

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 337

Representative Rosenberger

Cosponsors: Representatives Butler, Gonzales, Sears, O'Brien, Terhar

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A B I L L

To amend sections 2935.36, 2951.041, 4506.01, 1
4506.05, 4506.07, 4506.10, 4506.101, 4506.12, 2
4506.13, 4506.14, 4506.15, 4506.16, 4506.161, 3
4506.17, 4506.21, 4510.03, 4510.036, 4513.37, and 4
5577.05 and to enact section 4506.131 of the 5
Revised Code to make changes in the law governing 6
commercial drivers' licenses, including hazardous 7
material endorsements, medical certification 8
requirements, disqualifications, conviction 9
records, establishing texting while driving as a 10
serious traffic violation, and licensure of 11
private commercial driver's license test 12
administrators, and to exclude certain components 13
from the prohibited length dimensions of specified 14
types of vehicles. 15

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

Section 1. That sections 2935.36, 2951.041, 4506.01, 4506.05, 16
4506.07, 4506.10, 4506.101, 4506.12, 4506.13, 4506.14, 4506.15, 17
4506.16, 4506.161, 4506.17, 4506.21, 4510.03, 4510.036, 4513.37, 18
and 5577.05 be amended and section 4506.131 of the Revised Code be 19
enacted to read as follows: 20

Sec. 2935.36. (A) The prosecuting attorney may establish 21
pre-trial diversion programs for adults who are accused of 22
committing criminal offenses and whom the prosecuting attorney 23
believes probably will not offend again. The prosecuting attorney 24
may require, as a condition of an accused's participation in the 25
program, the accused to pay a reasonable fee for supervision 26
services that include, but are not limited to, monitoring and drug 27
testing. The programs shall be operated pursuant to written 28
standards approved by journal entry by the presiding judge or, in 29
courts with only one judge, the judge of the court of common pleas 30
and shall not be applicable to any of the following: 31

(1) Repeat offenders or dangerous offenders; 32

(2) Persons accused of an offense of violence, of a violation 33
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 34
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 35
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 36
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 37
Code that, had it occurred prior to July 1, 1996, would have been 38
a violation of section 2905.04 of the Revised Code as it existed 39
prior to that date, with the exception that the prosecuting 40
attorney may permit persons accused of any such offense to enter a 41
pre-trial diversion program, if the prosecuting attorney finds any 42
of the following: 43

(a) The accused did not cause, threaten, or intend serious 44
physical harm to any person; 45

(b) The offense was the result of circumstances not likely to 46
recur; 47

(c) The accused has no history of prior delinquency or 48
criminal activity; 49

(d) The accused has led a law-abiding life for a substantial 50

time before commission of the alleged offense; 51

(e) Substantial grounds tending to excuse or justify the 52
alleged offense. 53

(3) Persons accused of a violation of Chapter 2925. or 3719. 54
of the Revised Code; 55

(4) Persons accused of a violation of section 4511.19 of the 56
Revised Code or a violation of any substantially similar municipal 57
ordinance; 58

(5)(a) Persons who are accused of an offense while operating 59
a commercial motor vehicle or persons who hold a commercial 60
driver's license and are accused of any offense, if conviction of 61
the offense would disqualify the person from operating a 62
commercial motor vehicle under Chapter 4506. of the Revised Code 63
or would subject the person to any other sanction under that 64
chapter; 65

(b) As used in division (A)(5) of this section, "commercial 66
driver's license" and "commercial motor vehicle" have the same 67
meanings as in section 4506.01 of the Revised Code. 68

(B) An accused who enters a diversion program shall do all of 69
the following: 70

(1) Waive, in writing and contingent upon the accused's 71
successful completion of the program, the accused's right to a 72
speedy trial, the preliminary hearing, the time period within 73
which the grand jury may consider an indictment against the 74
accused, and arraignment, unless the hearing, indictment, or 75
arraignment has already occurred; 76

(2) Agree, in writing, to the tolling while in the program of 77
all periods of limitation established by statutes or rules of 78
court, that are applicable to the offense with which the accused 79
is charged and to the conditions of the diversion program 80

established by the prosecuting attorney; 81

(3) Agree, in writing, to pay any reasonable fee for 82
supervision services established by the prosecuting attorney. 83

(C) The trial court, upon the application of the prosecuting 84
attorney, shall order the release from confinement of any accused 85
who has agreed to enter a pre-trial diversion program and shall 86
discharge and release any existing bail and release any sureties 87
on recognizances and shall release the accused on a recognizance 88
bond conditioned upon the accused's compliance with the terms of 89
the diversion program. The prosecuting attorney shall notify every 90
victim of the crime and the arresting officers of the prosecuting 91
attorney's intent to permit the accused to enter a pre-trial 92
diversion program. The victim of the crime and the arresting 93
officers shall have the opportunity to file written objections 94
with the prosecuting attorney prior to the commencement of the 95
pre-trial diversion program. 96

(D) If the accused satisfactorily completes the diversion 97
program, the prosecuting attorney shall recommend to the trial 98
court that the charges against the accused be dismissed, and the 99
court, upon the recommendation of the prosecuting attorney, shall 100
dismiss the charges. If the accused chooses not to enter the 101
prosecuting attorney's diversion program, or if the accused 102
violates the conditions of the agreement pursuant to which the 103
accused has been released, the accused may be brought to trial 104
upon the charges in the manner provided by law, and the waiver 105
executed pursuant to division (B)(1) of this section shall be void 106
on the date the accused is removed from the program for the 107
violation. 108

(E) As used in this section: 109

(1) "Repeat offender" means a person who has a history of 110
persistent criminal activity and whose character and condition 111

reveal a substantial risk that the person will commit another 112
offense. It is prima-facie evidence that a person is a repeat 113
offender if any of the following applies: 114

(a) Having been convicted of one or more offenses of violence 115
and having been imprisoned pursuant to sentence for any such 116
offense, the person commits a subsequent offense of violence; 117

(b) Having been convicted of one or more sexually oriented 118
offenses or child-victim oriented offenses, both as defined in 119
section 2950.01 of the Revised Code, and having been imprisoned 120
pursuant to sentence for one or more of those offenses, the person 121
commits a subsequent sexually oriented offense or child-victim 122
oriented offense; 123

(c) Having been convicted of one or more theft offenses as 124
defined in section 2913.01 of the Revised Code and having been 125
imprisoned pursuant to sentence for one or more of those theft 126
offenses, the person commits a subsequent theft offense; 127

(d) Having been convicted of one or more felony drug abuse 128
offenses as defined in section 2925.01 of the Revised Code and 129
having been imprisoned pursuant to sentence for one or more of 130
those felony drug abuse offenses, the person commits a subsequent 131
felony drug abuse offense; 132

(e) Having been convicted of two or more felonies and having 133
been imprisoned pursuant to sentence for one or more felonies, the 134
person commits a subsequent offense; 135

(f) Having been convicted of three or more offenses of any 136
type or degree other than traffic offenses, alcoholic intoxication 137
offenses, or minor misdemeanors and having been imprisoned 138
pursuant to sentence for any such offense, the person commits a 139
subsequent offense. 140

(2) "Dangerous offender" means a person who has committed an 141
offense, whose history, character, and condition reveal a 142

substantial risk that the person will be a danger to others, and 143
whose conduct has been characterized by a pattern of repetitive, 144
compulsive, or aggressive behavior with heedless indifference to 145
the consequences. 146

Sec. 2951.041. (A)(1) If an offender is charged with a 147
criminal offense and the court has reason to believe that drug or 148
alcohol usage by the offender was a factor leading to the 149
offender's criminal behavior, the court may accept, prior to the 150
entry of a guilty plea, the offender's request for intervention in 151
lieu of conviction. The request shall include a waiver of the 152
defendant's right to a speedy trial, the preliminary hearing, the 153
time period within which the grand jury may consider an indictment 154
against the offender, and arraignment, unless the hearing, 155
indictment, or arraignment has already occurred. The court may 156
reject an offender's request without a hearing. If the court 157
elects to consider an offender's request, the court shall conduct 158
a hearing to determine whether the offender is eligible under this 159
section for intervention in lieu of conviction and shall stay all 160
criminal proceedings pending the outcome of the hearing. If the 161
court schedules a hearing, the court shall order an assessment of 162
the offender for the purpose of determining the offender's 163
eligibility for intervention in lieu of conviction and 164
recommending an appropriate intervention plan. 165

(2) The victim notification provisions of division (C) of 166
section 2930.08 of the Revised Code apply in relation to any 167
hearing held under division (A)(1) of this section. 168

(B) An offender is eligible for intervention in lieu of 169
conviction if the court finds all of the following: 170

(1) The offender previously has not been convicted of or 171
pleaded guilty to a felony, previously has not been through 172
intervention in lieu of conviction under this section or any 173

similar regimen, and is charged with a felony for which the court, 174
upon conviction, would impose sentence under division (B)(2)(b) of 175
section 2929.13 of the Revised Code or with a misdemeanor. 176

(2) The offense is not a felony of the first, second, or 177
third degree, is not an offense of violence, is not a violation of 178
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 179
not a violation of division (A)(1) of section 2903.08 of the 180
Revised Code, is not a violation of division (A) of section 181
4511.19 of the Revised Code or a municipal ordinance that is 182
substantially similar to that division, and is not an offense for 183
which a sentencing court is required to impose a mandatory prison 184
term, a mandatory term of local incarceration, or a mandatory term 185
of imprisonment in a jail. 186

(3) The offender is not charged with a violation of section 187
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 188
not charged with a violation of section 2925.11 of the Revised 189
Code that is a felony of the first, second, or third degree. 190

(4) The offender is not charged with a violation of section 191
2925.11 of the Revised Code that is a felony of the fourth degree, 192
or the offender is charged with a violation of that section that 193
is a felony of the fourth degree and the prosecutor in the case 194
has recommended that the offender be classified as being eligible 195
for intervention in lieu of conviction under this section. 196

(5) The offender has been assessed by an appropriately 197
licensed provider, certified facility, or licensed and 198
credentialed professional, including, but not limited to, a 199
program licensed by the department of alcohol and drug addiction 200
services pursuant to section 3793.11 of the Revised Code, a 201
program certified by that department pursuant to section 3793.06 202
of the Revised Code, a public or private hospital, the United 203
States department of veterans affairs, another appropriate agency 204
of the government of the United States, or a licensed physician, 205

psychiatrist, psychologist, independent social worker, 206
professional counselor, or chemical dependency counselor for the 207
purpose of determining the offender's eligibility for intervention 208
in lieu of conviction and recommending an appropriate intervention 209
plan. 210

