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Committee**

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**Sub. H. B. No. 109**

**Representatives Hottinger, Weddington**

**Cosponsors: Representatives Grossman, Combs, Hackett, McGregor,  
Winburn, Hagan, Bolon, Carney, Domenick, Yuko, Balderson, McClain,  
Uecker, Zehringer**

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**A B I L L**

To amend sections 4506.03, 4506.12, 4506.16, and 1  
4506.24 of the Revised Code to require the 2  
Registrar of Motor Vehicles to disqualify the 3  
holder of a commercial driver's license from 4  
operating a commercial motor vehicle upon a 5  
municipal OVI conviction and to eliminate the 6  
waiver provision for restricted commercial 7  
driver's licenses for farm-related service 8  
industries. 9

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

**Section 1.** That sections 4506.03, 4506.12, 4506.16, and 10  
4506.24 of the Revised Code be amended to read as follows: 11

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 12  
of this section, the following shall apply: 13

(1) No person shall drive a commercial motor vehicle on a 14  
highway in this state unless the person holds, and has in the 15  
person's possession, a valid commercial driver's license with 16

proper endorsements for the motor vehicle being driven, issued by 17  
the registrar of motor vehicles, a valid examiner's commercial 18  
driving permit issued under section 4506.13 of the Revised Code, a 19  
valid restricted commercial driver's license ~~and waiver~~ for 20  
farm-related service industries issued under section 4506.24 of 21  
the Revised Code, or a valid commercial driver's license temporary 22  
instruction permit issued by the registrar and is accompanied by 23  
an authorized state driver's license examiner or tester or a 24  
person who has been issued and has in the person's immediate 25  
possession a current, valid commercial driver's license with 26  
proper endorsements for the motor vehicle being driven. 27

(2) No person shall be issued a commercial driver's license 28  
until the person surrenders to the registrar of motor vehicles all 29  
valid licenses issued to the person by another jurisdiction 30  
recognized by this state. The registrar shall report the surrender 31  
of a license to the issuing authority, together with information 32  
that a license is now issued in this state. The registrar shall 33  
destroy any such license that is not returned to the issuing 34  
authority. 35

(3) No person who has been a resident of this state for 36  
thirty days or longer shall drive a commercial motor vehicle under 37  
the authority of a commercial driver's license issued by another 38  
jurisdiction. 39

(B) Nothing in division (A) of this section applies to any 40  
qualified person when engaged in the operation of any of the 41  
following: 42

(1) A farm truck; 43

(2) Fire equipment for a fire department, volunteer or 44  
nonvolunteer fire company, fire district, or joint fire district; 45

(3) A public safety vehicle used to provide transportation or 46  
emergency medical service for ill or injured persons; 47

- (4) A recreational vehicle; 48
- (5) A commercial motor vehicle within the boundaries of an 49  
eligible unit of local government, if the person is employed by 50  
the eligible unit of local government and is operating the 51  
commercial motor vehicle for the purpose of removing snow or ice 52  
from a roadway by plowing, sanding, or salting, but only if either 53  
the employee who holds a commercial driver's license issued under 54  
this chapter and ordinarily operates a commercial motor vehicle 55  
for these purposes is unable to operate the vehicle, or the 56  
employing eligible unit of local government determines that a snow 57  
or ice emergency exists that requires additional assistance; 58
- (6) A vehicle operated for military purposes by any member or 59  
uniformed employee of the armed forces of the United States or 60  
their reserve components, including the Ohio national guard. This 61  
exception does not apply to United States reserve technicians. 62
- (7) A commercial motor vehicle that is operated for 63  
nonbusiness purposes. "Operated for nonbusiness purposes" means 64  
that the commercial motor vehicle is not used in commerce as 65  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 66  
regulated by the public utilities commission pursuant to Chapter 67  
4919., 4921., or 4923. of the Revised Code. 68
- (8) A motor vehicle that is designed primarily for the 69  
transportation of goods and not persons, while that motor vehicle 70  
is being used for the occasional transportation of personal 71  
property by individuals not for compensation and not in the 72  
furtherance of a commercial enterprise; 73
- (9) A police SWAT team vehicle; 74
- (10) A police vehicle used to transport prisoners. 75
- (C) Nothing contained in division (B)(5) of this section 76  
shall be construed as preempting or superseding any law, rule, or 77  
regulation of this state concerning the safe operation of 78

commercial motor vehicles. 79

(D) Whoever violates this section is guilty of a misdemeanor 80  
of the first degree. 81

