

**As Introduced**

**128th General Assembly  
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**H. B. No. 130**

**Representative Miller**

**Cosponsors: Representatives Ujvagi, Pillich, Letson, Domenick**

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**A B I L L**

To amend sections 4507.05 and 4507.071 of the Revised 1  
Code to prohibit a person who is less than 17 2  
years of age from talking or text messaging on a 3  
mobile communication device while driving. 4

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

**Section 1.** That sections 4507.05 and 4507.071 of the Revised 5  
Code be amended to read as follows: 6

**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 7  
deputy registrar, upon receiving an application for a temporary 8  
instruction permit and a temporary instruction permit 9  
identification card for a driver's license from any person who is 10  
at least fifteen years six months of age, may issue such a permit 11  
and identification card entitling the applicant to drive a motor 12  
vehicle, other than a commercial motor vehicle, upon the highways 13  
under the following conditions: 14

(1) If the permit is issued to a person who is at least 15  
fifteen years six months of age, but less than sixteen years of 16  
age: 17

(a) The permit and identification card are in the holder's 18  
immediate possession; 19

(b) The holder is accompanied by an eligible adult who 20  
actually occupies the seat beside the permit holder and does not 21  
have a prohibited concentration of alcohol in the whole blood, 22  
blood serum or plasma, breath, or urine as provided in division 23  
(A) of section 4511.19 of the Revised Code; 24

(c) The total number of occupants of the vehicle does not 25  
exceed the total number of occupant restraining devices originally 26  
installed in the motor vehicle by its manufacturer, and each 27  
occupant of the vehicle is wearing all of the available elements 28  
of a properly adjusted occupant restraining device. 29

(2) If the permit is issued to a person who is at least 30  
sixteen years of age: 31

(a) The permit and identification card are in the holder's 32  
immediate possession; 33

(b) The holder is accompanied by a licensed operator who is 34  
at least twenty-one years of age, is actually occupying a seat 35  
beside the driver, and does not have a prohibited concentration of 36  
alcohol in the whole blood, blood serum or plasma, breath, or 37  
urine as provided in division (A) of section 4511.19 of the 38  
Revised Code; 39

(c) The total number of occupants of the vehicle does not 40  
exceed the total number of occupant restraining devices originally 41  
installed in the motor vehicle by its manufacturer, and each 42  
occupant of the vehicle is wearing all of the available elements 43  
of a properly adjusted occupant restraining device. 44

(B) The registrar or a deputy registrar, upon receiving from 45  
any person an application for a temporary instruction permit and 46  
temporary instruction permit identification card to operate a 47  
motorcycle or motorized bicycle, may issue such a permit and 48  
identification card entitling the applicant, while having the 49  
permit and identification card in the applicant's immediate 50

possession, to drive a motorcycle or motorized bicycle under 51  
restrictions determined by the registrar. A temporary instruction 52  
permit and temporary instruction permit identification card to 53  
operate a motorized bicycle may be issued to a person fourteen or 54  
fifteen years old. 55

(C) Any permit and identification card issued under this 56  
section shall be issued in the same manner as a driver's license, 57  
upon a form to be furnished by the registrar. A temporary 58  
instruction permit to drive a motor vehicle other than a 59  
commercial motor vehicle shall be valid for a period of one year. 60

(D) Any person having in the person's possession a valid and 61  
current driver's license or motorcycle operator's license or 62  
endorsement issued to the person by another jurisdiction 63  
recognized by this state is exempt from obtaining a temporary 64  
instruction permit for a driver's license, but shall submit to the 65  
regular examination in obtaining a driver's license or motorcycle 66  
operator's endorsement in this state. 67

(E) The registrar may adopt rules governing the use of 68  
temporary instruction permits and temporary instruction permit 69  
identification cards. 70

(F)(1) No holder of a permit issued under division (A) of 71  
this section shall operate a motor vehicle upon a highway or any 72  
public or private property used by the public for purposes of 73  
vehicular travel or parking in violation of the conditions 74  
established under division (A) of this section. 75

(2) Except as provided in division (F)(2) of this section, no 76  
holder of a permit that is issued under division (A) of this 77  
section and that is issued on or after July 1, 1998, and who has 78  
not attained the age of eighteen years, shall operate a motor 79  
vehicle upon a highway or any public or private property used by 80  
the public for purposes of vehicular travel or parking between the 81

hours of midnight and six a.m. 82

The holder of a permit issued under division (A) of this 83  
section on or after July 1, 1998, who has not attained the age of 84  
eighteen years, may operate a motor vehicle upon a highway or any 85  
public or private property used by the public for purposes of 86  
vehicular travel or parking between the hours of midnight and six 87  
a.m. if, at the time of such operation, the holder is accompanied 88  
by the holder's parent, guardian, or custodian, and the parent, 89  
guardian, or custodian holds a current valid driver's or 90  
commercial driver's license issued by this state, is actually 91  
occupying a seat beside the permit holder, and does not have a 92  
prohibited concentration of alcohol in the whole blood, blood 93  
serum or plasma, breath, or urine as provided in division (A) of 94  
section 4511.19 of the Revised Code. 95