(6) The offender's drug or alcohol usage was a factor leading 211
to the criminal offense with which the offender is charged, 212
intervention in lieu of conviction would not demean the 213
seriousness of the offense, and intervention would substantially 214
reduce the likelihood of any future criminal activity. 215

(7) The alleged victim of the offense was not sixty-five 216
years of age or older, permanently and totally disabled, under 217
thirteen years of age, or a peace officer engaged in the officer's 218
official duties at the time of the alleged offense. 219

(8) If the offender is charged with a violation of section 220
2925.24 of the Revised Code, the alleged violation did not result 221
in physical harm to any person, and the offender previously has 222
not been treated for drug abuse. 223

(9) The offender is willing to comply with all terms and 224
conditions imposed by the court pursuant to division (D) of this 225
section. 226

(10) The offender is not charged with an offense that would 227
result in the offender being disqualified under Chapter 4506. of 228
the Revised Code from operating a commercial motor vehicle or 229
would subject the offender to any other sanction under that 230
chapter. 231

(C) At the conclusion of a hearing held pursuant to division 232
(A) of this section, the court shall enter its determination as to 233
whether the offender is eligible for intervention in lieu of 234
conviction and as to whether to grant the offender's request. If 235
the court finds under division (B) of this section that the 236

offender is eligible for intervention in lieu of conviction and 237
grants the offender's request, the court shall accept the 238
offender's plea of guilty and waiver of the defendant's right to a 239
speedy trial, the preliminary hearing, the time period within 240
which the grand jury may consider an indictment against the 241
offender, and arraignment, unless the hearing, indictment, or 242
arraignment has already occurred. In addition, the court then may 243
stay all criminal proceedings and order the offender to comply 244
with all terms and conditions imposed by the court pursuant to 245
division (D) of this section. If the court finds that the offender 246
is not eligible or does not grant the offender's request, the 247
criminal proceedings against the offender shall proceed as if the 248
offender's request for intervention in lieu of conviction had not 249
been made. 250

(D) If the court grants an offender's request for 251
intervention in lieu of conviction, the court shall place the 252
offender under the general control and supervision of the county 253
probation department, the adult parole authority, or another 254
appropriate local probation or court services agency, if one 255
exists, as if the offender was subject to a community control 256
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 257
Revised Code. The court shall establish an intervention plan for 258
the offender. The terms and conditions of the intervention plan 259
shall require the offender, for at least one year from the date on 260
which the court grants the order of intervention in lieu of 261
conviction, to abstain from the use of illegal drugs and alcohol, 262
to participate in treatment and recovery support services, and to 263
submit to regular random testing for drug and alcohol use and may 264
include any other treatment terms and conditions, or terms and 265
conditions similar to community control sanctions, which may 266
include community service or restitution, that are ordered by the 267
court. 268

(E) If the court grants an offender's request for 269
intervention in lieu of conviction and the court finds that the 270
offender has successfully completed the intervention plan for the 271
offender, including the requirement that the offender abstain from 272
using drugs and alcohol for a period of at least one year from the 273
date on which the court granted the order of intervention in lieu 274
of conviction and all other terms and conditions ordered by the 275
court, the court shall dismiss the proceedings against the 276
offender. Successful completion of the intervention plan and 277
period of abstinence under this section shall be without 278
adjudication of guilt and is not a criminal conviction for 279
purposes of any disqualification or disability imposed by law and 280
upon conviction of a crime, and the court may order the sealing of 281
records related to the offense in question in the manner provided 282
in sections 2953.31 to 2953.36 of the Revised Code. 283

(F) If the court grants an offender's request for 284
intervention in lieu of conviction and the offender fails to 285
comply with any term or condition imposed as part of the 286
intervention plan for the offender, the supervising authority for 287
the offender promptly shall advise the court of this failure, and 288
the court shall hold a hearing to determine whether the offender 289
failed to comply with any term or condition imposed as part of the 290
plan. If the court determines that the offender has failed to 291
comply with any of those terms and conditions, it shall enter a 292
finding of guilty and shall impose an appropriate sanction under 293
Chapter 2929. of the Revised Code. If the court sentences the 294
offender to a prison term, the court, after consulting with the 295
department of rehabilitation and correction regarding the 296
availability of services, may order continued court-supervised 297
activity and treatment of the offender during the prison term and, 298
upon consideration of reports received from the department 299
concerning the offender's progress in the program of activity and 300
treatment, may consider judicial release under section 2929.20 of 301

the Revised Code.	302
(G) As used in this section:	303
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	304 305
(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	306 307
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	308 309
Sec. 4506.01. As used in this chapter:	310
(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following:	311 312 313
(1) One hundred milliliters of whole blood, blood serum, or blood plasma;	314 315
(2) Two hundred ten liters of breath;	316
(3) One hundred milliliters of urine.	317
(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.	318 319 320
(C) "Commercial driver <u>driver's</u> license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.	321 322 323 324
(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:	325 326 327 328
(1) Any combination of vehicles with a combined gross vehicle	329

weight rating of twenty-six thousand one pounds or more, provided 330
the gross vehicle weight rating of the vehicle or vehicles being 331
towed is in excess of ten thousand pounds; 332

(2) Any single vehicle with a gross vehicle weight rating of 333
twenty-six thousand one pounds or more, or any such vehicle towing 334
a vehicle having a gross vehicle weight rating that is not in 335
excess of ten thousand pounds; 336

(3) Any single vehicle or combination of vehicles that is not 337
a class A or class B vehicle, but is designed to transport sixteen 338
or more passengers including the driver; 339

(4) Any school bus with a gross vehicle weight rating of less 340
than twenty-six thousand one pounds that is designed to transport 341
fewer than sixteen passengers including the driver; 342

(5) Is transporting hazardous materials for which placarding 343
is required under subpart F of 49 C.F.R. part 172, as amended; 344

(6) Any single vehicle or combination of vehicles that is 345
designed to be operated and to travel on a public street or 346
highway and is considered by the federal motor carrier safety 347
administration to be a commercial motor vehicle, including, but 348
not limited to, a motorized crane, a vehicle whose function is to 349
pump cement, a rig for drilling wells, and a portable crane. 350

(E) "Controlled substance" means all of the following: 351

(1) Any substance classified as a controlled substance under 352
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 353
802(6), as amended; 354

(2) Any substance included in schedules I through V of 21 355
C.F.R. part 1308, as amended; 356

(3) Any drug of abuse. 357

(F) "Conviction" means an unvacated adjudication of guilt or 358
a determination that a person has violated or failed to comply 359

with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(G) "Disqualification" means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

(H) "Downgrade" means any of the following, as applicable:

(1) A change in the commercial driver's license holder's self-certified status as described in division (A)(2) of section 4506.10 of the Revised Code;

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from the individual's driver's license.

(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

~~(I)~~(J) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

~~(J)~~(K) "Driver's license" means a license issued by the

bureau of motor vehicles that authorizes an individual to drive. 390

~~(K)~~(L) "Drug of abuse" means any controlled substance, 391
dangerous drug as defined in section 4729.01 of the Revised Code, 392
or over-the-counter medication that, when taken in quantities 393
exceeding the recommended dosage, can result in impairment of 394
judgment or reflexes. 395

~~(L)~~(M) "Electronic device" includes a cellular telephone, a 396
personal digital assistant, a pager, a computer, and any other 397
device used to input, write, send, receive, or read text. 398

(N) "Eligible unit of local government" means a village, 399
township, or county that has a population of not more than three 400
thousand persons according to the most recent federal census. 401

~~(M)~~(O) "Employer" means any person, including the federal 402
government, any state, and a political subdivision of any state, 403
that owns or leases a commercial motor vehicle or assigns a person 404
to drive such a motor vehicle. 405

~~(N)~~(P) "Endorsement" means an authorization on a person's 406
commercial driver's license that is required to permit the person 407
to operate a specified type of commercial motor vehicle. 408

~~(O)~~(Q) "Farm truck" means a truck controlled and operated by 409
a farmer for use in the transportation to or from a farm, for a 410
distance of not more than one hundred fifty miles, of products of 411
the farm, including livestock and its products, poultry and its 412
products, floricultural and horticultural products, and in the 413
transportation to the farm, from a distance of not more than one 414
hundred fifty miles, of supplies for the farm, including tile, 415
fence, and every other thing or commodity used in agricultural, 416
floricultural, horticultural, livestock, and poultry production, 417
and livestock, poultry, and other animals and things used for 418
breeding, feeding, or other purposes connected with the operation 419
of the farm, when the truck is operated in accordance with this 420

division and is not used in the operations of a motor 421
transportation company or private motor carrier. 422

~~(P)~~(R) "Fatality" means the death of a person as the result 423
of a motor vehicle accident occurring not more than three hundred 424
sixty-five days prior to the date of death. 425

~~(Q)~~(S) "Felony" means any offense under federal or state law 426
that is punishable by death or specifically classified as a felony 427
under the law of this state, regardless of the penalty that may be 428
imposed. 429

~~(R)~~(T) "Foreign jurisdiction" means any jurisdiction other 430
than a state. 431

~~(S)~~(U) "Gross vehicle weight rating" means the value 432
specified by the manufacturer as the maximum loaded weight of a 433
single or a combination vehicle. The gross vehicle weight rating 434
of a combination vehicle is the gross vehicle weight rating of the 435
power unit plus the gross vehicle weight rating of each towed 436
unit. 437

~~(T)~~(V) "Hazardous materials" means any material that has been 438
designated as hazardous under 49 U.S.C. 5103 and is required to be 439
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 440
a material listed as a select agent or toxin in 42 C.F.R. part 73, 441
as amended. 442

~~(U)~~(W) "Imminent hazard" means the existence of a condition 443
that presents a substantial likelihood that death, serious 444
illness, severe personal injury, or a substantial endangerment to 445
health, property, or the environment may occur before the 446
reasonably foreseeable completion date of a formal proceeding 447
begun to lessen the risk of that death, illness, injury, or 448
endangerment. 449

~~(V)~~(X) "Medical variance" means one of the following received 450
by a driver from the federal motor carrier safety administration 451

<u>that allows the driver to be issued a medical certificate:</u>	452
<u>(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;</u>	453
<u>(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.</u>	454
<u>(Y)</u> "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.	455
<u>(W)(Z)</u> "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.	456
<u>(X)(AA)</u> "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	457
<u>(Y)(BB)</u> "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.	458
<u>(Z)(CC)</u> "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of section 4511.01 of the Revised Code.	459
<u>(AA)(DD)</u> "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit.	460
<u>(BB)(EE)</u> "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the	461
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registrar. 482

~~(CC)~~(FF) "School bus" has the same meaning as in section 483
4511.01 of the Revised Code. 484

