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Senator Hughes

**Cosponsors: Senators Carey, Miller, D., Seitz, Cates, Faber, Fedor, Gillmor,
Grendell, Harris, Jones, Kearney, Miller, R., Morano, Niehaus, Sawyer,
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Representative Coley

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A B I L L

To amend sections 4510.31 and 4510.311 of the Revised 1
Code to permit a judge to elect to order the 2
Registrar of Motor Vehicles not to suspend the 3
probationary driver's license, restricted license, 4
or temporary instruction permit of certain 5
juvenile repeat traffic violators. 6

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

Section 1. That sections 4510.31 and 4510.311 of the Revised 7
Code be amended to read as follows: 8

Sec. 4510.31. (A)(1) Except as provided in division (C) (1) or 9
(2) of this section, the registrar of motor vehicles shall suspend 10
the probationary driver's license, restricted license, or 11
temporary instruction permit issued to any person when the person 12
has been convicted of, pleaded guilty to, or been adjudicated in 13
juvenile court of having committed, prior to the person's 14
eighteenth birthday, any of the following: 15

(a) Three separate violations of section 2903.06, 2903.08, 16
2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 17
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 18
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised 19
Code, section 4510.14 of the Revised Code involving a suspension 20
imposed under section 4511.191 or 4511.196 of the Revised Code, 21
section 2903.04 of the Revised Code in a case in which the person 22
would have been subject to the sanctions described in division (D) 23
of that section had the person been convicted of the violation of 24
that section, former section 2903.07 of the Revised Code, or any 25
municipal ordinances similarly relating to the offenses referred 26
to in those sections; 27

(b) One violation of section 4511.19 of the Revised Code or a 28
substantially similar municipal ordinance; 29

(c) Two separate violations of any of the Revised Code 30
sections referred to in division (A)(1)(a) of this section, or any 31
municipal ordinance that is substantially similar to any of those 32
sections. 33

(2) Any person whose license or permit is suspended under 34
division (A)(1)(a), (b), or (c) of this section shall mail or 35
deliver the person's probationary driver's license, restricted 36
license, or temporary instruction permit to the registrar within 37
fourteen days of notification of the suspension. The registrar 38
shall retain the license or permit during the period of the 39
suspension. A suspension pursuant to division (A)(1)(a) of this 40
section shall be a class C suspension, a suspension pursuant to 41
division (A)(1)(b) of this section shall be a class D suspension, 42
and a suspension pursuant to division (A)(1)(c) of this section 43
shall be a class E suspension, all for the periods of time 44
specified in division (B) of section 4510.02 of the Revised Code. 45
If the person's probationary driver's license, restricted license, 46
or temporary instruction permit is under suspension on the date 47

the court imposes sentence upon the person for a violation 48
described in division (A)(1)(b) of this section, the suspension 49
shall take effect on the next day immediately following the end of 50
that period of suspension. If the person is sixteen years of age 51
or older and pleads guilty to or is convicted of a violation 52
described in division (A)(1)(b) of this section and the person 53
does not have a current, valid probationary driver's license, 54
restricted license, or temporary instruction permit, the registrar 55
shall deny the issuance to the person of a probationary driver's 56
license, restricted license, driver's license, commercial driver's 57
license, or temporary instruction permit, as the case may be, for 58
six months beginning on the date the court imposes sentence upon 59
the person for the violation. If the person has not attained the 60
age of sixteen years on the date the court imposes sentence upon 61
the person for the violation, the period of denial shall commence 62
on the date the person attains the age of sixteen years. 63

(3) The registrar shall suspend the person's license or 64
permit under division (A) of this section regardless of whether 65
the disposition of the case in juvenile court occurred after the 66
person's eighteenth birthday. 67

(B) The registrar also shall impose a class D suspension for 68
the period of time specified in division (B)(4) of section 4510.02 69
of the Revised Code of the temporary instruction permit or 70
probationary driver's license of any person under the age of 71
eighteen who has been adjudicated an unruly child, delinquent 72
child, or juvenile traffic offender for having committed any act 73
that if committed by an adult would be a drug abuse offense or a 74
violation of division (B) of section 2917.11 of the Revised Code. 75
The registrar, in the registrar's discretion, may terminate the 76
suspension if the child, at the discretion of the court, attends 77
and satisfactorily completes a drug abuse or alcohol abuse 78
education, intervention, or treatment program specified by the 79

court. Any person whose temporary instruction permit or 80
probationary driver's license is suspended under this division 81
shall mail or deliver the person's permit or license to the 82
registrar within fourteen days of notification of the suspension. 83
The registrar shall retain the permit or license during the period 84
of the suspension. 85

