

As Reported by the House Criminal Justice Committee

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Senator Hughes

**Cosponsors: Senators Grendell, Kearney, Manning, Patton, Seitz, Wagoner,
Bacon, Brown, Burke, Daniels, Eklund, Hite, Jones, Jordan, Lehner, Obhof**

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A B I L L

To amend sections 4510.31 and 4510.311 of the Revised 1
Code to permit a judge to elect to order the 2
Registrar of Motor Vehicles not to suspend the 3
probationary driver's license, restricted license, 4
or temporary instruction permit of certain 5
juvenile repeat traffic violators, to require the 6
Director of Public Safety to establish standards 7
for advanced juvenile driver improvement programs, 8
and to transfer authority to establish standards 9
for juvenile driver improvement programs from the 10
Registrar of Motor Vehicles to the Director of 11
Public Safety. 12

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

Section 1. That sections 4510.31 and 4510.311 of the Revised 13
Code be amended to read as follows: 14

Sec. 4510.31. (A)(1) Except as provided in division (C) (1) or 15
(2) of this section, the registrar of motor vehicles shall suspend 16
the probationary driver's license, restricted license, or 17
temporary instruction permit issued to any person when the person 18

has been convicted of, pleaded guilty to, or been adjudicated in 19
juvenile court of having committed, prior to the person's 20
eighteenth birthday, any of the following: 21

(a) Three separate violations of section 2903.06, 2903.08, 22
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 4511.202, 23
4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 to 4511.65, 24
4511.75, 4549.02, 4549.021, or 4549.03 of the Revised Code, 25
section 4510.14 of the Revised Code involving a suspension imposed 26
under section 4511.191 or 4511.196 of the Revised Code, section 27
2903.04 of the Revised Code in a case in which the person would 28
have been subject to the sanctions described in division (D) of 29
that section had the person been convicted of the violation of 30
that section, former section 2903.07 of the Revised Code, or any 31
municipal ordinances similarly relating to the offenses referred 32
to in those sections; 33

(b) One violation of section 4511.19 of the Revised Code or a 34
substantially similar municipal ordinance; 35

(c) Two separate violations of any of the Revised Code 36
sections referred to in division (A)(1)(a) of this section, or any 37
municipal ordinance that is substantially similar to any of those 38
sections. 39

(2) Any person whose license or permit is suspended under 40
division (A)(1)(a), (b), or (c) of this section shall mail or 41
deliver the person's probationary driver's license, restricted 42
license, or temporary instruction permit to the registrar within 43
fourteen days of notification of the suspension. The registrar 44
shall retain the license or permit during the period of the 45
suspension. A suspension pursuant to division (A)(1)(a) of this 46
section shall be a class C suspension, a suspension pursuant to 47
division (A)(1)(b) of this section shall be a class D suspension, 48
and a suspension pursuant to division (A)(1)(c) of this section 49

shall be a class E suspension, all for the periods of time 50
specified in division (B) of section 4510.02 of the Revised Code. 51
If the person's probationary driver's license, restricted license, 52
or temporary instruction permit is under suspension on the date 53
the court imposes sentence upon the person for a violation 54
described in division (A)(1)(b) of this section, the suspension 55
shall take effect on the next day immediately following the end of 56
that period of suspension. If the person is sixteen years of age 57
or older and pleads guilty to or is convicted of a violation 58
described in division (A)(1)(b) of this section and the person 59
does not have a current, valid probationary driver's license, 60
restricted license, or temporary instruction permit, the registrar 61
shall deny the issuance to the person of a probationary driver's 62
license, restricted license, driver's license, commercial driver's 63
license, or temporary instruction permit, as the case may be, for 64
six months beginning on the date the court imposes sentence upon 65
the person for the violation. If the person has not attained the 66
age of sixteen years on the date the court imposes sentence upon 67
the person for the violation, the period of denial shall commence 68
on the date the person attains the age of sixteen years. 69

(3) The registrar shall suspend the person's license or 70
permit under division (A) of this section regardless of whether 71
the disposition of the case in juvenile court occurred after the 72
person's eighteenth birthday. 73

(B) The registrar also shall impose a class D suspension for 74
the period of time specified in division (B)(4) of section 4510.02 75
of the Revised Code of the temporary instruction permit or 76
probationary driver's license of any person under the age of 77
eighteen who has been adjudicated an unruly child, delinquent 78
child, or juvenile traffic offender for having committed any act 79
that if committed by an adult would be a drug abuse offense or a 80
violation of division (B) of section 2917.11 of the Revised Code. 81

The registrar, in the registrar's discretion, may terminate the suspension if the child, at the discretion of the court, attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. Any person whose temporary instruction permit or probationary driver's license is suspended under this division shall mail or deliver the person's permit or license to the registrar within fourteen days of notification of the suspension. The registrar shall retain the permit or license during the period of the suspension.

