

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 17**

**Representative Uecker**

**Cosponsors: Representatives Huffman, Fende, Bulp, Derickson, Stebelton,  
Balderson, Winburn**

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**A B I L L**

To amend section 4510.12 of the Revised Code to 1  
clarify the penalties for operating a motorcycle 2  
without having either a motorcycle endorsement or 3  
the proper restricted license. 4

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

**Section 1.** That section 4510.12 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4510.12.** (A)(1) No person, except those expressly 7  
exempted under sections 4507.03, 4507.04, and 4507.05 of the 8  
Revised Code, shall operate any motor vehicle upon a public road 9  
or highway or any public or private property used by the public 10  
for purposes of vehicular travel or parking in this state unless 11  
the person has a valid driver's license issued under Chapter 4507. 12  
of the Revised Code or a commercial driver's license issued under 13  
Chapter 4506. of the Revised Code. 14

(2) No person, except a person expressly exempted under 15  
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 16  
operate any motorcycle upon a public road or highway or any public 17  
or private property used by the public for purposes of vehicular 18

travel or parking in this state unless the person has a valid 19  
license as a motorcycle operator that was issued upon application 20  
by the registrar of motor vehicles under Chapter 4507. of the 21  
Revised Code. The license shall be in the form of an endorsement, 22  
as determined by the registrar, upon a driver's or commercial 23  
driver's license, if the person has a valid license to operate a 24  
motor vehicle or commercial motor vehicle, or in the form of a 25  
restricted license as provided in section 4507.14 of the Revised 26  
Code, if the person does not have a valid license to operate a 27  
motor vehicle or commercial motor vehicle. 28

(B) Whoever violates this section is guilty of operating a 29  
motor vehicle without a valid license and shall be punished as 30  
follows: 31

(1) If the trier of fact finds that the offender never has 32  
held a valid driver's or commercial driver's license issued by 33  
this state or any other jurisdiction, or, in a case involving the 34  
operation of a motorcycle by the offender, the trier of fact finds 35  
at the time of such operation the offender did not have a valid 36  
license as a motorcycle operator, either in the form of an 37  
endorsement upon a driver's or commercial driver's license or in 38  
the form of a restricted license, the offense is a misdemeanor of 39  
the first degree. 40

(2)(a) Subject to division (B)(2)(b) of this section, if the 41  
offender's driver's or commercial driver's license or permit or, 42  
in a case involving the operation of a motorcycle by the offender, 43  
the offender's driver's or commercial driver's license bearing the 44  
motorcycle endorsement or the offender's restricted license was 45  
expired at the time of the offense for no more than six months, 46  
the offense is a minor misdemeanor ~~and if.~~ If the offender's 47  
driver's or commercial driver's license or permit or, in a case 48  
involving the operation of a motorcycle by the offender, the 49  
offender's driver's or commercial driver's license bearing the 50

motorcycle endorsement or the offender's restricted license was 51  
expired at the time of the offense for more than six months, the 52  
offense is a misdemeanor of the fourth degree. 53

(b)(i) If the offender previously was convicted of or pleaded 54  
guilty to one violation of this section or a substantially 55  
equivalent municipal ordinance within the past three years, the 56  
offense is a misdemeanor of the third degree. 57

(ii) If the offender previously was convicted of or pleaded 58  
guilty to two violations of this section or a substantially 59  
equivalent municipal ordinance within the past three years, the 60  
offense is a misdemeanor of the second degree. 61

(iii) If the offender previously was convicted of or pleaded 62  
guilty to three or more violations of this section or a 63  
substantially equivalent municipal ordinance within the past three 64  
years, the offense is a misdemeanor of the first degree. 65

(C) The court shall not impose a license suspension for a 66  
first violation of this section or if more than three years have 67  
passed since the offender's last violation of this section or a 68  
substantially equivalent municipal ordinance. 69

(D) If the offender was convicted of or pleaded guilty to one 70  
or more violations of this section or a substantially equivalent 71  
municipal ordinance within the past three years, and if the 72  
offender's license was expired for more than six months at the 73  
time of the offense, the court shall impose a class seven 74  
suspension of the offender's driver license, commercial driver's 75  
license, temporary instruction permit, probationary license, or 76  
nonresident operating privilege from the range specified in 77  
division (A)(7) of section 4510.02 of the Revised Code. 78

**Section 2.** That existing section 4510.12 of the Revised Code 79  
is hereby repealed. 80