

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 155

Representatives Ramos, Reece

Cosponsors: Representatives Driehaus, Antonio, Foley, Phillips, Hagan, R.

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A B I L L

To amend sections 4507.05 and 4507.06 of the Revised 1
Code to allow a person who has been approved for 2
the Deferred Action for Childhood Arrivals program 3
by United States Citizenship and Immigration 4
Services to obtain a temporary instruction permit, 5
driver's license, or motorcycle operator's license 6
or endorsement and to amend the versions of 7
sections 4507.05 and 4507.06 of the Revised Code 8
that are scheduled to take effect January 1, 2017, 9
to continue the provisions of this act on and 10
after that effective date. 11

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

Section 1. That sections 4507.05 and 4507.06 of the Revised 12
Code be amended to read as follows: 13

Sec. 4507.05. (A) The registrar of motor vehicles, or a 14
deputy registrar, upon receiving an application for a temporary 15
instruction permit and a temporary instruction permit 16
identification card for a driver's license from any person who is 17
at least fifteen years six months of age, may issue such a permit 18
and identification card entitling the applicant to drive a motor 19

vehicle, other than a commercial motor vehicle, upon the highways 20
under the following conditions: 21

(1) If the permit is issued to a person who is at least 22
fifteen years six months of age, but less than sixteen years of 23
age: 24

(a) The permit and identification card are in the holder's 25
immediate possession; 26

(b) The holder is accompanied by an eligible adult who 27
actually occupies the seat beside the permit holder and does not 28
have a prohibited concentration of alcohol in the whole blood, 29
blood serum or plasma, breath, or urine as provided in division 30
(A) of section 4511.19 of the Revised Code; 31

(c) The total number of occupants of the vehicle does not 32
exceed the total number of occupant restraining devices originally 33
installed in the motor vehicle by its manufacturer, and each 34
occupant of the vehicle is wearing all of the available elements 35
of a properly adjusted occupant restraining device. 36

(2) If the permit is issued to a person who is at least 37
sixteen years of age: 38

(a) The permit and identification card are in the holder's 39
immediate possession; 40

(b) The holder is accompanied by a licensed operator who is 41
at least twenty-one years of age, is actually occupying a seat 42
beside the driver, and does not have a prohibited concentration of 43
alcohol in the whole blood, blood serum or plasma, breath, or 44
urine as provided in division (A) of section 4511.19 of the 45
Revised Code; 46

(c) The total number of occupants of the vehicle does not 47
exceed the total number of occupant restraining devices originally 48
installed in the motor vehicle by its manufacturer, and each 49

occupant of the vehicle is wearing all of the available elements 50
of a properly adjusted occupant restraining device. 51

(B) The registrar or a deputy registrar, upon receiving from 52
any person an application for a temporary instruction permit and 53
temporary instruction permit identification card to operate a 54
motorcycle or motorized bicycle, may issue such a permit and 55
identification card entitling the applicant, while having the 56
permit and identification card in the applicant's immediate 57
possession, to drive a motorcycle under the restrictions 58
prescribed in section 4511.53 of the Revised Code, or to drive a 59
motorized bicycle under restrictions determined by the registrar. 60
A temporary instruction permit and temporary instruction permit 61
identification card to operate a motorized bicycle may be issued 62
to a person fourteen or fifteen years old. 63

(C) Any permit and identification card issued under this 64
section shall be issued in the same manner as a driver's license 65
under section 4507.06 of the Revised Code, upon a form to be 66
furnished by the registrar. A temporary instruction permit to 67
drive a motor vehicle other than a commercial motor vehicle shall 68
be valid for a period of one year. 69

(D) Any person having in the person's possession a valid and 70
current driver's license or motorcycle operator's license or 71
endorsement issued to the person by another jurisdiction 72
recognized by this state is exempt from obtaining a temporary 73
instruction permit for a driver's license, but shall submit to the 74
regular examination in obtaining a driver's license or motorcycle 75
operator's endorsement in this state. 76

(E) The registrar may adopt rules governing the use of 77
temporary instruction permits and temporary instruction permit 78
identification cards. 79

(F)(1) No holder of a permit issued under division (A) of 80

this section shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (A) of this section.