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

A court that grants limited driving privileges to a person under this division shall retain the person's probationary driver's license, restricted license, or temporary instruction

permit during the period the license or permit is suspended and 114
also during the period for which limited driving privileges are 115
granted, and shall deliver to the person a permit card, in a form 116
to be prescribed by the court, setting forth the date on which the 117
limited driving privileges will become effective, the purposes for 118
which the person may drive, the times and places at which the 119
person may drive, and any other conditions imposed upon the 120
person's use of a motor vehicle. 121

The court immediately shall notify the registrar, in writing, 122
of a grant of limited driving privileges under this division. The 123
notification shall specify the date on which the limited driving 124
privileges will become effective, the purposes for which the 125
person may drive, the times and places at which the person may 126
drive, and any other conditions imposed upon the person's use of a 127
motor vehicle. The registrar shall not suspend the probationary 128
driver's license, restricted license, or temporary instruction 129
permit of any person pursuant to division (A) of this section 130
during any period for which the person has been granted limited 131
driving privileges as provided in this division, if the registrar 132
has received the notification described in this division from the 133
court. 134

~~(2)(b)~~ Except as provided in division (C)~~(3)(1)(c)~~ of this 135
section, in any case in which the temporary instruction permit or 136
probationary driver's license of a person under eighteen years of 137
age has been suspended under division (A) or (B) of this section 138
or any other provision of law, the court may grant the person 139
limited driving privileges for the purpose of the person's 140
practicing of driving with the person's parent, guardian, or other 141
custodian during the period of the suspension. Any grant of 142
limited driving privileges under this division shall comply with 143
division (D) of section 4510.021 of the Revised Code. 144

~~(3)(c)~~ A court shall not grant limited driving privileges to 145

a person identified in division (C)(1)(a) or ~~(2)(b)~~ of this 146
section if the person, within the preceding six years, has been 147
convicted of, pleaded guilty to, or adjudicated in juvenile court 148
of having committed three or more violations of one or more of the 149
divisions or sections set forth in divisions (G)(2)(b) to (g) of 150
section 2919.22 of the Revised Code. 151

(2)(a) In a case in which a person is convicted of, pleads 152
guilty to, or is adjudicated in juvenile court of having 153
committed, prior to the person's eighteenth birthday, a second or 154
third violation of section 4511.12, 4511.13, 4511.20 to 4511.23, 155
4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75 of the 156
Revised Code or any similar municipal ordinances and division 157
(A)(1)(a) or (c) of this section requires the registrar of motor 158
vehicles to suspend the person's license or permit, the court in 159
which the person is convicted of, pleads guilty to, or is 160
adjudicated of having committed the second or third violation may 161
elect to order the registrar of motor vehicles to waive the 162
suspension if all of the following apply: 163

(i) Prior to the date on which the court imposes sentence 164
upon, or makes an order of disposition for, the person for the 165
second or third violation, the person submits to the court a 166
petition requesting the court to order the registrar to waive the 167
prescribed suspension and describing the reasons why the person 168
believes the suspension, if imposed, would seriously affect the 169
person's ability to continue in employment, educational training, 170
vocational training, or treatment. 171

(ii) Prior to the date specified in division (C)(2)(a)(i) of 172
this section, the person submits to the court satisfactory proof 173
showing that the person successfully completed an advanced 174
juvenile driver improvement program approved by the director of 175
public safety under division (B) of section 4510.311 of the 176
Revised Code after the date the person committed that second or 177