(3) No holder of a permit issued under division (A) of this 96  
section who has not attained the age of seventeen shall drive a 97  
motor vehicle upon a highway or any public or private property 98  
used by the public for purposes of vehicular travel or parking 99  
while talking or text messaging on a mobile communication device. 100

(G)(1) Notwithstanding any other provision of law to the 101  
contrary, no law enforcement officer shall cause the operator of a 102  
motor vehicle being operated on any street or highway to stop the 103  
motor vehicle for the sole purpose of determining whether each 104  
occupant of the motor vehicle is wearing all of the available 105  
elements of a properly adjusted occupant restraining device as 106  
required by division (A) of this section, or for the sole purpose 107  
of issuing a ticket, citation, or summons if the requirement in 108  
that division has been or is being violated, or for causing the 109  
arrest of or commencing a prosecution of a person for a violation 110  
of that requirement. 111

(2) Notwithstanding any other provision of law to the 112  
contrary, no law enforcement officer shall cause the operator of a 113

motor vehicle being operated on any street or highway to stop the 114  
motor vehicle for the sole purpose of determining whether a 115  
violation of division (F)(2) of this section has been or is being 116  
committed or for the sole purpose of issuing a ticket, citation, 117  
or summons for such a violation or for causing the arrest of or 118  
commencing a prosecution of a person for such violation. 119

(H) As used in this section: 120

(1) "Eligible adult" means any of the following: 121

(a) An instructor of a driver training course approved by the 122  
department of public safety; 123

(b) Any of the following persons who holds a current valid 124  
driver's or commercial driver's license issued by this state: 125

(i) A parent, guardian, or custodian of the permit holder; 126

(ii) A person twenty-one years of age or older who acts in 127  
loco parentis of the permit holder. 128

(2) "Occupant restraining device" has the same meaning as in 129  
section 4513.263 of the Revised Code. 130

(3) "Mobile communication device" includes any of the 131  
following: 132

(1) A wireless telephone; 133

(2) A text-messaging device; 134

(3) A personal digital assistant; 135

(4) A computer; 136

(5) Any other substantially similar wireless device that is 137  
designed or used to communicate text or data. 138

(I) Whoever violates division (F)~~(1)~~ ~~or (2)~~ of this section 139  
is guilty of a minor misdemeanor. 140

**Sec. 4507.071.** (A) No driver's license shall be issued to any 141

person under eighteen years of age, except that a probationary 142  
license may be issued to a person who is at least sixteen years of 143  
age and has held a temporary instruction permit for a period of at 144  
least six months. 145

(B)(1)(a) No holder of a probationary driver's license who 146  
has not attained the age of seventeen years shall operate a motor 147  
vehicle upon a highway or any public or private property used by 148  
the public for purposes of vehicular travel or parking between the 149  
hours of midnight and six a.m. unless the holder is accompanied by 150  
the holder's parent or guardian. 151

(b) No holder of a probationary driver's license who has 152  
attained the age of seventeen years but has not attained the age 153  
of eighteen years shall operate a motor vehicle upon a highway or 154  
any public or private property used by the public for purposes of 155  
vehicular travel or parking between the hours of one a.m. and five 156  
a.m. unless the holder is accompanied by the holder's parent or 157  
guardian. 158

(2)(a) Subject to division (D)(1)(a) of this section, 159  
division (B)(1)(a) of this section does not apply to the holder of 160  
a probationary driver's license who is traveling to or from work 161  
between the hours of midnight and six a.m. and has in the holder's 162  
immediate possession written documentation from the holder's 163  
employer. 164

(b) Division (B)(1)(b) of this section does not apply to the 165  
holder of a probationary driver's license who is traveling to or 166  
from work between the hours of one a.m. and five a.m. and has in 167  
the holder's immediate possession written documentation from the 168  
holder's employer. 169

(3) An employer is not liable in damages in a civil action 170  
for any injury, death, or loss to person or property that 171  
allegedly arises from, or is related to, the fact that the 172

employer provided an employee who is the holder of a probationary  
driver's license with the written documentation described in  
division (B)(2) of this section.

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

(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.

(5) No holder of a probationary driver's license who has not  
attained the age of seventeen shall drive a motor vehicle upon a  
highway or any public or private property used by the public for  
purposes of vehicular travel or parking while talking or text  
messaging on a mobile communication device.