**Sec. 4506.12.** (A) Commercial ~~drivers'~~ driver's licenses shall 82  
be issued in the following classes and shall include any 83  
endorsements and restrictions that are applicable. Subject to any 84  
such endorsements and restrictions, the holder of a valid 85  
commercial driver's license may drive all commercial motor 86  
vehicles in the class for which that license is issued and all 87  
lesser classes of vehicles, except that the holder shall not 88  
operate a motorcycle unless the holder is licensed to do so under 89  
Chapter 4507. of the Revised Code. 90

(B) The classes of commercial ~~drivers'~~ driver's licenses and 91  
the commercial motor vehicles that they authorize the operation of 92  
are as follows: 93

(1) Class A--any combination of vehicles with a combined 94  
gross vehicle weight rating of twenty-six thousand one pounds or 95  
more, if the gross vehicle weight rating of the vehicle or 96  
vehicles being towed is in excess of ten thousand pounds. 97

(2) Class B--any single vehicle with a gross vehicle weight 98  
rating of twenty-six thousand one pounds or more or any such 99  
vehicle towing a vehicle having a gross vehicle weight rating that 100  
is not in excess of ten thousand pounds. 101

(3) Class C--any single vehicle, or combination of vehicles, 102  
that is not a class A or class B vehicle, but that is designed to 103  
transport sixteen or more passengers, including the driver, or is 104  
transporting hazardous materials in an amount requiring 105  
placarding, or any school bus with a gross vehicle weight rating 106  
of less than twenty-six thousand one pounds that is designed to 107  
transport fewer than sixteen passengers including the driver. 108

(C) The following endorsements and restrictions apply to commercial drivers' licenses:	109 110
(1) H--authorizes the driver to drive a vehicle transporting hazardous materials in an amount requiring placarding;	111 112
(2) K--restricts the driver to only intrastate operation;	113
(3) L--restricts the driver to vehicles not equipped with air brakes;	114 115
(4) T--authorizes the driver to drive a vehicle configured with double or triple trailers that create more than one articulation point for the combination;	116 117 118
(5) P--authorizes the driver to drive vehicles designed to transport sixteen or more passengers, including the driver;	119 120
(6) P1--authorizes the driver to drive class A vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;	121 122 123 124
(7) P2--authorizes the driver to drive class A or B vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;	125 126 127 128
(8) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.	129 130 131
(9) N--authorizes the driver to drive tank vehicles;	132
(10) S--authorizes the driver to drive school buses transporting children;	133 134
(11) X--authorizes the driver to drive tank vehicles transporting hazardous materials in a quantity requiring placarding;	135 136 137

(12) W--restricts the driver to the operation of commercial motor vehicles ~~in accordance with a waiver~~ for farm-related service industries issued under section 4506.24 of the Revised Code.

(D) In addition to any endorsement that otherwise may apply, a person who is engaged in the towing of a disabled or wrecked motor vehicle shall hold a commercial driver's license bearing any endorsement required to drive the towed vehicle except the driver is not required to have either of the following:

(1) A passenger endorsement to tow an unoccupied passenger vehicle;

(2) Any endorsement required for the wrecked or disabled vehicle when the driver initially removes a vehicle from the site of the emergency where the vehicle became wrecked or disabled to the nearest appropriate repair, disposal, or storage facility, as applicable.

(E) No person shall drive any commercial motor vehicle for which an endorsement is required under this section unless the proper endorsement appears on the person's commercial driver's license.

(F) Whoever violates this section is guilty of a misdemeanor of the first degree.

