

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**128th General Assembly**

**Regular Session**

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**Sub. S. B. No. 211**

**Senator Hughes**

**Cosponsors: Senators Carey, Miller, D., Seitz**

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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 112  
limited driving privileges will become effective, the purposes for 113  
which the person may drive, the times and places at which the 114  
person may drive, and any other conditions imposed upon the 115

person's use of a motor vehicle. 116

The court immediately shall notify the registrar, in writing, 117  
of a grant of limited driving privileges under this division. The 118  
notification shall specify the date on which the limited driving 119  
privileges will become effective, the purposes for which the 120  
person may drive, the times and places at which the person may 121  
drive, and any other conditions imposed upon the person's use of a 122  
motor vehicle. The registrar shall not suspend the probationary 123  
driver's license, restricted license, or temporary instruction 124  
permit of any person pursuant to division (A) of this section 125  
during any period for which the person has been granted limited 126  
driving privileges as provided in this division, if the registrar 127  
has received the notification described in this division from the 128  
court. 129

~~(2)(b)~~ Except as provided in division (C)~~(3)(1)(c)~~ of this 130  
section, in any case in which the temporary instruction permit or 131  
probationary driver's license of a person under eighteen years of 132  
age has been suspended under division (A) or (B) of this section 133  
or any other provision of law, the court may grant the person 134  
limited driving privileges for the purpose of the person's 135  
practicing of driving with the person's parent, guardian, or other 136  
custodian during the period of the suspension. Any grant of 137  
limited driving privileges under this division shall comply with 138  
division (D) of section 4510.021 of the Revised Code. 139

~~(3)(c)~~ A court shall not grant limited driving privileges to 140  
a person identified in division (C)(1)(a) or ~~(2)(b)~~ of this 141  
section if the person, within the preceding six years, has been 142  
convicted of, pleaded guilty to, or adjudicated in juvenile court 143  
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