents, the person shall be disqualified for life or for any other period of time as determined by the United States secretary of transportation and designated by the director of public safety by rule;

(3) Upon a first conviction for a violation of division (A)(12) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, three years;

(4) Upon conviction of a violation of division (A)(10) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life;

(5) Upon conviction of two serious traffic violations involving the operation of a motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or noncommercial motor vehicle driving privileges;

(6) Upon conviction of three serious traffic violations involving the operation of a motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days if the conviction results in the suspension, cancellation, or

revocation of the holder's commercial driver's license or 82  
noncommercial motor vehicle driving privileges. 83

(7) Upon a first conviction involving the operation of a 84  
commercial motor vehicle in violation of any provisions of 85  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 86  
of another state or foreign jurisdiction, not less than sixty 87  
days; 88

(8) Upon a second conviction involving the operation of a 89  
commercial motor vehicle in violation of any provisions of 90  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 91  
of another state or foreign jurisdiction within three years of the 92  
first such conviction, not less than one hundred twenty days; 93

(9) Upon a third or subsequent conviction involving the 94  
operation of a commercial motor vehicle in violation of any 95  
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 96  
similar law of another state or foreign jurisdiction within three 97  
years of the first such conviction, not less than one year; 98

(10) Upon receiving notification from the federal motor 99  
carrier safety administration, the registrar shall disqualify any 100  
commercial motor vehicle driver whose driving is determined to 101  
constitute an imminent hazard as defined under federal motor 102  
carrier safety regulation 49 C.F.R. 383.52. 103

(E) For the purposes of this section, conviction of a 104  
violation for which disqualification is required may be evidenced 105  
by any of the following: 106

(1) A judgment entry of a court of competent jurisdiction in 107  
this or any other state; 108

(2) An administrative order of a state agency of this or any 109  
other state having statutory jurisdiction over commercial drivers; 110

(3) A computer record obtained from or through the commercial 111

driver's license information system;	112
(4) A computer record obtained from or through a state agency	113
of this or any other state having statutory jurisdiction over	114
commercial drivers or the records of commercial drivers.	115
(F) For purposes of this section, conviction of disqualifying	116
offenses committed in a noncommercial motor vehicle are included	117
if either of the following applies:	118
(1) The offense occurred after the person obtained the	119
person's commercial driver's license.	120
(2) The offense occurs on or after September 30, 2005.	121
(G) If a person commits a serious traffic violation by	122
operating a commercial motor vehicle without having a commercial	123
driver's license in the person's possession as described in	124
division (DD)(7) of section 4506.01 of the Revised Code and the	125
person then submits proof to either the enforcement agency that	126
issued the citation for the violation or to the court with	127
jurisdiction over the case before the date of the person's initial	128
appearance that shows that the person held a valid commercial	129
driver's license at the time of the violation, the violation shall	130
not be deemed to be a serious traffic violation.	131
(H) Any record described in division (C) of this section	132
shall be deemed to be self-authenticating when it is received by	133
the bureau of motor vehicles.	134
(I) When disqualifying a driver, the registrar shall cause	135
the records of the bureau to be updated to reflect that action	136
within ten days after it occurs.	137
(J) The registrar immediately shall notify a driver who is	138
finally convicted of any offense described in section 4506.15 of	139
the Revised Code or division (B)(4), (5), or (6) of this section	140
and thereby is subject to disqualification, of the offense or	141

offenses involved, of the length of time for which 142  
disqualification is to be imposed, and that the driver may request 143  
a hearing within thirty days of the mailing of the notice to show 144  
cause why the driver should not be disqualified from operating a 145  
commercial motor vehicle. If a request for such a hearing is not 146  
made within thirty days of the mailing of the notice, the order of 147  
disqualification is final. The registrar may designate hearing 148  
examiners who, after affording all parties reasonable notice, 149  
shall conduct a hearing to determine whether the disqualification 150  
order is supported by reliable evidence. The registrar shall adopt 151  
rules to implement this division. 152

(K) Any person who is disqualified from operating a 153  
commercial motor vehicle under this section may apply to the 154  
registrar for a driver's license to operate a motor vehicle other 155  
than a commercial motor vehicle, provided the person's commercial 156  
driver's license is not otherwise suspended. A person whose 157  
commercial driver's license is suspended shall not apply to the 158  
registrar for or receive a driver's license under Chapter 4507. of 159  
the Revised Code during the period of suspension. 160

(L) The disqualifications imposed under this section are in 161  
addition to any other penalty imposed by the Revised Code. 162

**Section 2.** That existing section 4506.16 of the Revised Code 163  
is hereby repealed. 164