

**As Introduced**

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

**S. B. No. 317**

**Senator Padgett**

**Cosponsors: Senators Roberts, Schuring, Miller, D., Sawyer, Seitz**

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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 than seventeen years of age 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 probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(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 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.

(D)(1)(a) ~~If~~ Except as otherwise provided in division (D)(2) of this section, 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 travel or parking during whichever of the following time periods applies:

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

(ii) If, on the date the holder pleads guilty to, is

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  
120

(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 145

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

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