~~(DD)~~(GG) "Serious traffic violation" means a any of the 485
following: 486

(1) A conviction arising from a single charge of operating a 487
commercial motor vehicle in violation of any provision of section 488
4506.03 of the Revised Code or a; 489

(2) A violation while operating a commercial motor vehicle of 490
a law of this state, or any municipal ordinance or county or 491
township resolution prohibiting texting while driving, or any 492
other substantially similar law of another state or political 493
subdivision of another state; 494

(3) A conviction arising from the operation of any motor 495
vehicle that involves any of the following: 496

~~(1)~~(a) A single charge of any speed in excess of the posted 497
speed limit by fifteen miles per hour or more; 498

~~(2)~~(b) Violation of section 4511.20 or 4511.201 of the 499
Revised Code or any similar ordinance or resolution, or of any 500
similar law of another state or political subdivision of another 501
state; 502

~~(3)~~(c) Violation of a law of this state or an ordinance or 503
resolution relating to traffic control, other than a parking 504
violation, or of any similar law of another state or political 505
subdivision of another state, that results in a fatal accident; 506

~~(4)~~(d) Violation of section 4506.03 of the Revised Code or a 507
substantially similar municipal ordinance or county or township 508
resolution, or of any similar law of another state or political 509
subdivision of another state, that involves the operation of a 510
commercial motor vehicle without a valid commercial driver's 511

license with the proper class or endorsement for the specific 512
vehicle group being operated or for the passengers or type of 513
cargo being transported; 514

~~(5)~~(e) Violation of section 4506.03 of the Revised Code or a 515
substantially similar municipal ordinance or county or township 516
resolution, or of any similar law of another state or political 517
subdivision of another state, that involves the operation of a 518
commercial motor vehicle without a valid commercial driver's 519
license being in the person's possession; 520

~~(6)~~(f) Violation of section 4511.33 or 4511.34 of the Revised 521
Code, or any municipal ordinance or county or township resolution 522
substantially similar to either of those sections, or any 523
substantially similar law of another state or political 524
subdivision of another state; 525

~~(7)~~(g) Violation of any other law of this state or an 526
ordinance or resolution relating to traffic control, other than a 527
parking violation, that is determined to be a serious traffic 528
violation by the United States secretary of transportation and the 529
director designates as such by rule. 530

~~(EE)~~(HH) "State" means a state of the United States and 531
includes the District of Columbia. 532

~~(FF)~~(II) "Tank vehicle" means any commercial motor vehicle 533
that is designed to transport any liquid and has a maximum 534
capacity greater than one hundred nineteen gallons or is designed 535
to transport gaseous materials and has a water capacity greater 536
than one thousand pounds within a tank that is either permanently 537
or temporarily attached to the vehicle or its chassis. "Tank 538
vehicle" does not include any of the following: 539

(1) Any portable tank having a rated capacity of less than 540
one thousand gallons; 541

(2) Tanks used exclusively as a fuel tank for the motor 542

vehicle to which it is attached; 543

(3) An empty storage container tank that is not designed for 544
transportation and that is readily distinguishable from a 545
transportation tank; 546

(4) Ready-mix concrete mixers. 547

~~(GG)~~(JJ) "Tester" means a person or entity acting pursuant to 548
a valid agreement entered into pursuant to division (B) of section 549
4506.09 of the Revised Code. 550

~~(HH)~~(KK) "Texting" means manually entering alphanumeric text 551
into, or reading text from, an electronic device. Texting includes 552
short message service, e-mail, instant messaging, a command or 553
request to access a world wide web page, or engaging in any other 554
form of electronic text retrieval or entry, for present or future 555
communication. Texting does not include the following: 556

(1) Reading, selecting, or entering a telephone number, an 557
extension number, or voicemail retrieval codes and commands into 558
an electronic device for the purpose of initiating or receiving a 559
telephone call or using voice commands to initiate or receive a 560
telephone call; 561

(2) Inputting, selecting, or reading information on a global 562
positioning system or navigation system. 563

(LL) "Texting while driving" means texting while operating a 564
commercial motor vehicle, with the motor running, including while 565
temporarily stationary because of traffic, a traffic control 566
device, or other momentary delays, but does not include operating 567
a commercial motor vehicle with or without the motor running when 568
the driver has moved the vehicle to the side of, or off, a highway 569
and is stopped in a location where the vehicle can safely remain 570
stationary. 571

(MM) "United States" means the fifty states and the District 572

of Columbia. 573

~~(II)~~(NN) "Upgrade" means a change in the class of vehicles, 574
endorsements, or self-certified status as described in division 575
(A)(2) of section 4506.10 of the Revised Code, that expands the 576
ability of a current commercial driver's license holder to operate 577
commercial motor vehicles under this chapter; 578

(OO) "Vehicle" has the same meaning as in section 4511.01 of 579
the Revised Code. 580

Sec. 4506.05. (A) Notwithstanding any other provision of law, 581
a person may drive a commercial motor vehicle on a highway in this 582
state if all of the following conditions are met: 583

(1) The person has a valid commercial driver's license or 584
commercial driver's license temporary instruction permit issued by 585
any state or jurisdiction in accordance with the minimum standards 586
adopted by the federal motor carrier safety administration under 587
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 588
3207-171, 49 U.S.C.A. App. for issuance of commercial ~~drivers'~~ 589
driver's licenses; 590

(2) The person's commercial driver's license or permit is not 591
suspended, revoked, or canceled; 592

(3) The person is not disqualified from driving a commercial 593
motor vehicle; 594

(4) The person is not subject to an out-of-service order; 595

(5) The person is medically certified as physically qualified 596
to operate a commercial motor vehicle in accordance with this 597
chapter and is able to verify the medical certification when on 598
duty as follows: 599

(a) Prior to January 30, 2012, the person shall have in the 600
person's possession the original or copy of the person's current 601
medical examiner's certificate when on duty. 602

(b) On or after January 30, 2012: 603

(i) A person who submitted a medical examiner's certificate to the registrar in accordance with division (A)(2) of section 4506.10 of the Revised Code and whose medical certification information is maintained in the commercial driver's license information system is not required to have the medical examiner's certificate in the person's possession when on duty. 604
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(ii) A person whose medical certification information is not maintained in the commercial driver's license information system is required to have in the person's possession when on duty the original or copy of a current medical examiner's certificate that was issued prior to January 30, 2012, except that after January 30, 2014, such person is required to have in the person's possession when on duty, the original or a copy of the current medical examiner's certificate that was submitted to the registrar, but the person may operate a commercial motor vehicle with such proof of medical certification for not more than fifteen days after the date the current medical examiner's certificate was issued to the person. 610
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(iii) A person who has a medical variance shall have in the person's possession the original or copy of the medical variance documentation at all times while on duty. 622
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(B) Whoever violates this section is guilty of a misdemeanor of the first degree. 625
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Sec. 4506.07. (A) Every application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's temporary instruction permit, or a duplicate of such a license, shall be made upon a form approved and furnished by the registrar of motor vehicles. Except as provided in section 4506.24 of the Revised Code in regard to a restricted commercial driver's license, the application shall be signed by the applicant and 627
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shall contain the following information: 634

(1) The applicant's name, date of birth, social security 635
account number, sex, general description including height, weight, 636
and color of hair and eyes, current residence, duration of 637
residence in this state, country of citizenship, and occupation; 638

(2) Whether the applicant previously has been licensed to 639
operate a commercial motor vehicle or any other type of motor 640
vehicle in another state or a foreign jurisdiction and, if so, 641
when, by what state, and whether the license or driving privileges 642
currently are suspended or revoked in any jurisdiction, or the 643
applicant otherwise has been disqualified from operating a 644
commercial motor vehicle, or is subject to an out-of-service order 645
issued under this chapter or any similar law of another state or a 646
foreign jurisdiction and, if so, the date of, locations involved, 647
and reason for the suspension, revocation, disqualification, or 648
out-of-service order; 649

(3) Whether the applicant is afflicted with or suffering from 650
any physical or mental disability or disease that prevents the 651
applicant from exercising reasonable and ordinary control over a 652
motor vehicle while operating it upon a highway or is or has been 653
subject to any condition resulting in episodic impairment of 654
consciousness or loss of muscular control and, if so, the nature 655
and extent of the disability, disease, or condition, and the names 656
and addresses of the physicians attending the applicant; 657

(4) Whether the applicant has obtained a medical examiner's 658
certificate as required by this chapter and, beginning January 30, 659
2012, the applicant, prior to or at the time of applying, has 660
self-certified to the registrar the applicable status of the 661
applicant under division (A)(2) of section 4506.10 of the Revised 662
Code; 663

(5) Whether the applicant has pending a citation for 664

violation of any motor vehicle law or ordinance except a parking 665
violation and, if so, a description of the citation, the court 666
having jurisdiction of the offense, and the date when the offense 667
occurred; 668

(6) Whether the applicant wishes to certify willingness to 669
make an anatomical gift under section 2108.05 of the Revised Code, 670
which shall be given no consideration in the issuance of a 671
license; 672

(7) On and after May 1, 1993, whether the applicant has 673
executed a valid durable power of attorney for health care 674
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 675
executed a declaration governing the use or continuation, or the 676
withholding or withdrawal, of life-sustaining treatment pursuant 677
to sections 2133.01 to 2133.15 of the Revised Code and, if the 678
applicant has executed either type of instrument, whether the 679
applicant wishes the license issued to indicate that the applicant 680
has executed the instrument; 681

(8) On and after October 7, 2009, whether the applicant is a 682
veteran, active duty, or reservist of the armed forces of the 683
United States and, if the applicant is such, whether the applicant 684
wishes the license issued to indicate that the applicant is a 685
veteran, active duty, or reservist of the armed forces of the 686
United States by a military designation on the license. 687

(B) Every applicant shall certify, on a form approved and 688
furnished by the registrar, all of the following: 689

(1) That the motor vehicle in which the applicant intends to 690
take the driving skills test is representative of the type of 691
motor vehicle that the applicant expects to operate as a driver; 692

(2) That the applicant is not subject to any disqualification 693
or out-of-service order, or license suspension, revocation, or 694
cancellation, under the laws of this state, of another state, or 695

of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or a renewal or duplicate.

(E) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a commercial driver's license or for a renewal or duplicate of such a license who is a resident of this state, if the applicant is a registered elector who has changed the applicant's residence or name and has not filed such a notice.

(F) In considering any application submitted pursuant to this section, the bureau of motor vehicles may conduct any inquiries necessary to ensure that issuance or renewal of a commercial driver's license would not violate any provision of the Revised Code or federal law.