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

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

(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident

separate from the incident that resulted in the first violation, 168  
the period of disqualification is one year. 169

(3) If, during any ten-year period, the driver is convicted 170  
of a third or subsequent violation of an out-of-service order in 171  
an incident separate from the incidents that resulted in the 172  
previous violations during that ten-year period, the period of 173  
disqualification is three years. 174

(B)(1) A driver is disqualified for one hundred eighty days 175  
if the driver is convicted of a first violation of an 176  
out-of-service order while transporting hazardous materials 177  
required to be placarded under the "Hazardous Materials 178  
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 179  
amended, or while operating a motor vehicle designed to transport 180  
sixteen or more passengers, including the driver. 181

(2) A driver is disqualified for a period of three years if, 182  
during any ten-year period, the driver is convicted of a second or 183  
subsequent violation, in an incident separate from the incident 184  
that resulted in a previous violation during that ten-year period, 185  
of an out-of-service order while transporting hazardous materials 186  
required to be placarded under that act, or while operating a 187  
motor vehicle designed to transport sixteen or more passengers, 188  
including the driver. 189

(C) Whoever violates division (A)(1) of section 4506.15 of 190  
the Revised Code or a similar law of another state or a foreign 191  
jurisdiction, immediately shall be placed out-of-service for 192  
twenty-four hours, in addition to any disqualification required by 193  
this section and any other penalty imposed by the Revised Code. 194

(D) The registrar of motor vehicles shall disqualify any 195  
holder of a commercial driver's license, or any operator of a 196  
commercial motor vehicle for which a commercial driver's license 197  
is required, from operating a commercial motor vehicle as follows: 198

(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 230  
arising from separate incidents occurring in a three-year period, 231  
the person shall be disqualified for one hundred twenty days if 232  
the conviction results in the suspension, cancellation, or 233  
revocation of the holder's commercial driver's license or 234  
noncommercial motor vehicle driving privileges. 235

(7) Upon a first conviction involving the operation of a 236  
commercial motor vehicle in violation of any provisions of 237  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 238  
of another state or foreign jurisdiction, not less than sixty 239  
days; 240

(8) Upon a second conviction involving the operation of a 241  
commercial motor vehicle in violation of any provisions of 242  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 243  
of another state or foreign jurisdiction within three years of the 244  
first such conviction, not less than one hundred twenty days; 245

(9) Upon a third or subsequent conviction involving the 246  
operation of a commercial motor vehicle in violation of any 247  
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 248  
similar law of another state or foreign jurisdiction within three 249  
years of the first such conviction, not less than one year; 250

(10) Upon receiving notification from the federal motor 251  
carrier safety administration, the registrar shall disqualify any 252  
commercial motor vehicle driver whose driving is determined to 253  
constitute an imminent hazard as defined under federal motor 254  
carrier safety regulation 49 C.F.R. 383.52. 255

(E) For the purposes of this section, conviction of a 256  
violation for which disqualification is required may be evidenced 257  
by any of the following: 258

(1) A judgment entry of a court of competent jurisdiction in 259  
this or any other state; 260

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;	261 262
(3) A computer record obtained from or through the commercial driver's license information system;	263 264
(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.	265 266 267
(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:	268 269 270
(1) The offense occurred after the person obtained the person's commercial driver's license.	271 272
(2) The offense occurs on or after September 30, 2005.	273
(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.	274 275 276 277 278 279 280 281 282 283
(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.	284 285 286
(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.	287 288 289
(J) The registrar immediately shall notify a driver who is	290

finally convicted of any offense described in section 4506.15 of 291  
the Revised Code or division (B)(4), (5), or (6) of this section 292  
and thereby is subject to disqualification, of the offense or 293  
offenses involved, of the length of time for which 294  
disqualification is to be imposed, and that the driver may request 295  
a hearing within thirty days of the mailing of the notice to show 296  
cause why the driver should not be disqualified from operating a 297  
commercial motor vehicle. If a request for such a hearing is not 298  
made within thirty days of the mailing of the notice, the order of 299  
disqualification is final. The registrar may designate hearing 300  
examiners who, after affording all parties reasonable notice, 301  
shall conduct a hearing to determine whether the disqualification 302  
order is supported by reliable evidence. The registrar shall adopt 303  
rules to implement this division. 304

(K) Any person who is disqualified from operating a 305  
commercial motor vehicle under this section may apply to the 306  
registrar for a driver's license to operate a motor vehicle other 307  
than a commercial motor vehicle, provided the person's commercial 308  
driver's license is not otherwise suspended. A person whose 309  
commercial driver's license is suspended shall not apply to the 310  
registrar for or receive a driver's license under Chapter 4507. of 311  
the Revised Code during the period of suspension. 312