(2) Except as provided in division (F)(2) of this section, no holder of a permit that is issued under division (A) of this section and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under division (A) of this section on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code.

(G)(1) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (A) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in

that division has been or is being violated, or for causing the 113
arrest of or commencing a prosecution of a person for a violation 114
of that requirement. 115

(2) Notwithstanding any other provision of law to the 116
contrary, no law enforcement officer shall cause the operator of a 117
motor vehicle being operated on any street or highway to stop the 118
motor vehicle for the sole purpose of determining whether a 119
violation of division (F)(2) of this section has been or is being 120
committed or for the sole purpose of issuing a ticket, citation, 121
or summons for such a violation or for causing the arrest of or 122
commencing a prosecution of a person for such violation. 123

(H) As used in this section: 124

(1) "Eligible adult" means any of the following: 125

(a) An instructor of a driver training course approved by the 126
department of public safety; 127

(b) Any of the following persons who holds a current valid 128
driver's or commercial driver's license issued by this state: 129

(i) A parent, guardian, or custodian of the permit holder; 130

(ii) A person twenty-one years of age or older who acts in 131
loco parentis of the permit holder. 132

(2) "Occupant restraining device" has the same meaning as in 133
section 4513.263 of the Revised Code. 134

(I) Whoever violates division (F)(1) or (2) of this section 135
is guilty of a minor misdemeanor. 136

Sec. 4507.06. (A)(1) Every application for a driver's license 137
or motorcycle operator's license or endorsement, or duplicate of 138
any such license or endorsement, shall be made upon the approved 139
form furnished by the registrar of motor vehicles and shall be 140
signed by the applicant. 141

Every application shall state the following:	142
(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;	143 144 145 146 147
(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;	148 149 150 151 152
(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;	153 154 155 156 157 158
(d) Whether an applicant for a duplicate driver's license, or duplicate license containing a motorcycle operator endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;	159 160 161 162 163
(e) Whether the applicant wishes to certify willingness to make an anatomical gift under section 2108.05 of the Revised Code, which shall be given no consideration in the issuance of a license or endorsement;	164 165 166 167
(f) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections	168 169 170 171 172

2133.01 to 2133.15 of the Revised Code and, if the applicant has
executed either type of instrument, whether the applicant wishes
the applicant's license to indicate that the applicant has
executed the instrument;

(g) On and after October 7, 2009, whether the applicant is a
veteran, active duty, or reservist of the armed forces of the
United States and, if the applicant is such, whether the applicant
wishes the applicant's license to indicate that the applicant is a
veteran, active duty, or reservist of the armed forces of the
United States by a military designation on the license.

(2) Every applicant for a driver's license shall be
photographed in color at the time the application for the license
is made. The application shall state any additional information
that the registrar requires.

(B) A person who has been approved for the deferred action
for childhood arrivals program by United States citizenship and
immigration services shall be eligible to receive a driver's
license or motorcycle operator's license or endorsement. At the
time of application for such a license or endorsement, the person
shall present to the registrar or deputy registrar either the
notice of decision or employment authorization document issued by
United States citizenship and immigration services. Upon the
presentation of either document, the person shall not be required
to prove legal presence in the United States as is otherwise
required under rules adopted by the registrar, but shall be
required to meet all other applicable requirements related to the
issuance of the license or endorsement.

The registrar and deputy registrars shall train any employee
who works with the public about the deferred action for childhood
arrivals program and the eligibility of a person who has been
approved for the program to receive a driver's license or
motorcycle operator's license or endorsement. The registrar shall

establish appropriate procedures for the training. 205

(C) The registrar or a deputy registrar, in accordance with 206
section 3503.11 of the Revised Code, shall register as an elector 207
any person who applies for a driver's license or motorcycle 208
operator's license or endorsement under division (A) of this 209
section, or for a renewal or duplicate of the license or 210
endorsement, if the applicant is eligible and wishes to be 211
registered as an elector. The decision of an applicant whether to 212
register as an elector shall be given no consideration in the 213
decision of whether to issue the applicant a license or 214
endorsement, or a renewal or duplicate. 215