(G) In addition to any other information it contains, on and

after October 7, 2009, the form approved and furnished by the 727
registrar of motor vehicles for an application for a commercial 728
driver's license, restricted commercial driver's license, or a 729
commercial driver's temporary instruction permit or an application 730
for a duplicate of such a license shall inform applicants that the 731
applicant must present a copy of the applicant's DD-214 or an 732
equivalent document in order to qualify to have the license or 733
duplicate indicate that the applicant is a veteran, active duty, 734
or reservist of the armed forces of the United States based on a 735
request made pursuant to division (A)(8) of this section. 736

Sec. 4506.10. (A) No person who holds a valid commercial 737
driver's license shall drive a commercial motor vehicle unless the 738
person is physically qualified to do so. ~~Each~~ 739

(1) Prior to January 30, 2012, each person who drives or 740
expects to drive a commercial motor vehicle in interstate or 741
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 742
seq., as amended, shall certify to the registrar of motor vehicles 743
at the time of application for a commercial driver's license that 744
the person is in compliance with these standards. Any person who 745
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 746
certify at the time of application that the person is not subject 747
to these standards. 748

(2) Beginning on January 30, 2012, any person applying for a 749
commercial driver's license, renewing of a commercial driver's 750
license, or transferring a commercial driver's license from out of 751
state shall self-certify to the registrar for purposes of 49 752
C.F.R. 383.71, one of the following in regard to the applicant's 753
operation of a commercial motor vehicle, as applicable: 754

(a)(i) If the applicant operates or expects to operate a 755
commercial motor vehicle in interstate or foreign commerce and is 756
subject to and meets the requirements under 49 C.F.R. part 391, 757

the applicant shall self-certify that the applicant is 758
non-excepted interstate and shall provide the registrar with the 759
original or a copy of a medical examiner's certificate and each 760
subsequently issued medical examiner's certificate prepared by a 761
qualified medical examiner to maintain a medically certified 762
status on the applicant's commercial driver licensing system 763
driver record; 764

(ii) If the applicant operates or expects to operate a 765
commercial motor vehicle in interstate commerce, but engages in 766
transportation or operations excepted under 49 C.F.R. 390.3(f), 767
391.2, 391.68, or 398.3 from all or parts of the qualification 768
requirements of 49 C.F.R. part 391, the applicant shall 769
self-certify that the applicant is excepted interstate and is not 770
required to obtain a medical examiner's certificate; 771

(b)(i) If the applicant operates only in intrastate commerce 772
and is subject to state driver qualification requirements, the 773
applicant shall self-certify that the applicant is non-excepted 774
intrastate; 775

(ii) If the applicant operates only in intrastate commerce 776
and is excepted from all or parts of the state driver 777
qualification requirements, the applicant shall self-certify that 778
the applicant is excepted intrastate. 779

(3) Notwithstanding the expiration date on a person's 780
commercial driver's license, every commercial driver's license 781
holder shall provide the registrar with the certification required 782
by this section, on or after January 30, 2012, but prior to 783
January 30, 2014. 784

(B) A person is qualified to drive a school bus if the person 785
holds a valid commercial driver's license along with the proper 786
endorsements, and if the person has been certified as medically 787
qualified in accordance with rules adopted by the department of 788

education. 789

(C)(1) Except as provided in division (C)(2) of this section, 790
any medical examination required by this section shall be 791
performed only by one of the following: 792

(a) A person licensed under Chapter 4731. of the Revised Code 793
to practice medicine or surgery or osteopathic medicine and 794
surgery in this state, or licensed under any similar law of 795
another state; 796

(b) A physician assistant who is authorized by the 797
supervising physician to perform such a medical examination; 798

(c) A certified nurse practitioner, a clinical nurse 799
specialist, or a certified nurse-midwife; 800

(d) A doctor of chiropractic. 801

(2) Any part of an examination required by this section that 802
pertains to visual acuity, field of vision, and the ability to 803
recognize colors may be performed by a person licensed under 804
Chapter 4725. of the Revised Code to practice optometry in this 805
state, or licensed under any similar law of another state. 806

(3) Any written documentation of a physical examination 807
conducted pursuant to this section shall be completed by the 808
individual who performed the examination on a form that 809
substantially complies with the requirements of 49 C.F.R. 810
391.43(h). 811

(D) Whenever good cause appears, the registrar, upon issuing 812
a commercial driver's license under this chapter, may impose 813
restrictions suitable to the licensee's driving ability with 814
respect to the type of motor vehicle or special mechanical control 815
devices required on a motor vehicle that the licensee may operate, 816
or such other restrictions applicable to the licensee as the 817
registrar determines to be necessary. 818

The registrar may either issue a special restricted license 819
or may set forth upon the usual license form the restrictions 820
imposed. 821

The registrar, upon receiving satisfactory evidence of any 822
violation of the restrictions of the license, may impose a class D 823
license suspension of the license for the period of time specified 824
in division (B)(4) of section 4510.02 of the Revised Code. 825

The registrar, upon receiving satisfactory evidence that an 826
applicant or holder of a commercial driver's license has violated 827
division (A)(4) of section 4506.04 of the Revised Code and 828
knowingly given false information in any application or 829
certification required by section 4506.07 of the Revised Code, 830
shall cancel the commercial driver's license of the person or any 831
pending application from the person for a commercial driver's 832
license or class D driver's license for a period of at least sixty 833
days, during which time no application for a commercial driver's 834
license or class D driver's license shall be received from the 835
person. 836

(E) Whoever violates this section is guilty of a misdemeanor 837
of the first degree. 838

Sec. 4506.101. Notwithstanding any provision of the Revised 839
Code, the bureau of motor vehicles shall not issue or renew a 840
commercial driver's license if issuance or renewal of the license 841
would violate federal law. No person shall retain a commercial 842
driver's license if the retention of the license would violate 843
federal law. 844

Sec. 4506.12. (A) Commercial ~~drivers'~~ driver's licenses shall 845
be issued in the following classes and shall include any 846
endorsements and restrictions that are applicable. Subject to any 847
such endorsements and restrictions, the holder of a valid 848

commercial driver's license may drive all commercial motor 849
vehicles in the class for which that license is issued and all 850
lesser classes of vehicles, except that the holder shall not 851
operate a motorcycle unless the holder is licensed to do so under 852
Chapter 4507. of the Revised Code. 853

(B) The classes of commercial ~~drivers'~~ driver's licenses and 854
the commercial motor vehicles that they authorize the operation of 855
are as follows: 856

(1) Class A--any combination of vehicles with a combined 857
gross vehicle weight rating of twenty-six thousand one pounds or 858
more, if the gross vehicle weight rating of the vehicle or 859
vehicles being towed is in excess of ten thousand pounds. 860

(2) Class B--any single vehicle with a gross vehicle weight 861
rating of twenty-six thousand one pounds or more or any such 862
vehicle towing a vehicle having a gross vehicle weight rating that 863
is not in excess of ten thousand pounds. 864

(3) Class C--any single vehicle, or combination of vehicles, 865
that is not a class A or class B vehicle, but that is designed to 866
transport sixteen or more passengers, including the driver, or is 867
transporting hazardous materials in an amount requiring 868
placarding, or any school bus with a gross vehicle weight rating 869
of less than twenty-six thousand one pounds that is designed to 870
transport fewer than sixteen passengers including the driver. 871

(C) The following endorsements and restrictions apply to 872
commercial drivers' licenses: 873

(1) H--authorizes the driver to drive a vehicle transporting 874
hazardous materials in an amount requiring placarding; 875

(2) K--restricts the driver to only intrastate operation; 876

(3) L--restricts the driver to vehicles not equipped with air 877
brakes; 878

- (4) T--authorizes the driver to drive a vehicle configured with double or triple trailers that create more than one articulation point for the combination;
- (5) P--authorizes the driver to drive vehicles designed to transport sixteen or more passengers, including the driver;
- (6) P1--authorizes the driver to drive class A vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;
- (7) P2--authorizes the driver to drive class A or B vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;
- (8) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.
- (9) N--authorizes the driver to drive tank vehicles;
- (10) S--authorizes the driver to drive school buses transporting children;
- (11) X--authorizes the driver to drive tank vehicles transporting hazardous materials in a quantity requiring placarding;
- (12) W--restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm-related service industries issued under section 4506.24 of the Revised Code;
- (13) V--indicates the existence of a medical variance on the driver's commercial driver's license information system driver record.
- (D) In addition to any endorsement that otherwise may apply,

a person who is engaged in the towing of a disabled or wrecked motor vehicle shall hold a commercial driver's license bearing any endorsement required to drive the towed vehicle except the driver is not required to have either of the following:

(1) A passenger endorsement to tow an unoccupied passenger vehicle;

(2) Any endorsement required for the wrecked or disabled vehicle when the driver initially removes a vehicle from the site of the emergency where the vehicle became wrecked or disabled to the nearest appropriate repair, disposal, or storage facility, as applicable.

(E) No person shall drive any commercial motor vehicle for which an endorsement is required under this section unless the proper endorsement appears on the person's commercial driver's license.

(F) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4506.13. (A) The registrar of motor vehicles may authorize the highway patrol or any other employee of the department of public safety to issue an examiner's commercial examinations passed form to an applicant who has passed the required examinations. The examiner's commercial examinations passed form shall be used, once it has been validated, to indicate the examinations taken and passed by the commercial driver's license applicant.

