

**As Reported by the Senate Highways and Transportation
Committee**

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

Sub. S. B. No. 84

Senator Wagoner

Cosponsors: Senators Faber, Hughes, Morano

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A B I L L

To amend sections 4510.037 and 4510.038 and to enact	1
section 4513.264 of the Revised Code to require	2
all buses purchased, leased, rented, or chartered	3
by universities and colleges to transport students	4
or employees to be equipped with occupant	5
restraining devices for all passengers, to permit	6
buses that currently are owned by universities and	7
colleges and are not equipped with occupant	8
restraining devices for all passengers to	9
transport students or employees indefinitely, and	10
to allow the Director of Public Safety to approve	11
a course in remedial driving instruction that is	12
conducted entirely by video teleconferencing or	13
the internet under specified circumstances.	14

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

Section 1. That sections 4510.037 and 4510.038 be amended and	15
section 4513.264 of the Revised Code be enacted to read as	16
follows:	17

Sec. 4510.037. (A) When the registrar of motor vehicles	18
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determines that the total points charged against any person under 19
section 4510.036 of the Revised Code exceed five, the registrar 20
shall send a warning letter to the person at the person's last 21
known address by regular mail. The warning letter shall list the 22
reported violations that are the basis of the points charged, list 23
the number of points charged for each violation, and outline the 24
suspension provisions of this section. 25

(B) When the registrar determines that the total points 26
charged against any person under section 4510.036 of the Revised 27
Code within any two-year period beginning on the date of the first 28
conviction within the two-year period is equal to twelve or more, 29
the registrar shall send a written notice to the person at the 30
person's last known address by regular mail. The notice shall list 31
the reported violations that are the basis of the points charged, 32
list the number of points charged for each violation, and state 33
that, because the total number of points charged against the 34
person within the applicable two-year period is equal to twelve or 35
more, the registrar is imposing a class D suspension of the 36
person's driver's or commercial driver's license or permit or 37
nonresident operating privileges for the period of time specified 38
in division (B)(4) of section 4510.02 of the Revised Code. The 39
notice also shall state that the suspension is effective on the 40
twentieth day after the mailing of the notice, unless the person 41
files a petition appealing the determination and suspension in the 42
municipal court, county court, or, if the person is under the age 43
of eighteen, the juvenile division of the court of common pleas in 44
whose jurisdiction the person resides or, if the person is not a 45
resident of this state, in the Franklin county municipal court or 46
juvenile division of the Franklin county court of common pleas. By 47
filing the appeal of the determination and suspension, the person 48
agrees to pay the cost of the proceedings in the appeal of the 49
determination and suspension and alleges that the person can show 50
cause why the person's driver's or commercial driver's license or 51

permit or nonresident operating privileges should not be 52
suspended. 53

(C)(1) Any person against whom at least two but less than 54
twelve points have been charged under section 4510.036 of the 55
Revised Code may enroll in a course of remedial driving 56
instruction that is approved by the director of public safety. 57
Upon the person's completion of an approved course of remedial 58
driving instruction, the person may apply to the registrar on a 59
form prescribed by the registrar for a credit of two points on the 60
person's driving record. Upon receipt of the application and proof 61
of completion of the approved remedial driving course, the 62
registrar shall approve the two-point credit. The registrar shall 63
not approve any credits for a person who completes an approved 64
course of remedial driving instruction pursuant to a judge's order 65
under section 4510.02 of the Revised Code. 66

(2) In any three-year period, the registrar shall approve 67
only one two-point credit on a person's driving record under 68
division (C)(1) of this section. The registrar shall approve not 69
more than five two-point credits on a person's driving record 70
under division (C)(1) of this section during that person's 71
lifetime. 72

(D) When a judge of a court of record suspends a person's 73
driver's or commercial driver's license or permit or nonresident 74
operating privilege and charges points against the person under 75
section 4510.036 of the Revised Code for the offense that resulted 76
in the suspension, the registrar shall credit that period of 77
suspension against the time of any subsequent suspension imposed 78
under this section for which those points were used to impose the 79
subsequent suspension. When a United States district court that 80
has jurisdiction within this state suspends a person's driver's or 81
commercial driver's license or permit or nonresident operating 82
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 83