~~(C)~~(D) The registrar or a deputy registrar, in accordance 216
with section 3503.11 of the Revised Code, shall offer the 217
opportunity of completing a notice of change of residence or 218
change of name to any applicant for a driver's license or 219
endorsement under division (A) of this section, or for a renewal 220
or duplicate of the license or endorsement, if the applicant is a 221
registered elector who has changed the applicant's residence or 222
name and has not filed such a notice. 223

~~(D)~~(E) In addition to any other information it contains, on 224
and after October 7, 2009, the approved form furnished by the 225
registrar of motor vehicles for an application for a driver's 226
license or motorcycle operator's license or endorsement or an 227
application for a duplicate of any such license or endorsement 228
shall inform applicants that the applicant must present a copy of 229
the applicant's DD-214 or an equivalent document in order to 230
qualify to have the license or duplicate indicate that the 231
applicant is a veteran, active duty, or reservist of the armed 232
forces of the United States based on a request made pursuant to 233
division (A)(1)(g) of this section. 234

Section 2. That existing sections 4507.05 and 4507.06 of the 235

Revised Code are hereby repealed. 236

Section 3. That the versions of sections 4507.05 and 4507.06 237
of the Revised Code that are scheduled to take effect January 1, 238
2017, be amended to read as follows: 239

Sec. 4507.05. (A) The registrar of motor vehicles, or a 240
deputy registrar, upon receiving an application for a temporary 241
instruction permit and a temporary instruction permit 242
identification card for a driver's license from any person who is 243
at least fifteen years six months of age, may issue such a permit 244
and identification card entitling the applicant to drive a motor 245
vehicle, other than a commercial motor vehicle, upon the highways 246
under the following conditions: 247

(1) If the permit is issued to a person who is at least 248
fifteen years six months of age, but less than sixteen years of 249
age: 250

(a) The permit and identification card are in the holder's 251
immediate possession; 252

(b) The holder is accompanied by an eligible adult who 253
actually occupies the seat beside the permit holder and does not 254
have a prohibited concentration of alcohol in the whole blood, 255
blood serum or plasma, breath, or urine as provided in division 256
(A) of section 4511.19 of the Revised Code; 257

(c) The total number of occupants of the vehicle does not 258
exceed the total number of occupant restraining devices originally 259
installed in the motor vehicle by its manufacturer, and each 260
occupant of the vehicle is wearing all of the available elements 261
of a properly adjusted occupant restraining device. 262

(2) If the permit is issued to a person who is at least 263
sixteen years of age: 264

(a) The permit and identification card are in the holder's 265
immediate possession; 266

(b) The holder is accompanied by a licensed operator who is 267
at least twenty-one years of age, is actually occupying a seat 268
beside the driver, and does not have a prohibited concentration of 269
alcohol in the whole blood, blood serum or plasma, breath, or 270
urine as provided in division (A) of section 4511.19 of the 271
Revised Code; 272

(c) The total number of occupants of the vehicle does not 273
exceed the total number of occupant restraining devices originally 274
installed in the motor vehicle by its manufacturer, and each 275
occupant of the vehicle is wearing all of the available elements 276
of a properly adjusted occupant restraining device. 277

(B) The registrar or a deputy registrar, upon receiving from 278
any person an application for a temporary instruction permit and 279
temporary instruction permit identification card to operate a 280
motorcycle, motor-driven cycle or motor scooter, or motorized 281
bicycle, may issue such a permit and identification card entitling 282
the applicant, while having the permit and identification card in 283
the applicant's immediate possession, to drive a motorcycle or 284
motor-driven cycle or motor scooter, under the restrictions 285
prescribed in section 4511.53 of the Revised Code, or to drive a 286
motorized bicycle under restrictions determined by the registrar. 287
A temporary instruction permit and temporary instruction permit 288
identification card to operate a motorized bicycle may be issued 289
to a person fourteen or fifteen years old. 290

(C) Any permit and identification card issued under this 291
section shall be issued in the same manner as a driver's license 292
under section 4507.06 of the Revised Code, upon a form to be 293
furnished by the registrar. A temporary instruction permit to 294
drive a motor vehicle other than a commercial motor vehicle shall 295
be valid for a period of one year. 296