third violation. 178

(iii) Prior to imposing sentence upon, or making an order of disposition for, the person for the second or third violation, the court finds reasonable cause to believe that the suspension, if imposed, would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment. 179
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(iv) If the court is imposing sentence upon, or making an order of disposition for, the person for a third violation, the person did not submit to the court that imposed sentence upon, or made an order of disposition for, the person for the second violation a petition of the type described in division (C)(2)(a)(i) of this section, and the court that imposed sentence upon, or made an order of disposition for, the person for that second violation did not order the registrar of motor vehicles to waive the suspension of the person's license or permit required under division (A)(1)(c) of this section for the conviction of, plea of guilty to, or adjudication in juvenile court of having committed that second violation. 185
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(b) If a court elects pursuant to division (C)(2)(a) of this section to order the registrar of motor vehicles to waive a suspension that otherwise is required under division (A)(1)(a) or (c) of this section, the court immediately shall send a written copy of the order to the registrar. Upon receipt of the written copy of the order, the registrar shall not suspend pursuant to division (A)(1)(a) or (c) of this section the probationary driver's license, restricted license, or temporary instruction permit of the person who is the subject of the order for the second or third violation for which the suspension otherwise would be imposed under that division. 197
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(D) If a person who has been granted limited driving privileges under division (C)(1) of this section is convicted of, 208
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pleads guilty to, or is adjudicated in juvenile court of having 210
committed, a violation of Chapter 4510. of the Revised Code, or a 211
subsequent violation of any of the sections of the Revised Code 212
listed in division (A)(1)(a) of this section or any similar 213
municipal ordinance during the period for which the person was 214
granted limited driving privileges, the court that granted the 215
limited driving privileges shall suspend the person's permit card. 216
The court or the clerk of the court immediately shall forward the 217
person's probationary driver's license, restricted license, or 218
temporary instruction permit together with written notification of 219
the court's action to the registrar. Upon receipt of the license 220
or permit and notification, the registrar shall impose a class C 221
suspension of the person's probationary driver's license, 222
restricted license, or temporary instruction permit for the period 223
of time specified in division (B)(3) of section 4510.02 of the 224
Revised Code. The registrar shall retain the license or permit 225
during the period of suspension, and no further limited driving 226
privileges shall be granted during that period. 227

(E) No application for a driver's or commercial driver's 228
license shall be received from any person whose probationary 229
driver's license, restricted license, or temporary instruction 230
permit has been suspended under this section until each of the 231
following has occurred: 232

(1) The suspension period has expired; 233

(2) A temporary instruction permit or commercial driver's 234
license temporary instruction permit has been issued; 235

(3) The person successfully completes a juvenile driver 236
improvement program approved by the ~~registrar~~ director of public 237
safety under division (A) of section 4510.311 of the Revised Code; 238

(4) The applicant has submitted to the examination for a 239
driver's license as provided for in section 4507.11 or a 240

commercial driver's license as provided in Chapter 4506. of the 241
Revised Code. 242

Sec. 4510.311. (A) The registrar of motor vehicles director 243
of public safety shall establish standards for juvenile driver 244
improvement programs and shall approve any programs that meet the 245
established standards. The standards established by the ~~registrar~~ 246
director shall require a minimum of five hours of classroom 247
instruction, with at least three hours devoted to driver skill 248
requirements and two hours devoted to juvenile driver information 249
related to the driving records of drivers under eighteen years of 250
age, driver perceptions, and the value of the traffic laws. The 251
standards also shall require a person whose probationary driver's 252
license was suspended under section 4510.31 of the Revised Code to 253
undertake and pass, as successful completion of an approved 254
juvenile driver improvement program, the driver's license 255
examination that a person who holds a temporary instruction permit 256
is required to undertake and pass in order to be issued a 257
probationary driver's license. The person shall pay the applicable 258
fee that is required to accompany an application for a driver's 259
license as prescribed in division (E) of section 4507.23 of the 260
Revised Code. The ~~registrar~~ director shall prescribe the 261
requirements for the curriculum to be provided as well as other 262
program directives. Only those programs approved by the ~~registrar~~ 263
director shall be acceptable for reinstatement of the driving 264
privileges of a person whose probationary driver's license was 265
suspended under section 4510.31 of the Revised Code. 266

(B) The director of public safety shall establish standards 267
for advanced juvenile driver improvement programs and shall 268
approve any programs that meet the established standards. The 269
standards established by the director shall require a minimum of 270
two hours of classroom instruction with a focus on driving 271
physics, vehicle dynamics, proper vision techniques, and teen 272

driver statistics. The standards also shall require a minimum of 273
four hours of emergency driving skills development through 274
"behind-the-wheel" driving exercises with a focus on vehicle 275
control in emergency and adverse weather driving situations. The 276
driving exercises shall include vehicle control in inclement 277
weather conditions, emergency transition maneuvers, and spin and 278
skid control. The driving exercises shall take place in a suitable 279
closed-course facility that is safe and controlled and has 280
adequate run-off areas. The director shall prescribe the 281
requirements for the curriculum to be provided as well as other 282
program directives and the requirements and score necessary to 283
pass the course. A person who attends an advanced juvenile driver 284
improvement program for the purpose specified in division (C)(2) 285
of section 4510.31 of the Revised Code that meets the standards 286
and requirements prescribed in this division for such courses and 287
successfully completes the course shall receive a certificate of 288
completion from the program. 289

Section 2. That existing sections 4510.31 and 4510.311 of the 290
Revised Code are hereby repealed. 291