4381 (1988), 18 U.S.C.A. 13, as amended, the district court 84
prepares an abstract pursuant to section 4510.031 of the Revised 85
Code, and the district court charges points against the person 86
under section 4510.036 of the Revised Code for the offense that 87
resulted in the suspension, the registrar shall credit the period 88
of suspension imposed by the district court against the time of 89
any subsequent suspension imposed under this section for which the 90
points were used to impose the subsequent suspension. 91

(E) The registrar, upon the written request of a licensee who 92
files a petition under division (B) of this section, shall furnish 93
the licensee a certified copy of the registrar's record of the 94
convictions and bond forfeitures of the person. This record shall 95
include the name, address, and date of birth of the licensee; the 96
name of the court in which each conviction or bail forfeiture took 97
place; the nature of the offense that was the basis of the 98
conviction or bond forfeiture; and any other information that the 99
registrar considers necessary. If the record indicates that twelve 100
points or more have been charged against the person within a 101
two-year period, it is prima-facie evidence that the person is a 102
repeat traffic offender, and the registrar shall suspend the 103
person's driver's or commercial driver's license or permit or 104
nonresident operating privilege pursuant to division (B) of this 105
section. 106

In hearing the petition and determining whether the person 107
filing the petition has shown cause why the person's driver's or 108
commercial driver's license or permit or nonresident operating 109
privilege should not be suspended, the court shall decide the 110
issue on the record certified by the registrar and any additional 111
relevant, competent, and material evidence that either the 112
registrar or the person whose license is sought to be suspended 113
submits. 114

(F) If a petition is filed under division (B) of this section 115

in a county court, the prosecuting attorney of the county in which 116
the case is pending shall represent the registrar in the 117
proceedings, except that, if the petitioner resides in a municipal 118
corporation within the jurisdiction of the county court, the city 119
director of law, village solicitor, or other chief legal officer 120
of the municipal corporation shall represent the registrar in the 121
proceedings. If a petition is filed under division (B) of this 122
section in a municipal court, the registrar shall be represented 123
in the resulting proceedings as provided in section 1901.34 of the 124
Revised Code. 125

(G) If the court determines from the evidence submitted that 126
a person who filed a petition under division (B) of this section 127
has failed to show cause why the person's driver's or commercial 128
driver's license or permit or nonresident operating privileges 129
should not be suspended, the court shall assess against the person 130
the cost of the proceedings in the appeal of the determination and 131
suspension and shall impose the applicable suspension under this 132
section or suspend all or a portion of the suspension and impose 133
any conditions upon the person that the court considers proper or 134
impose upon the person a community control sanction pursuant to 135
section 2929.15 or 2929.25 of the Revised Code. If the court 136
determines from the evidence submitted that a person who filed a 137
petition under division (B) of this section has shown cause why 138
the person's driver's or commercial driver's license or permit or 139
nonresident operating privileges should not be suspended, the 140
costs of the appeal proceeding shall be paid out of the county 141
treasury of the county in which the proceedings were held. 142

(H) Any person whose driver's or commercial driver's license 143
or permit or nonresident operating privileges are suspended under 144
this section is not entitled to apply for or receive a new 145
driver's or commercial driver's license or permit or to request or 146
be granted nonresident operating privileges during the effective 147

period of the suspension. 148

(I) Upon the termination of any suspension or other penalty 149
imposed under this section involving the surrender of license or 150
permit and upon the request of the person whose license or permit 151
was suspended or surrendered, the registrar shall return the 152
license or permit to the person upon determining that the person 153
has complied with all provisions of section 4510.038 of the 154
Revised Code or, if the registrar destroyed the license or permit 155
pursuant to section 4510.52 of the Revised Code, shall reissue the 156
person's license or permit. 157

(J) Any person whose driver's or commercial driver's license 158
or permit or nonresident operating privileges are suspended as a 159
repeat traffic offender under this section and who, during the 160
suspension, operates any motor vehicle upon any public roads and 161
highways is guilty of a misdemeanor of the first degree, and the 162
court shall sentence the offender to a minimum term of three days 163
in jail. No court shall suspend the first three days of jail time 164
imposed pursuant to this division. 165

(K) The registrar, in accordance with specific statutory 166
authority, may suspend the privilege of driving a motor vehicle on 167
the public roads and highways of this state that is granted to 168
nonresidents by section 4507.04 of the Revised Code. 169