(B)(1) Before issuing, renewing, transferring, or upgrading a commercial driver's license, the registrar of motor vehicles shall obtain information about the applicant's driving record through the commercial ~~driver~~ driver's license information system, the applicant's state of licensure, and when available, and the

national driver register. ~~If~~ In addition, beginning January 30, 939
2012, before issuing, renewing, transferring, or upgrading a 940
commercial driver's license the registrar shall check the 941
applicant's driver record to ensure that an applicant who 942
self-certified under division (A)(2)(a)(i) of section 4506.10 of 943
the Revised Code that the applicant's operation of a commercial 944
motor vehicle is non-excepted interstate, is medically certified. 945

(2) The registrar shall not issue, renew, upgrade, or 946
transfer the applicant's commercial driver's license if any of the 947
following apply: 948

(a) The registrar obtains adverse information regarding the 949
applicant's driving record. 950

(b) There is no information regarding the driver's 951
self-certification type as required by division (A)(2) of section 952
4506.10 of the Revised Code. 953

(c) The applicant's medical status is not certified, when 954
required to be certified under division (A)(2)(a)(i) of section 955
4506.10 of the Revised Code. 956

(3) If the record check reveals information that the 957
applicant claims is outdated, contested, or invalid, the registrar 958
shall deny the application until the applicant can resolve the 959
conflict. 960

(C)(1) Within ten days after issuing a commercial driver's 961
license, the registrar shall notify the commercial ~~driver~~ driver's 962
license information system, when available, of that fact and shall 963
provide all information required to ensure identification of the 964
licensee. If the registrar is notified that driver has been issued 965
a medical variance, the registrar shall indicate the existence of 966
the medical variance on the commercial driver's license holder's 967
commercial driver's license information system driver record. 968

(2) Beginning on January 30, 2012, the registrar shall do all 969

of the following: 970

(a) For those driver's self-certifying under division 971
(A)(2)(a)(i) of section 4506.10 of the Revised Code as 972
non-excepted interstate, post the applicant's medical status as 973
certified or non-certified on the applicant's commercial driver's 974
license information system driver record upon receiving a valid 975
original or copy of the medical examiner's certificate; 976

(b) Post the driver's self-certification type as set forth in 977
division (A)(2) of section 4506.10 of the Revised Code; 978

(c) Post information from the medical examiner's certificate, 979
if applicable, on the commercial driver's license holder's 980
commercial driver's license information system driver record 981
within ten business days of issuing the commercial driver's 982
license; 983

(d) Retain the original or a copy of the commercial driver's 984
license holder's medical certificate for a minimum of three years 985
after the date the certificate was issued; 986

(3) The registrar shall post and maintain as part of the 987
commercial driver's license information system driver record all 988
convictions, disqualifications, and other licensing actions for 989
violations of any state or municipal ordinances related to motor 990
vehicle traffic control, other than parking violations for all 991
persons who hold a commercial driver's license or operate a motor 992
vehicle for which a commercial driver's license is required. 993

(4) Beginning January 30, 2014, the registrar shall post an 994
applicant's status of medically non-certified on the applicant's 995
commercial driver's license information system driver record and 996
shall downgrade the commercial driver's license holder's 997
commercial driver's license in accordance with division (D) of 998
this section if either of the following applies: 999

(a) The commercial driver's license holder fails to provide 1000

the driver's self-certification type as required by division 1001
(A)(2) of section 4506.10 of the Revised Code. 1002

(b) The commercial driver's license holder self-certifying 1003
under division (A)(2)(a)(i) of section 4506.10 of the Revised Code 1004
as non-excepted interstate fails to provide the registrar with a 1005
current medical examiner's certificate. 1006

(5) The registrar shall mark the commercial driver's license 1007
information system driver record as non-certified for any 1008
commercial driver's license holder who has not self-certified 1009
under division (A)(2) of section 4506.10 of the Revised Code by 1010
January 30, 2014 and shall initiate the commercial driver's 1011
license commercial driver's license downgrade procedures described 1012
in division (D) of this section. 1013

(6) Beginning on January 30, 2012, within ten days after a 1014
commercial driver's license holder's medical certification status 1015
expires or a medical variance expires or is rescinded, the 1016
registrar shall update the person's medical certification status 1017
to non-certified. Within ten calendar days after receiving 1018
information from the federal motor carrier safety administration 1019
regarding issuance or renewal of a medical variance for a driver, 1020
the registrar shall update the driver's commercial driver's 1021
license information system driver record to include the medical 1022
variance information provided by the federal motor carrier safety 1023
administration. 1024

(D) If a driver's medical certification or medical variance 1025
expires or the federal motor carrier safety administration 1026
notifies the registrar that a medical variance was removed or 1027
rescinded, the registrar shall do the following: 1028

(1) Send notice to the commercial driver's license holder of 1029
the holder's medically not certified status. The notice shall 1030
inform the driver that the driver's commercial driver's license 1031

privileges will be removed unless the driver resolves the medical certification or medical variance defect by submitting a current medical certificate or medical variance, as applicable, or changing the driver's self-certification under division (A)(2) of section 4506.10 of the Revised Code to driving only in excepted interstate or excepted intrastate commerce within sixty days.

(2) Sixty days after the change to a medically not certified status, if the commercial driver's license holder has not resolved the medical certification or medical variance defect as described in division (D)(1) of this section, the registrar shall change the person's commercial driver's license status to reflect no commercial driver's license privileges and shall send the person a second notice informing the person that the commercial driver's license privilege has been removed from the driver's license and that, unless the driver resolves the medical certification or medical variance defect by submitting a current medical certificate or medical variance, as applicable, or changing the driver's self-certification under division (A)(2) of section 4506.10 of the Revised Code to driving only in excepted interstate or excepted intrastate commerce within one hundred eighty days, the person's commercial driver's license will be downgraded to a noncommercial driver's license class of license.

Sec. 4506.131. (A) The registrar of motor vehicles shall not issue, renew, upgrade, or transfer a hazardous materials endorsement for a commercial driver's license to any individual authorizing that individual to operate a commercial motor vehicle transporting a hazardous material in commerce unless the registrar has received from the transportation security administration a determination indicating that the individual does not pose a security risk warranting denial of the endorsement.

(B)(1) Immediately upon receiving a determination from the

transportation security administration that an individual poses a 1063
security risk warranting denial of a hazardous materials 1064
endorsement, the registrar shall revoke any existing hazardous 1065
materials endorsement and shall refuse to issue a hazardous 1066
materials endorsement for the individual named as a security risk. 1067

(2) Within fifteen days of receiving any determination from 1068
the transportation security administration indicating the status 1069
of an individual's security risk, the registrar shall notify the 1070
commercial driver license information system of the results of the 1071
security assessment. 1072

(C) The registrar shall order any revocation under division 1073
(B) of this section without a hearing. Any person adversely 1074
affected by the order may request an administrative hearing before 1075
the registrar. The scope of the hearing shall be limited to 1076
whether the bureau of motor vehicles properly revoked the 1077
hazardous material endorsement after receiving notification from 1078
the transportation security administration and shall not include 1079
consideration of whether the transportation security 1080
administration acted properly in sending the notification. 1081

Sec. 4506.14. (A) Commercial driver's licenses shall expire 1082
as follows: 1083

(1) Except as provided in division (A)(3) or (4) of this 1084
section, each such license issued to replace an operator's or 1085
chauffeur's license shall expire on the original expiration date 1086
of the operator's or chauffeur's license and, upon renewal, shall 1087
expire on the licensee's birthday in the fourth year after the 1088
date of issuance. 1089

(2) Except as provided in division (A)(3) or (4) of this 1090
section, each such license issued as an original license to a 1091
person whose residence is in this state shall expire on the 1092
licensee's birthday in the fourth year after the date of issuance, 1093

and each such license issued to a person whose temporary residence 1094
is in this state shall expire in accordance with rules adopted by 1095
the registrar of motor vehicles. A license issued to a person with 1096
a temporary residence in this state is nonrenewable, but may be 1097
replaced with a new license within ninety days prior to its 1098
expiration upon the applicant's compliance with all applicable 1099
requirements. 1100

(3) The registrar or a deputy registrar may issue a license 1101
that expires on a date earlier than the licensee's birthday in the 1102
fourth year after the date of issuance if the licensee has 1103
undergone a security threat assessment required by federal law to 1104
obtain a hazardous materials endorsement and the assessment will 1105
expire before that date. 1106

(4) Each such license issued to replace the operator's or 1107
chauffeur's license of a person who is less than twenty-one years 1108
of age, and each such license issued as an original license to a 1109
person who is less than twenty-one years of age, shall expire on 1110
the licensee's twenty-first birthday. 1111

(B) No commercial driver's license shall be issued for a 1112
period longer than four years and one hundred eighty days. Except 1113
as provided in section 4507.12 of the Revised Code, the registrar 1114
may waive the examination of any person applying for the renewal 1115
of a commercial driver's license issued under this chapter, 1116
provided that the applicant presents either an unexpired 1117
commercial driver's license or a commercial driver's license that 1118
has expired not more than six months prior to the date of 1119
application. 1120

(C) Subject to the requirements of this chapter and except as 1121
provided in division (A)(2) of this section in regard to a person 1122
whose temporary residence is in this state, every commercial 1123
driver's license shall be renewable one hundred eighty days before 1124
its expiration upon payment of the fees required by section 1125

4506.08 of the Revised Code. Each person applying for renewal or 1126
transfer of a commercial driver's license shall complete the 1127
application form prescribed by section 4506.07 of the Revised Code 1128
and shall provide all certifications required. Beginning on 1129
January 30, 2012, prior to applying for renewal of a commercial 1130
driver's license, each applicant shall submit a new copy or 1131
original medical examiner's certificate required by section 1132
4506.10 of the Revised Code; if the person's medical status has 1133
changed, the registrar shall take the appropriate action to 1134
address the change in medical status. If the person wishes to 1135
retain an endorsement authorizing the person to transport 1136
hazardous materials, the person shall take and successfully 1137
complete the written test for the endorsement and shall submit to 1138
any background check required by federal law. 1139

(D) Each person licensed as a driver under this chapter shall 1140
notify the registrar of any change in the person's address within 1141
ten days following that change. The notification shall be in 1142
writing on a form provided by the registrar and shall include the 1143
full name, date of birth, license number, county of residence, 1144
social security number, and new address of the person. 1145

(E) Whoever violates division (D) of this section is guilty 1146
of a minor misdemeanor. 1147

Sec. 4506.15. (A) No person who holds a commercial driver's 1148
license or operates a motor vehicle for which a commercial 1149
driver's license is required shall do any of the following: 1150

(1) Drive a commercial motor vehicle while having a 1151
measurable or detectable amount of alcohol or of a controlled 1152
substance in the person's blood, breath, or urine; 1153

(2) Drive a commercial motor vehicle while having an alcohol 1154
concentration of four-hundredths of one per cent or more by whole 1155
blood or breath; 1156

(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;	1157 1158 1159
(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;	1160 1161 1162
(5) Drive a motor vehicle while under the influence of a controlled substance;	1163 1164
(6) <u>Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;</u>	1165 1166 1167
(7) Use a motor vehicle in the commission of a felony;	1168
(7) (8) Refuse to submit to a test under section 4506.17 <u>or 4511.191</u> of the Revised Code;	1169 1170
(8) (9) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;	1171 1172 1173
(9) (10) Cause a fatality though <u>through</u> the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	1174 1175 1176 1177
(10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance (11) <u>Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;</u>	1178 1179 1180 1181 1182 1183 1184
(11) (12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or	1185 1186

any federal or local law or ordinance pertaining to 1187
railroad-highway grade crossings; 1188

~~(12) Violate any prohibition described in divisions (A)(2) to 1189
(11) of this section while transporting hazardous materials (13) 1190~~
Use a motor vehicle in the commission of a felony involving the 1191
manufacture, distribution, or dispensing of a controlled substance 1192
as defined in section 3719.01 of the Revised Code or the 1193
possession with intent to manufacture, distribute, or dispense a 1194
controlled substance. 1195

