

As Introduced

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Representatives Hottinger, Weddington

**Cosponsors: Representatives Grossman, Combs, Hackett, McGregor,
Winburn**

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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 of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years.

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

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

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

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

(1) Upon a first 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, 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 80
the conviction results in the suspension, cancellation, or 81
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 driver's license information system;	111 112
(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.	113 114 115
(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:	116 117 118
(1) The offense occurred after the person obtained the person's commercial driver's license.	119 120
(2) The offense occurs on or after September 30, 2005.	121
(G) If a person commits a serious traffic violation by operating a commercial motor vehicle without having a commercial driver's license in the person's possession as described in division (DD)(7) of section 4506.01 of the Revised Code and the person then submits proof to either the enforcement agency that issued the citation for the violation or to the court with jurisdiction over the case before the date of the person's initial appearance that shows that the person held a valid commercial driver's license at the time of the violation, the violation shall not be deemed to be a serious traffic violation.	122 123 124 125 126 127 128 129 130 131
(H) Any record described in division (C) of this section shall be deemed to be self-authenticating when it is received by the bureau of motor vehicles.	132 133 134
(I) When disqualifying a driver, the registrar shall cause the records of the bureau to be updated to reflect that action within ten days after it occurs.	135 136 137
(J) The registrar immediately shall notify a driver who is finally convicted of any offense described in section 4506.15 of the Revised Code or division (B)(4), (5), or (6) of this section	138 139 140

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