(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) 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 204  
juvenile court of having committed a moving violation during the 205  
six-month period commencing on the date on which the person is 206  
issued the probationary driver's license, the holder must be 207  
accompanied by the holder's parent or guardian whenever the holder 208  
is operating a motor vehicle upon a highway or any public or 209  
private property used by the public for purposes of vehicular 210  
travel or parking during whichever of the following time periods 211  
applies: 212

(i) If, on the date the holder of the probationary driver's 213  
license pleads guilty to, is convicted of, or is adjudicated in 214  
juvenile court of having committed the moving violation, the 215  
holder has not attained the age of sixteen years six months, 216  
during the six-month period commencing on that date; 217

(ii) If, on the date the holder pleads guilty to, is 218  
convicted of, or is adjudicated in juvenile court of having 219  
committed the moving violation, the holder has attained the age of 220  
sixteen years six months but not seventeen years, until the person 221  
attains the age of seventeen years. 222

(b) If the holder of a probationary driver's license commits 223  
a moving violation during the six-month period after the person is 224  
issued the probationary driver's license and before the person 225  
attains the age of seventeen years and on the date the person 226  
pleads guilty to, is convicted of, or is adjudicated in juvenile 227  
court of having committed the moving violation the person has 228  
attained the age of seventeen years, or if the person commits the 229  
moving violation during the six-month period after the person is 230  
issued the probationary driver's license and after the person 231  
attains the age of seventeen years, the holder is not subject to 232  
the restriction described in divisions (D)(1)(a)(i) and (ii) of 233  
this section unless the court or juvenile court imposes such a 234  
restriction upon the holder. 235

(2) Any person who is subject to the operating restrictions 236  
established under division (D)(1) of this section as a result of a 237  
first moving violation may petition the court for occupational or 238  
educational driving privileges without being accompanied by the 239  
holder's parent or guardian during the period of time specified in 240  
that division. The court may grant the person such driving 241  
privileges if the court finds reasonable cause to believe that the 242  
restrictions established in division (D)(1) will seriously affect 243  
the person's ability to continue in employment or educational 244  
training or will cause undue hardship on the license holder or a 245  
family member of the license holder. In granting the driving 246  
privileges, the court shall specify the purposes, times, and 247  
places of the privileges and shall issue the person appropriate 248  
forms setting forth the privileges granted. Occupational or 249  
educational driving privileges under this division shall not be 250  
granted to the same person more than once. If a person is 251  
convicted of, pleads guilty to, or is adjudicated in juvenile 252  
court of having committed a second or subsequent moving violation, 253  
any driving privileges previously granted under this division are 254  
terminated upon the subsequent conviction, plea, or adjudication. 255  
256

(3) No person shall violate division (D)(1)(a) of this 257  
section. 258

(E) No holder of a probationary license shall operate a motor 259  
vehicle upon a highway or any public or private property used by 260  
the public for purposes of vehicular travel or parking unless the 261  
total number of occupants of the vehicle does not exceed the total 262  
number of occupant restraining devices originally installed in the 263  
motor vehicle by its manufacturer, and each occupant of the 264  
vehicle is wearing all of the available elements of a properly 265  
adjusted occupant restraining device. 266

(F) A restricted license may be issued to a person who is 267

fourteen or fifteen years of age upon proof of hardship 268  
satisfactory to the registrar of motor vehicles. 269

(G) Notwithstanding any other provision of law to the 270  
contrary, no law enforcement officer shall cause the operator of a 271  
motor vehicle being operated on any street or highway to stop the 272  
motor vehicle for the sole purpose of determining whether each 273  
occupant of the motor vehicle is wearing all of the available 274  
elements of a properly adjusted occupant restraining device as 275  
required by division (E) of this section, or for the sole purpose 276  
of issuing a ticket, citation, or summons if the requirement in 277  
that division has been or is being violated, or for causing the 278  
arrest of or commencing a prosecution of a person for a violation 279  
of that requirement. 280

(H) Notwithstanding any other provision of law to the 281  
contrary, no law enforcement officer shall cause the operator of a 282  
motor vehicle being operated on any street or highway to stop the 283  
motor vehicle for the sole purpose of determining whether a 284  
violation of division (B)(1)(a) or (b) of this section has been or 285  
is being committed or for the sole purpose of issuing a ticket, 286  
citation, or summons for such a violation or for causing the 287  
arrest of or commencing a prosecution of a person for such 288  
violation. 289

(I) As used in this section: 290

(1) "Occupant restraining device" has the same meaning as in 291  
section 4513.263 of the Revised Code. 292

(2) "Family member" of a probationary license holder includes 293  
any of the following: 294

(a) A spouse; 295

(b) A child or stepchild; 296

(c) A parent, stepparent, grandparent, or parent-in-law; 297

(d) An aunt or uncle;	298
(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;	299 300
(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;	301 302 303
(g) An eligible adult, as defined in section 4507.05 of the Revised Code.	304 305
(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 fitness requirements, or vehicle registration.	306 307 308 309 310 311 312 313
<u>(4) "Mobile communication device" includes any of the following:</u>	314 315
<u>(1) A wireless telephone;</u>	316
<u>(2) A text-messaging device;</u>	317
<u>(3) A personal digital assistant;</u>	318
<u>(4) A computer;</u>	319
<u>(5) Any other substantially similar wireless device that is designed or used to communicate text or data.</u>	320 321
(J) Whoever violates division (B)(1) <del>or</del> (4), <u>or (5)</u> , (D)(3), or (E) of this section is guilty of a minor misdemeanor.	322 323
<b>Section 2.</b> That existing sections 4507.05 and 4507.071 of the Revised Code are hereby repealed.	324 325