(L) ~~Any~~ (1) Except as provided in division (L)(2) of this 170
section, any course of remedial driving instruction the director 171
of public safety approves under this section shall require its 172
students to attend at least fifty per cent of the course in 173
person. ~~The, and the~~ director shall not approve any course of 174
remedial driving instruction that permits its students to take 175
more than fifty per cent of the course in any other manner, 176
including via video teleconferencing or the internet. 177

(2) The director may approve a course of remedial instruction 178

that permits students to take the entire course via video 179
teleconferencing or the internet if the course is managed by a 180
person who is admitted to the practice of law in the state of Ohio 181
and whose principal place of business is in this state. In 182
accordance with division (C) of this section, upon receiving an 183
application with a certificate or other proof of completion of a 184
course approved under this division, the registrar shall approve 185
the two-point reduction. 186

Sec. 4510.038. (A) Any person whose driver's or commercial 187
driver's license or permit is suspended or who is granted limited 188
driving privileges under section 4510.037, under division (H) of 189
section 4511.19, or under section 4510.07 of the Revised Code for 190
a violation of a municipal ordinance that is substantially 191
equivalent to division (B) of section 4511.19 of the Revised Code 192
is not eligible to retain the license, or to have the driving 193
privileges reinstated, until each of the following has occurred: 194

(1) The person successfully completes a course of remedial 195
driving instruction approved by the director of public safety. A 196
minimum of twenty-five per cent of the number of hours of 197
instruction included in the course shall be devoted to instruction 198
on driver attitude. 199

The course also shall devote a number of hours to instruction 200
in the area of alcohol and drugs and the operation of vehicles. 201
The instruction shall include, but not be limited to, a review of 202
the laws governing the operation of a vehicle while under the 203
influence of alcohol, drugs, or a combination of them, the dangers 204
of operating a vehicle while under the influence of alcohol, 205
drugs, or a combination of them, and other information relating to 206
the operation of vehicles and the consumption of alcoholic 207
beverages and use of drugs. The director, in consultation with the 208
director of alcohol and drug addiction services, shall prescribe 209

the content of the instruction. The number of hours devoted to the 210
area of alcohol and drugs and the operation of vehicles shall 211
comprise a minimum of twenty-five per cent of the number of hours 212
of instruction included in the course. 213

(2) The person is examined in the manner provided for in 214
section 4507.20 of the Revised Code, and found by the registrar of 215
motor vehicles to be qualified to operate a motor vehicle; 216

(3) The person gives and maintains proof of financial 217
responsibility, in accordance with section 4509.45 of the Revised 218
Code. 219

(B) ~~Any~~ (1) Except as provided in division (B)(2) of this 220
section, any course of remedial driving instruction the director 221
of public safety approves under this section shall require its 222
students to attend at least fifty per cent of the course in 223
person. ~~The, and the~~ director shall not approve any course of 224
remedial driving instruction that permits its students to take 225
more than fifty per cent of the course in any other manner, 226
including via video teleconferencing or the internet. 227

(2) The director may approve a course of remedial instruction 228
that permits students to take the entire course via video 229
teleconferencing or the internet if the course is managed by a 230
person who is admitted to the practice of law in the state of Ohio 231
and whose principal place of business is in this state. 232

Sec. 4513.264. (A) As used in this section: 233

(1) "Occupant restraining device" has the same meaning as in 234
section 4513.263 of the Revised Code. 235

(2) "University or college" has the same meaning as in 236
section 4503.51 of the Revised Code. 237

(B) Except as provided in division (C) of this section, no 238
university or college shall purchase, lease, rent, or charter a 239

bus and use that bus to transport students or employees of that 240
university or college unless the bus is equipped with an occupant 241
restraining device for every passenger seating position. 242

(C)(1) A university or college that, on the effective date of 243
this section, owns a bus that is not equipped with an occupant 244
restraining device for every passenger seating position, may use 245
that bus to transport students or employees of that university or 246
college. 247

(2) A university or college may enter into a rental or 248
charter agreement for a bus that is not equipped with an occupant 249
restraining device for every passenger if the bus that is provided 250
for the use by the university or college under the agreement was 251
owned by the rental or charter company before the effective date 252
of this section. 253

Section 2. That existing sections 4510.037 and 4510.038 of 254
the Revised Code are hereby repealed. 255