(L) The disqualifications imposed under this section are in 313  
addition to any other penalty imposed by the Revised Code. 314

**Sec. 4506.24.** (A) A restricted commercial driver's license 315  
~~and waiver~~ for farm-related service industries may be issued by 316  
the registrar of motor vehicles to allow a person to operate a 317  
commercial motor vehicle during seasonal periods determined by the 318  
registrar and subject to the restrictions set forth in this 319  
section. 320

(B) Upon receiving an application for a restricted commercial 321

driver's license under section 4506.07 of the Revised Code and	322
payment of a fee as provided in section 4506.08 of the Revised	323
Code, the registrar may issue such license to any person who meets	324
all of the following requirements:	325
(1) Has at least one year of driving experience in any type	326
of vehicle;	327
(2) Holds a valid driver's license, other than a restricted	328
license, issued under Chapter 4507. of the Revised Code;	329
(3) Certifies that during the two-year period immediately	330
preceding application, all of the following apply:	331
(a) The person has not had more than one license;	332
(b) The person has not had any license suspended, revoked, or	333
canceled;	334
(c) The person has not had any convictions for any type of	335
motor vehicle for the offenses for which disqualification is	336
prescribed in section 4506.16 of the Revised Code;	337
(d) The person has not had any violation of a state or local	338
law relating to motor vehicle traffic control other than a parking	339
violation arising in connection with any traffic accident and has	340
no record of an accident in which the person was at fault.	341
(4) Certifies and also provides evidence that the person is	342
employed in one or more of the following farm-related service	343
industries requiring the person to operate a commercial motor	344
vehicle:	345
(a) Custom harvesters;	346
(b) Farm retail outlets and suppliers;	347
(c) Agri-chemical business;	348
(d) Livestock feeders.	349
(C) <del>An annual waiver</del> <u>A restricted commercial driver's license</u>	350

for farm-related service industries, which shall be valid for one 351  
year from the date of issuance, may be issued to authorize the 352  
holder ~~of a restricted commercial driver's license~~ to operate a 353  
commercial motor vehicle during seasonal periods designated by the 354  
registrar. The registrar shall determine the format of the ~~waiver~~ 355  
restricted commercial driver's license. The total number of days 356  
that a person may operate a commercial motor vehicle ~~pursuant to a~~ 357  
~~waiver~~ for farm-related service industries under such a restricted 358  
commercial driver's license shall not exceed one hundred eighty 359  
days in ~~any twelve month~~ the one-year period for which it is 360  
valid. Each time the holder of a restricted commercial driver's 361  
license ~~applies for a waiver~~ for farm-related service industries 362  
applies to renew the license, the registrar shall verify that the 363  
person meets all of the requirements set forth in division (B) of 364  
this section. The restricted commercial driver's license ~~and~~ 365  
~~waiver~~ shall be carried at all times when a commercial motor 366  
vehicle is being operated by the holder of the license ~~and waiver.~~ 367

(D) The holder of a restricted commercial driver's license 368  
~~and valid waiver~~ for farm-related service industries may operate a 369  
class B or C commercial motor vehicle subject to all of the 370  
following restrictions: 371

(1) The commercial motor vehicle is operated within a 372  
distance of no more than one hundred fifty miles of the employer's 373  
place of business or the farm currently being served; 374

(2) The operation of the commercial motor vehicle does not 375  
involve transporting hazardous materials for which placarding is 376  
required, except as follows: 377

(a) Diesel fuel in quantities of one thousand gallons or 378  
less; 379

(b) Liquid fertilizers in vehicles or implements of husbandry 380  
with total capacities of three thousand gallons or less; 381

(c) Solid fertilizers that are not transported with any 382  
organic substance. 383

(E) Except as otherwise provided in this section, an 384  
applicant for or holder of a restricted commercial driver's 385  
license ~~and waiver~~ for farm-related service industries is subject 386  
to the provisions of this chapter. Divisions (A)(4) and (B)(1) of 387  
section 4506.07 and sections 4506.09 and 4506.10 of the Revised 388  
Code do not apply to an applicant for a restricted commercial 389  
driver's license ~~and waiver~~ for farm-related service industries. 390

**Section 2.** That existing sections 4506.03, 4506.12, 4506.16, 391  
and 4506.24 of the Revised Code are hereby repealed. 392