(B) Whoever violates this section is guilty of a misdemeanor 1196
of the first degree. 1197

Sec. 4506.16. (A) Any person who is found to have been 1198
convicted of a violation of an out-of-service order shall be 1199
disqualified by the registrar of motor vehicles as follows: 1200

(1) If the person has not been convicted previously of a 1201
violation of an out-of-service order, the period of 1202
disqualification is ~~ninety~~ one hundred eighty days. 1203

(2) If, during any ten-year period, the driver is convicted 1204
of a second violation of an out-of-service order in an incident 1205
separate from the incident that resulted in the first violation, 1206
the period of disqualification is ~~one year~~ two years. 1207

(3) If, during any ten-year period, the driver is convicted 1208
of a third or subsequent violation of an out-of-service order in 1209
an incident separate from the incidents that resulted in the 1210
previous violations during that ten-year period, the period of 1211
disqualification is three years. 1212

(B)(1) A driver is disqualified for one hundred eighty days 1213
if the driver is convicted of a first violation of an 1214
out-of-service order while transporting hazardous materials 1215
required to be placarded under the "Hazardous Materials 1216

Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 1217
amended, or while operating a motor vehicle designed to transport 1218
sixteen or more passengers, including the driver. 1219

(2) A driver is disqualified for a period of three years if, 1220
during any ten-year period, the driver is convicted of a second or 1221
subsequent violation, in an incident separate from the incident 1222
that resulted in a previous violation during that ten-year period, 1223
of an out-of-service order while transporting hazardous materials 1224
required to be placarded under that act, or while operating a 1225
motor vehicle designed to transport sixteen or more passengers, 1226
including the driver. 1227

(C) Whoever violates division (A)(1) of section 4506.15 of 1228
the Revised Code or a similar law of another state or a foreign 1229
jurisdiction, immediately shall be placed out-of-service for 1230
twenty-four hours, in addition to any disqualification required by 1231
this section and any other penalty imposed by the Revised Code. 1232

(D) The registrar of motor vehicles shall disqualify any 1233
holder of a commercial driver's license, or any operator of a 1234
commercial motor vehicle for which a commercial driver's license 1235
is required, from operating a commercial motor vehicle as follows: 1236

(1) Upon a first conviction for a violation of any provision 1237
of divisions (A)(2) to ~~(9)(12)~~ of section 4506.15 of the Revised 1238
Code, ~~or of section 4511.19 or sections 4549.02 to 4549.03 of the~~ 1239
~~Revised Code,~~ or a similar law of another state or a foreign 1240
jurisdiction, or upon a first suspension imposed under section 1241
4511.191 of the Revised Code or a similar law of another state or 1242
foreign jurisdiction, one year; 1243

(2) Upon a second conviction for a violation of any provision 1244
of divisions (A)(2) to ~~(9)(12)~~ of section 4506.15 of the Revised 1245
Code, ~~or of section 4511.19 or sections 4549.02 to 4549.03 of the~~ 1246
~~Revised Code,~~ or a similar law of another state or a foreign 1247

jurisdiction, or upon a second suspension imposed under section 1248
4511.191 of the Revised Code or a similar law of another state or 1249
foreign jurisdiction, or any combination of such violations 1250
arising from two or more separate incidents, the person shall be 1251
disqualified for life or for any other period of time as 1252
determined by the United States secretary of transportation and 1253
designated by the director of public safety by rule; 1254

(3) Upon a first conviction for ~~a violation of division~~ any 1255
of the following violations while transporting hazardous 1256
materials, three years: 1257

(a) Divisions (A)(~~12~~)(2) to (12) of section 4506.15 of the 1258
Revised Code ~~or a;~~ 1259

(b) A similar law of another state or a foreign jurisdiction, 1260
~~three years;~~ 1261

(4) Upon conviction of a violation of division (A)(~~10~~)(13) of 1262
section 4506.15 of the Revised Code or a similar law of another 1263
state or a foreign jurisdiction, the person shall be disqualified 1264
for life; 1265

(5)(a) Upon conviction of two serious traffic violations 1266
involving the operation of a commercial motor vehicle by the 1267
person and arising from separate incidents occurring in a 1268
three-year period, the person shall be disqualified for sixty 1269
days, which disqualification shall be imposed consecutively to any 1270
other separate disqualification imposed under division (D)(5) or 1271
(6) of this section; 1272

(b) Upon conviction of three serious traffic violations 1273
involving the operation of a commercial motor vehicle by the 1274
person and arising from separate incidents occurring in a 1275
three-year period, the person shall be disqualified for one 1276
hundred twenty days, which disqualification shall be imposed 1277
consecutively to any other separate disqualification imposed under 1278

division (D)(5) or (6) of this section; 1279

(6)(a) Upon conviction of two serious traffic violations 1280
involving the operation of a vehicle other than a commercial motor 1281
vehicle by the person and arising from separate incidents 1282
occurring in a three-year period, the person shall be disqualified 1283
for sixty days if the conviction results in the suspension, 1284
cancellation, or revocation of the holder's commercial driver's 1285
license or noncommercial motor vehicle driving privileges, which 1286
disqualification shall be imposed consecutively to any other 1287
separate disqualification imposed under division (D)(5) or (6) of 1288
this section; 1289

~~(6)~~(b) Upon conviction of three serious traffic violations 1290
involving the operation of a vehicle other than a commercial motor 1291
vehicle by the person and arising from separate incidents 1292
occurring in a three-year period, the person shall be disqualified 1293
for one hundred twenty days if the conviction results in the 1294
suspension, cancellation, or revocation of the holder's commercial 1295
driver's license or noncommercial motor vehicle driving 1296
privileges, which disqualification shall be imposed consecutively 1297
to any other separate disqualification imposed under division 1298
(D)(5) or (6) of this section. 1299

(7) Upon a first conviction involving the operation of a 1300
commercial motor vehicle in violation of any provisions of 1301
sections 4511.61 to 4511.63 of the Revised Code or a similar law 1302
of another state or foreign jurisdiction, not less than sixty 1303
days; 1304

(8) Upon a second conviction involving the operation of a 1305
commercial motor vehicle in violation of any provisions of 1306
sections 4511.61 to 4511.63 of the Revised Code or a similar law 1307
of another state or foreign jurisdiction within three years of the 1308
first such conviction, not less than one hundred twenty days; 1309

(9) Upon a third or subsequent conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one year;

(10) Upon receiving notification from the federal motor carrier safety administration, the registrar immediately, prior to any hearing, shall disqualify any commercial motor vehicle driver whose driving is determined to constitute an imminent hazard as defined under federal motor carrier safety regulation 49 C.F.R. 383.52.

(E) For the purposes of this section, conviction of a violation for which disqualification is required includes conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the

person's commercial driver's license. 1340

(2) The offense occurs on or after September 30, 2005. 1341

(G) If a person commits a serious traffic violation by 1342
operating a commercial motor vehicle without having a commercial 1343
driver's license in the person's possession as described in 1344
division ~~(DD)(7)~~ (GG)(2)(e) of section 4506.01 of the Revised Code 1345
and the person then submits proof to either the enforcement agency 1346
that issued the citation for the violation or to the court with 1347
jurisdiction over the case before the date of the person's initial 1348
appearance that shows that the person held a valid commercial 1349
driver's license at the time of the violation, the violation shall 1350
not be deemed to be a serious traffic violation. 1351

(H) Any record described in division (C) of this section 1352
shall be deemed to be self-authenticating when it is received by 1353
the bureau of motor vehicles. 1354

(I) When disqualifying a driver, the registrar shall cause 1355
the records of the bureau to be updated to reflect that action 1356
within ten days after it occurs. 1357

(J) The registrar immediately shall notify a driver who is 1358
finally convicted of any offense described in section 4506.15 of 1359
the Revised Code or division (B)(4), (5), or (6) of this section 1360
and thereby is subject to disqualification, of the offense or 1361
offenses involved, of the length of time for which 1362
disqualification is to be imposed, and that the driver may request 1363
a hearing within thirty days of the mailing of the notice to show 1364
cause why the driver should not be disqualified from operating a 1365
commercial motor vehicle. If a request for such a hearing is not 1366
made within thirty days of the mailing of the notice, the order of 1367
disqualification is final. The registrar may designate hearing 1368
examiners who, after affording all parties reasonable notice, 1369
shall conduct a hearing to determine whether the disqualification 1370

order is supported by reliable evidence. The registrar shall adopt 1371
rules to implement this division. 1372

(K) Any person who is disqualified from operating a 1373
commercial motor vehicle under this section may apply to the 1374
registrar for a driver's license to operate a motor vehicle other 1375
than a commercial motor vehicle, provided the person's commercial 1376
driver's license is not otherwise suspended. A person whose 1377
commercial driver's license is suspended shall not apply to the 1378
registrar for or receive a driver's license under Chapter 4507. of 1379
the Revised Code during the period of suspension. 1380

(L) The disqualifications imposed under this section are in 1381
addition to any other penalty imposed by the Revised Code. 1382

Sec. 4506.161. No court shall issue an order granting limited 1383
driving privileges for operation of a commercial motor vehicle to 1384
any person whose driver's license or commercial driver's license 1385
has been suspended or who has been disqualified from operating a 1386
commercial motor vehicle. In regard to an offense involving the 1387
operation of a commercial motor vehicle, no court shall modify any 1388
record, or consent to the modification of any record, if the 1389
resulting record would no longer reflect the operation of a 1390
commercial motor vehicle, unless a determination of the facts 1391
indicates that the person was not operating a commercial motor 1392
vehicle at the time of the offense. 1393

Sec. 4506.17. (A) Any person who holds a commercial driver's 1394
license or operates a commercial motor vehicle requiring a 1395
commercial driver's license within this state shall be deemed to 1396
have given consent to a test or tests of the person's whole blood, 1397
blood serum or plasma, breath, or urine for the purpose of 1398
determining the person's alcohol concentration or the presence of 1399
any controlled substance or a metabolite of a controlled 1400

substance. 1401

(B) A test or tests as provided in division (A) of this 1402
section may be administered at the direction of a peace officer 1403
having reasonable ground to stop or detain the person and, after 1404
investigating the circumstances surrounding the operation of the 1405
commercial motor vehicle, also having reasonable ground to believe 1406
the person was driving the commercial vehicle while having a 1407
measurable or detectable amount of alcohol or of a controlled 1408
substance or a metabolite of a controlled substance in the 1409
person's whole blood, blood serum or plasma, breath, or urine. Any 1410
such test shall be given within two hours of the time of the 1411
alleged violation. 1412