(C)(1)(a) Except as provided in division (C)~~(3)~~(1)(c) of this 86
section, for any person who is convicted of, pleads guilty to, or 87
is adjudicated in juvenile court of having committed a second or 88
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 89
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 90
4511.75 of the Revised Code or any similar municipal ordinances 91
and whose license or permit is suspended under division (A)(1)(a) 92
or (c) of this section, the court in which the second or third 93
conviction, finding, plea, or adjudication resulting in the 94
suspension was made, upon petition of the person, may grant the 95
person limited driving privileges during the period during which 96
the suspension otherwise would be imposed under division (A)(1)(a) 97
or (c) of this section if the court finds reasonable cause to 98
believe that the suspension will seriously affect the person's 99
ability to continue in employment, educational training, 100
vocational training, or treatment. In granting the limited driving 101
privileges, the court shall specify the purposes, times, and 102
places of the privileges and may impose any other conditions upon 103
the person's driving a motor vehicle that the court considers 104
reasonable and necessary. 105

A court that grants limited driving privileges to a person 106
under this division shall retain the person's probationary 107
driver's license, restricted license, or temporary instruction 108
permit during the period the license or permit is suspended and 109
also during the period for which limited driving privileges are 110
granted, and shall deliver to the person a permit card, in a form 111

to be prescribed by the court, setting forth the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.

The court immediately shall notify the registrar, in writing, of a grant of limited driving privileges under this division. The notification shall specify the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle. The registrar shall not suspend the probationary driver's license, restricted license, or temporary instruction permit of any person pursuant to division (A) of this section during any period for which the person has been granted limited driving privileges as provided in this division, if the registrar has received the notification described in this division from the court.

~~(2)(b)~~ Except as provided in division (C)~~(3)(1)(c)~~ of this section, in any case in which the temporary instruction permit or probationary driver's license of a person under eighteen years of age has been suspended under division (A) or (B) of this section or any other provision of law, the court may grant the person limited driving privileges for the purpose of the person's practicing of driving with the person's parent, guardian, or other custodian during the period of the suspension. Any grant of limited driving privileges under this division shall comply with division (D) of section 4510.021 of the Revised Code.

~~(3)(c)~~ A court shall not grant limited driving privileges to a person identified in division (C)(1)(a) or ~~(2)(b)~~ of this section if the person, within the preceding six years, has been convicted of, pleaded guilty to, or adjudicated in juvenile court

of having committed three or more violations of one or more of the 144
divisions or sections set forth in divisions (G)(2)(b) to (g) of 145
section 2919.22 of the Revised Code. 146

(2)(a) In a case in which a person is convicted of, pleads 147
guilty to, or is adjudicated in juvenile court of having 148
committed, prior to the person's eighteenth birthday, a second or 149
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 150
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 151
4511.75 of the Revised Code or any similar municipal ordinances 152
and division (A)(1)(a) or (c) of this section requires the 153
registrar of motor vehicles to suspend the person's license or 154
permit, the court in which the person is convicted of, pleads 155
guilty to, or is adjudicated of having committed the second or 156
third violation may elect to order the registrar of motor vehicles 157
to waive the suspension if all of the following apply: 158

(i) Prior to the date on which the court imposes sentence 159
upon, or makes an order of disposition for, the person for the 160
second or third violation, the person submits to the court a 161
petition requesting the court to order the registrar to waive the 162
prescribed suspension and describing the reasons why the person 163
believes the suspension, if imposed, would seriously affect the 164
person's ability to continue in employment, educational training, 165
vocational training, or treatment. 166

(ii) Prior to the date specified in division (C)(2)(a)(i) of 167
this section, the person submits to the court satisfactory proof 168
showing that the person successfully completed an advanced 169
juvenile driver improvement program approved by the registrar 170
under division (B) of section 4510.311 of the Revised Code after 171
the date the person committed that second or third violation. 172

(iii) Prior to imposing sentence upon, or making an order of 173
disposition for, the person for the second or third violation, the 174
court finds reasonable cause to believe that the suspension, if 175

imposed, would seriously affect the person's ability to continue 176
in employment, educational training, vocational training, or 177
treatment. 178

(iv) If the court is imposing sentence upon, or making an 179
order of disposition for, the person for a third violation, the 180
person did not submit to the court that imposed sentence upon, or 181
made an order of disposition for, the person for the second 182
violation a petition of the type described in division 183
(C)(2)(a)(i) of this section, and the court that imposed sentence 184
upon, or made an order of disposition for, the person for that 185
second violation did not order the registrar of motor vehicles to 186
waive the suspension of the person's license or permit required 187
under division (A)(1)(c) of this section for the conviction of, 188
plea of guilty to, or adjudication in juvenile court of having 189
committed that second violation. 190