(C) A person requested to submit to a test under division (A) 1413
of this section shall be advised by the peace officer requesting 1414
the test that a refusal to submit to the test will result in the 1415
person immediately being placed out-of-service for a period of 1416
twenty-four hours and being disqualified from operating a 1417
commercial motor vehicle for a period of not less than one year, 1418
and that the person is required to surrender the person's 1419
commercial driver's license to the peace officer. 1420

(D) If a person refuses to submit to a test after being 1421
warned as provided in division (C) of this section or submits to a 1422
test that discloses the presence of an amount of alcohol or a 1423
controlled substance prohibited by divisions (A)(1) to (5) of 1424
section 4506.15 of the Revised Code or a metabolite of a 1425
controlled substance, ~~an alcohol concentration of four hundredths~~ 1426
~~of one per cent or more by whole blood or breath, an alcohol~~ 1427
~~concentration of forty eight thousandths of one per cent or more~~ 1428
~~by blood serum or blood plasma, or an alcohol concentration of~~ 1429
~~fifty six thousandths of one per cent or more by urine, the person~~ 1430
immediately shall surrender the person's commercial driver's 1431

license to the peace officer. The peace officer shall forward the 1432
license, together with a sworn report, to the registrar of motor 1433
vehicles certifying that the test was requested pursuant to 1434
division (A) of this section and that the person either refused to 1435
submit to testing or submitted to a test that disclosed the 1436
presence of ~~a controlled substance or a metabolite of a controlled~~ 1437
~~substance or a prohibited alcohol concentration~~ one of the 1438
prohibited concentrations of a substance listed in divisions 1439
(A)(1) to (5) of section 4506.15 of the Revised Code or a 1440
metabolite of a controlled substance. The form and contents of the 1441
report required by this section shall be established by the 1442
registrar by rule, but shall contain the advice to be read to the 1443
driver and a statement to be signed by the driver acknowledging 1444
that the driver has been read the advice and that the form was 1445
shown to the driver. 1446

(E) Upon receipt of a sworn report from a peace officer as 1447
provided in division (D) of this section, or upon receipt of 1448
notification that a person has been disqualified under a similar 1449
law of another state or foreign jurisdiction, the registrar shall 1450
disqualify the person named in the report from driving a 1451
commercial motor vehicle for the period described below: 1452

(1) Upon a first incident, one year; 1453

(2) Upon an incident of refusal or of a prohibited 1454
concentration of alcohol, a controlled substance, or a metabolite 1455
of a controlled substance after one or more previous incidents of 1456
either refusal or of a prohibited concentration of alcohol, a 1457
controlled substance, or a metabolite of a controlled substance, 1458
the person shall be disqualified for life or such lesser period as 1459
prescribed by rule by the registrar. 1460

(F) A test of a person's whole blood or a person's blood 1461
serum or plasma given under this section shall comply with the 1462
applicable provisions of division (D) of section 4511.19 of the 1463

Revised Code and any physician, registered nurse, emergency 1464
medical technician-intermediate, emergency medical 1465
technician-paramedic, or qualified technician, chemist, or 1466
phlebotomist who withdraws whole blood or blood serum or plasma 1467
from a person under this section, and any hospital, first-aid 1468
station, clinic, or other facility at which whole blood or blood 1469
serum or plasma is withdrawn from a person pursuant to this 1470
section, is immune from criminal liability, and from civil 1471
liability that is based upon a claim of assault and battery or 1472
based upon any other claim of malpractice, for any act performed 1473
in withdrawing whole blood or blood serum or plasma from the 1474
person. The immunity provided in this division also extends to an 1475
emergency medical service organization that employs an emergency 1476
medical technician-intermediate or emergency medical 1477
technician-paramedic who withdraws blood under this section. 1478

(G) When a person submits to a test under this section, the 1479
results of the test, at the person's request, shall be made 1480
available to the person, the person's attorney, or the person's 1481
agent, immediately upon completion of the chemical test analysis. 1482
The person also may have an additional test administered by a 1483
physician, a registered nurse, or a qualified technician, chemist, 1484
or phlebotomist of the person's own choosing as provided in 1485
division (D) of section 4511.19 of the Revised Code for tests 1486
administered under that section, and the failure to obtain such a 1487
test has the same effect as in that division. 1488

(H) No person shall refuse to immediately surrender the 1489
person's commercial driver's license to a peace officer when 1490
required to do so by this section. 1491

(I) A peace officer issuing an out-of-service order or 1492
receiving a commercial driver's license surrendered under this 1493
section may remove or arrange for the removal of any commercial 1494
motor vehicle affected by the issuance of that order or the 1495

surrender of that license. 1496

(J)(1) Except for civil actions arising out of the operation 1497
of a motor vehicle and civil actions in which the state is a 1498
plaintiff, no peace officer of any law enforcement agency within 1499
this state is liable in compensatory damages in any civil action 1500
that arises under the Revised Code or common law of this state for 1501
an injury, death, or loss to person or property caused in the 1502
performance of official duties under this section and rules 1503
adopted under this section, unless the officer's actions were 1504
manifestly outside the scope of the officer's employment or 1505
official responsibilities, or unless the officer acted with 1506
malicious purpose, in bad faith, or in a wanton or reckless 1507
manner. 1508

(2) Except for civil actions that arise out of the operation 1509
of a motor vehicle and civil actions in which the state is a 1510
plaintiff, no peace officer of any law enforcement agency within 1511
this state is liable in punitive or exemplary damages in any civil 1512
action that arises under the Revised Code or common law of this 1513
state for any injury, death, or loss to person or property caused 1514
in the performance of official duties under this section of the 1515
Revised Code and rules adopted under this section, unless the 1516
officer's actions were manifestly outside the scope of the 1517
officer's employment or official responsibilities, or unless the 1518
officer acted with malicious purpose, in bad faith, or in a wanton 1519
or reckless manner. 1520

(K) When disqualifying a driver, the registrar shall cause 1521
the records of the bureau of motor vehicles to be updated to 1522
reflect the disqualification within ten days after it occurs. 1523

(L) The registrar immediately shall notify a driver who is 1524
subject to disqualification of the disqualification, of the length 1525
of the disqualification, and that the driver may request a hearing 1526
within thirty days of the mailing of the notice to show cause why 1527

the driver should not be disqualified from operating a commercial 1528
motor vehicle. If a request for such a hearing is not made within 1529
thirty days of the mailing of the notice, the order of 1530
disqualification is final. The registrar may designate hearing 1531
examiners who, after affording all parties reasonable notice, 1532
shall conduct a hearing to determine whether the disqualification 1533
order is supported by reliable evidence. The registrar shall adopt 1534
rules to implement this division. 1535

(M) Any person who is disqualified from operating a 1536
commercial motor vehicle under this section may apply to the 1537
registrar for a driver's license to operate a motor vehicle other 1538
than a commercial motor vehicle, provided the person's commercial 1539
driver's license is not otherwise suspended. A person whose 1540
commercial driver's license is suspended shall not apply to the 1541
registrar for or receive a driver's license under Chapter 4507. of 1542
the Revised Code during the period of suspension. 1543

(N) Whoever violates division (H) of this section is guilty 1544
of a misdemeanor of the first degree. 1545

(O) As used in this section, "emergency medical 1546
technician-intermediate" and "emergency medical 1547
technician-paramedic" have the same meanings as in section 4765.01 1548
of the Revised Code. 1549

Sec. 4506.21. Within ten days after receiving a report of the 1550
conviction of any nonresident ~~holder of a commercial driver's~~ 1551
~~license~~ for a violation of a state law or local ordinance or 1552
resolution relating to traffic control, other than parking 1553
violations, committed in a commercial motor vehicle, the registrar 1554
of motor vehicles shall notify the driver licensing authority in 1555
the state jurisdiction in which the person resides and the driver 1556
licensing authority that issued the nonresident's commercial 1557
driver's license ~~of the conviction, if different from the state of~~ 1558

residence. 1559

Sec. 4510.03. (A) Every county court judge, mayor of a 1560
mayor's court, and clerk of a court of record shall keep a full 1561
record of every case in which a person is charged with any 1562
violation of any provision of sections 4511.01 to 4511.771 or 1563
4513.01 to 4513.36 of the Revised Code or of any other law or 1564
ordinance regulating the operation of vehicles, streetcars, and 1565
trackless trolleys on highways or streets. 1566

(B) If a person is convicted of or forfeits bail in relation 1567
to a violation of any section listed in division (A) of this 1568
section or a violation of any other law or ordinance regulating 1569
the operation of vehicles, streetcars, and trackless trolleys on 1570
highways or streets, the county court judge, mayor of a mayor's 1571
court, or clerk, within ~~ten~~ seven days after the conviction or 1572
bail forfeiture, shall prepare and immediately forward to the 1573
bureau of motor vehicles an abstract, certified by the preparer to 1574
be true and correct, of the court record covering the case in 1575
which the person was convicted or forfeited bail. Every court of 1576
record also shall forward to the bureau of motor vehicles an 1577
abstract of the court record as described in division (C) of this 1578
section upon the conviction of any person of aggravated vehicular 1579
homicide or vehicular homicide or of a felony in the commission of 1580
which a vehicle was used. 1581

(C) Each abstract required by this section shall be made upon 1582
a form approved and furnished by the bureau and shall include the 1583
name and address of the person charged, the number of the person's 1584
driver's or commercial driver's license, probationary driver's 1585
license, or temporary instruction permit, the registration number 1586
of the vehicle involved, the nature of the offense, the date of 1587
the offense, the date of hearing, the plea, the judgment, or 1588
whether bail was forfeited, and the amount of the fine or 1589

forfeiture. 1590

Sec. 4510.036. (A) The bureau of motor vehicles shall record 1591
within ten days, ~~after receipt,~~ of conviction or bail forfeiture 1592
and shall keep at its main office, all abstracts received under 1593
this section or section 4510.03, 4510.031, 4510.032, or 4510.034 1594
of the Revised Code and shall maintain records of convictions and 1595
bond forfeitures for any violation of a state law or a municipal 1596
ordinance regulating the operation of vehicles, streetcars, and 1597
trackless trolleys on highways and streets, except a violation 1598
related to parking a motor vehicle. 1599

(B) Every court of record or mayor's court before which a 1600
person is charged with a violation for which points are chargeable 1601
by this section shall assess and transcribe to the abstract of 1602
conviction that is furnished by the bureau to the court the number 1603
of points chargeable by this section in the correct space assigned 1604
on the reporting form. A United States district court that has 1605
jurisdiction within this state and before which a person is 1606
charged with a violation for which points are chargeable by this 1607
section may assess and transcribe to the abstract of conviction 1608
report that is furnished by the bureau the number of points 1609
chargeable by this section in the correct space assigned on the 1610
reporting form. If the federal court so assesses and transcribes 1611
the points chargeable for the offense and furnishes the report to 1612
the bureau, the bureau shall record the points in the same manner 1613
as those assessed and transcribed by a court of record or mayor's 1614
court. 1615