(b) If a court elects pursuant to division (C)(2)(a) of this 191
section to order the registrar of motor vehicles to waive a 192
suspension that otherwise is required under division (A)(1)(a) or 193
(c) of this section, the court immediately shall send a written 194
copy of the order to the registrar. Upon receipt of the written 195
copy of the order, the registrar shall not suspend pursuant to 196
division (A)(1)(a) or (c) of this section the probationary 197
driver's license, restricted license, or temporary instruction 198
permit of the person who is the subject of the order for the 199
second or third violation for which the suspension otherwise would 200
be imposed under that division. 201

(D) If a person who has been granted limited driving 202
privileges under division (C)(1) of this section is convicted of, 203
pleads guilty to, or is adjudicated in juvenile court of having 204
committed, a violation of Chapter 4510. of the Revised Code, or a 205
subsequent violation of any of the sections of the Revised Code 206
listed in division (A)(1)(a) of this section or any similar 207

municipal ordinance during the period for which the person was 208
granted limited driving privileges, the court that granted the 209
limited driving privileges shall suspend the person's permit card. 210
The court or the clerk of the court immediately shall forward the 211
person's probationary driver's license, restricted license, or 212
temporary instruction permit together with written notification of 213
the court's action to the registrar. Upon receipt of the license 214
or permit and notification, the registrar shall impose a class C 215
suspension of the person's probationary driver's license, 216
restricted license, or temporary instruction permit for the period 217
of time specified in division (B)(3) of section 4510.02 of the 218
Revised Code. The registrar shall retain the license or permit 219
during the period of suspension, and no further limited driving 220
privileges shall be granted during that period. 221

(E) No application for a driver's or commercial driver's 222
license shall be received from any person whose probationary 223
driver's license, restricted license, or temporary instruction 224
permit has been suspended under this section until each of the 225
following has occurred: 226

(1) The suspension period has expired; 227

(2) A temporary instruction permit or commercial driver's 228
license temporary instruction permit has been issued; 229

(3) The person successfully completes a juvenile driver 230
improvement program approved by the registrar under division (A) 231
of section 4510.311 of the Revised Code; 232

(4) The applicant has submitted to the examination for a 233
driver's license as provided for in section 4507.11 or a 234
commercial driver's license as provided in Chapter 4506. of the 235
Revised Code. 236

Sec. 4510.311. (A) The registrar of motor vehicles shall 237

establish standards for juvenile driver improvement programs and 238
shall approve any programs that meet the established standards. 239
The standards established by the registrar shall require a minimum 240
of five hours of classroom instruction, with at least three hours 241
devoted to driver skill requirements and two hours devoted to 242
juvenile driver information related to the driving records of 243
drivers under eighteen years of age, driver perceptions, and the 244
value of the traffic laws. The standards also shall require a 245
person whose probationary driver's license was suspended under 246
section 4510.31 of the Revised Code to undertake and pass, as 247
successful completion of an approved juvenile driver improvement 248
program, the driver's license examination that a person who holds 249
a temporary instruction permit is required to undertake and pass 250
in order to be issued a probationary driver's license. The person 251
shall pay the applicable fee that is required to accompany an 252
application for a driver's license as prescribed in division (E) 253
of section 4507.23 of the Revised Code. The registrar shall 254
prescribe the requirements for the curriculum to be provided as 255
well as other program directives. Only those programs approved by 256
the registrar shall be acceptable for reinstatement of the driving 257
privileges of a person whose probationary driver's license was 258
suspended under section 4510.31 of the Revised Code. 259

(B) The registrar shall establish standards for advanced 260
juvenile driver improvement programs and shall approve any 261
programs that meet the established standards. The standards 262
established by the registrar shall require a minimum of two hours 263
of classroom instruction with a focus on driving physics, vehicle 264
dynamics, proper vision techniques, and teen driver statistics. 265
The standards also shall require a minimum of four hours of 266
emergency driving skills development through "behind-the-wheel" 267
driving exercises with a focus on vehicle control in emergency and 268
adverse weather driving situations. The driving exercises shall 269

include vehicle control in inclement weather conditions, emergency 270
transition maneuvers, and spin and skid control. The driving 271
exercises shall take place in a suitable closed-course facility 272
that is safe and controlled and has adequate run-off areas. The 273
registrar shall prescribe the requirements for the curriculum to 274
be provided as well as other program directives and the 275
requirements and score necessary to pass the course. A person who 276
attends an advanced juvenile driver improvement program for the 277
purpose specified in division (C)(2) of section 4510.31 of the 278
Revised Code that meets the standards and requirements prescribed 279
in this division for such courses and successfully completes the 280
course shall receive a certificate of completion from the program. 281

Section 2. That existing sections 4510.31 and 4510.311 of the 282
Revised Code are hereby repealed. 283