(C) A court shall assess the following points for an offense 1616
based on the following formula: 1617

(1) Aggravated vehicular homicide, vehicular homicide, 1618
vehicular manslaughter, aggravated vehicular assault, or vehicular 1619
assault when the offense involves the operation of a vehicle, 1620

streetcar, or trackless trolley on a highway or street	1621
6 points	1622
(2) A violation of section 2921.331 of the Revised Code or	1623
any ordinance prohibiting the willful fleeing or eluding of a law	1624
enforcement officer 6 points	1625
(3) A violation of section 4549.02 or 4549.021 of the Revised	1626
Code or any ordinance requiring the driver of a vehicle to stop	1627
and disclose identity at the scene of an accident 6	1628
points	1629
(4) A violation of section 4511.251 of the Revised Code or	1630
any ordinance prohibiting street racing 6 points	1631
(5) A violation of section 4510.11, 4510.14, 4510.16, or	1632
4510.21 of the Revised Code or any ordinance prohibiting the	1633
operation of a motor vehicle while the driver's or commercial	1634
driver's license is under suspension 6 points	1635
(6) A violation of division (A) of section 4511.19 of the	1636
Revised Code, any ordinance prohibiting the operation of a vehicle	1637
while under the influence of alcohol, a drug of abuse, or a	1638
combination of them, or any ordinance substantially equivalent to	1639
division (A) of section 4511.19 of the Revised Code prohibiting	1640
the operation of a vehicle with a prohibited concentration of	1641
alcohol, a controlled substance, or a metabolite of a controlled	1642
substance in the whole blood, blood serum or plasma, breath, or	1643
urine 6 points	1644
(7) A violation of section 2913.03 of the Revised Code that	1645
does not involve an aircraft or motorboat or any ordinance	1646
prohibiting the operation of a vehicle without the consent of the	1647
owner 6 points	1648
(8) Any offense under the motor vehicle laws of this state	1649
that is a felony, or any other felony in the commission of which a	1650
motor vehicle was used 6 points	1651

(9) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine	4 points	1652 1653 1654 1655 1656
(10) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property	4 points	1657 1658 1659 1660
(11) A violation of any law or ordinance pertaining to speed:		1661
(a) Notwithstanding divisions (C)(11)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more	4 points	1662 1663 1664
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour	2 points	1665 1666 1667
(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour	2 points	1668 1669 1670
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section	0 points	1671 1672 1673
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar	2 points	1674 1675
(13) All other moving violations reported under this section	2 points	1676 1677
(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for		1678 1679 1680 1681

which bond was posted. 1682

(E) If a person is convicted of or forfeits bail for two or 1683
more offenses arising out of the same facts and points are 1684
chargeable for each of the offenses, points shall be charged for 1685
only the conviction or bond forfeiture for which the greater 1686
number of points is chargeable, and, if the number of points 1687
chargeable for each offense is equal, only one offense shall be 1688
recorded, and points shall be charged only for that offense. 1689

Sec. 4513.37. Every county court judge, mayor, and clerk of a 1690
court of record shall keep a full record of every case in which a 1691
person is charged with any violation of sections 4511.01 to 1692
4511.78, section 4511.99, and sections 4513.01 to 4513.37 of the 1693
Revised Code, or of any other law or ordinance regulating the 1694
operation of vehicles, streetcars, and trackless trolleys on 1695
highways. 1696

Within ~~ten~~ seven days after the conviction or forfeiture of 1697
bail of a person upon a charge of violating any of such sections 1698
or other law or ordinance regulating the operation of vehicles, 1699
streetcars, and trackless trolleys on highways, said judge, mayor, 1700
or clerk shall prepare and immediately forward to the department 1701
of public safety an abstract of the court record covering the case 1702
in which said person was convicted ~~for~~ or forfeited bail, which 1703
abstract must be certified by the person required to prepare the 1704
same to be true and correct. 1705

~~Said~~ The abstract shall be made upon a form approved and 1706
furnished by the department and shall include the name and address 1707
of the party charged, the number of ~~his~~ the party's driver's or 1708
commercial driver's license, the registration number of the 1709
vehicle involved, the nature of the offense, the date of hearing, 1710
the plea, the judgment, or whether bail forfeited, and the amount 1711
of the fine or forfeiture. 1712

Every court of record shall also forward a like report to the 1713
department upon the conviction of any person of manslaughter or 1714
other felony in the commission of which a vehicle was used. 1715

The failure, refusal, or neglect of such officer to comply 1716
with this section constitutes misconduct in office and is ground 1717
for removal therefrom. 1718

The department shall keep all abstracts received under this 1719
section at its main office. 1720

Sec. 5577.05. (A) No vehicle shall be operated upon the 1721
public highways, streets, bridges, and culverts within the state, 1722
whose dimensions exceed those specified in this section. 1723

(B) No such vehicle shall have a width in excess of: 1724

(1) One hundred four inches for passenger bus type vehicles 1725
operated exclusively within municipal corporations; 1726

(2) One hundred two inches, excluding such safety devices as 1727
are required by law, for passenger bus type vehicles operated over 1728
freeways, and such other state roads with minimum pavement widths 1729
of twenty-two feet, except those roads or portions ~~thereof~~ of 1730
roads over which operation of one hundred two-inch buses is 1731
prohibited by order of the director of transportation; 1732

(3) One hundred thirty-two inches for traction engines; 1733

(4) One hundred two inches for recreational vehicles, 1734
excluding safety devices and retracted awnings and other 1735
appurtenances of six inches or less in width and except that the 1736
director may prohibit the operation of one hundred two inch 1737
recreational vehicles on designated state highways or portions of 1738
highways; 1739

(5) One hundred two inches, including load, for all other 1740
vehicles, except that the director may prohibit the operation of 1741
one hundred two-inch vehicles on such state highways or portions 1742

~~thereof~~ of state highways as the director designates. 1743

(C) No such vehicle shall have a length in excess of: 1744

(1) Sixty-six feet for passenger bus type vehicles and 1745
articulated passenger bus type vehicles operated by a regional 1746
transit authority pursuant to sections 306.30 to 306.54 of the 1747
Revised Code; 1748

(2) Forty-five feet for all other passenger bus type 1749
vehicles; 1750

(3) Fifty-three feet for any semitrailer when operated in a 1751
commercial tractor-semitrailer combination, with or without load, 1752
except that the director may prohibit the operation of any such 1753
commercial tractor-semitrailer combination on such state highways 1754
or portions ~~thereof~~ of state highways as the director designates. 1755

(4) Twenty-eight and one-half feet for any semitrailer or 1756
trailer when operated in a commercial tractor-semitrailer-trailer 1757
or commercial tractor-semitrailer-semitrailer combination, except 1758
that the director may prohibit the operation of any such 1759
commercial tractor-semitrailer-trailer or commercial 1760
tractor-semitrailer-semitrailer combination on such state highways 1761
or portions ~~thereof~~ of state highways as the director designates; 1762

(5)(a) Ninety-seven feet for drive-away saddlemount vehicle 1763
transporter combinations and drive-away saddlemount with fullmount 1764
vehicle transporter combinations when operated on any interstate, 1765
United States route, or state route, including reasonable access 1766
travel on all other roadways for a distance not to exceed one road 1767
mile from any interstate, United States route, or state route, not 1768
to exceed three saddlemounted vehicles, but which may include one 1769
fullmount; 1770

(b) Seventy-five feet for drive-away saddlemount vehicle 1771
transporter combinations and drive-away saddlemount with fullmount 1772
vehicle transporter combinations, when operated on any roadway not 1773

designated as an interstate, United States route, or state route, 1774
not to exceed three saddlemounted vehicles, but which may include 1775
one fullmount; 1776

(6) Sixty-five feet for any other combination of vehicles 1777
coupled together, with or without load, except as provided in 1778
divisions (C)(3) and (4), and in division (E) of this section; 1779

(7) Forty-five feet for recreational vehicles; 1780

(8) Forty feet for all other vehicles except trailers and 1781
semitrailers, with or without load. 1782

(D) No such vehicle shall have a height in excess of thirteen 1783
feet six inches, with or without load. 1784

(E) An automobile transporter or boat transporter shall be 1785
allowed a length of sixty-five feet and a stinger-steered 1786
automobile transporter or stinger-steered boat transporter shall 1787
be allowed a length of seventy-five feet, except that the load 1788
thereon may extend no more than four feet beyond the rear of such 1789
vehicles and may extend no more than three feet beyond the front 1790
of such vehicles, and except further that the director may 1791
prohibit the operation of a stinger-steered automobile 1792
transporter, stinger-steered boat transporter, or a B-train 1793
assembly on any state highway or portion ~~thereof~~ of any state 1794
highway that the director designates. 1795

(F) The widths prescribed in division (B) of this section 1796
shall not include side mirrors, turn signal lamps, marker lamps, 1797
handholds for cab entry and egress, flexible fender extensions, 1798
mud flaps, splash and spray suppressant devices, and load-induced 1799
tire bulge. 1800

The width prescribed in division (B)(5) of this section shall 1801
not include automatic covering devices, tarp and tarp hardware, 1802
and tiedown assemblies, provided these safety devices do not 1803
extend more than three inches from each side of the vehicle. 1804

The lengths prescribed in divisions (C)(2) to (8) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than twenty-four inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the secretary of the United States department of transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the director.

(G) This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this state, shall comply with the rules of the director governing such movement, ~~which~~ that the director may adopt. Sections 119.01 to 119.13 of the Revised Code apply to any rules the director adopts under this section, or the amendment or rescission ~~thereof~~ of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the state, a municipal

corporation, county, township, or any railroad or other private 1837
corporation to provide sufficient vertical clearance to permit the 1838
operation of such vehicle, or to make any changes in or about 1839
existing structures now crossing streets, roads, and other public 1840
thoroughfares in this state. 1841

(H) As used in this section, "recreational vehicle" has the 1842
same meaning as in section 4501.01 of the Revised Code. 1843

Section 2. That existing sections 2935.36, 2951.041, 4506.01, 1844
4506.05, 4506.07, 4506.10, 4506.101, 4506.12, 4506.13, 4506.14, 1845
4506.15, 4506.16, 4506.161, 4506.17, 4506.21, 4510.03, 4510.036, 1846
4513.37, and 5577.05 of the Revised Code are hereby repealed. 1847
1848