(D) Any person having in the person's possession a valid and 297
current driver's license or motorcycle operator's license or 298
endorsement issued to the person by another jurisdiction 299
recognized by this state is exempt from obtaining a temporary 300
instruction permit for a driver's license, but shall submit to the 301
regular examination in obtaining a driver's license or motorcycle 302
operator's endorsement in this state. 303

(E) The registrar may adopt rules governing the use of 304
temporary instruction permits and temporary instruction permit 305
identification cards. 306

(F)(1) No holder of a permit issued under division (A) of 307
this section shall operate a motor vehicle upon a highway or any 308
public or private property used by the public for purposes of 309
vehicular travel or parking in violation of the conditions 310
established under division (A) of this section. 311

(2) Except as provided in division (F)(2) of this section, no 312
holder of a permit that is issued under division (A) of this 313
section and that is issued on or after July 1, 1998, and who has 314
not attained the age of eighteen years, shall operate a motor 315
vehicle upon a highway or any public or private property used by 316
the public for purposes of vehicular travel or parking between the 317
hours of midnight and six a.m. 318

The holder of a permit issued under division (A) of this 319
section on or after July 1, 1998, who has not attained the age of 320
eighteen years, may operate a motor vehicle upon a highway or any 321
public or private property used by the public for purposes of 322
vehicular travel or parking between the hours of midnight and six 323
a.m. if, at the time of such operation, the holder is accompanied 324
by the holder's parent, guardian, or custodian, and the parent, 325
guardian, or custodian holds a current valid driver's or 326
commercial driver's license issued by this state, is actually 327
occupying a seat beside the permit holder, and does not have a 328

prohibited concentration of alcohol in the whole blood, blood 329
serum or plasma, breath, or urine as provided in division (A) of 330
section 4511.19 of the Revised Code. 331

(G)(1) Notwithstanding any other provision of law to the 332
contrary, no law enforcement officer shall cause the operator of a 333
motor vehicle being operated on any street or highway to stop the 334
motor vehicle for the sole purpose of determining whether each 335
occupant of the motor vehicle is wearing all of the available 336
elements of a properly adjusted occupant restraining device as 337
required by division (A) of this section, or for the sole purpose 338
of issuing a ticket, citation, or summons if the requirement in 339
that division has been or is being violated, or for causing the 340
arrest of or commencing a prosecution of a person for a violation 341
of that requirement. 342

(2) Notwithstanding any other provision of law to the 343
contrary, no law enforcement officer shall cause the operator of a 344
motor vehicle being operated on any street or highway to stop the 345
motor vehicle for the sole purpose of determining whether a 346
violation of division (F)(2) of this section has been or is being 347
committed or for the sole purpose of issuing a ticket, citation, 348
or summons for such a violation or for causing the arrest of or 349
commencing a prosecution of a person for such violation. 350

(H) As used in this section: 351

(1) "Eligible adult" means any of the following: 352

(a) An instructor of a driver training course approved by the 353
department of public safety; 354

(b) Any of the following persons who holds a current valid 355
driver's or commercial driver's license issued by this state: 356

(i) A parent, guardian, or custodian of the permit holder; 357

(ii) A person twenty-one years of age or older who acts in 358

loco parentis of the permit holder.	359
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	360 361
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	362 363
Sec. 4507.06. (A)(1) Every application for a driver's license, motorcycle operator's license or endorsement, or motor-driven cycle or motor scooter license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.	364 365 366 367 368 369
Every application shall state the following:	370
(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;	371 372 373 374 375
(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;	376 377 378 379 380
(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;	381 382 383 384 385 386
(d) Whether an applicant for a duplicate driver's license, duplicate license containing a motorcycle operator endorsement, or	387 388

duplicate license containing a motor-driven cycle or motor scooter 389
endorsement has pending a citation for violation of any motor 390
vehicle law or ordinance, a description of any such citation 391
pending, and the date of the citation; 392

(e) Whether the applicant wishes to certify willingness to 393
make an anatomical gift under section 2108.05 of the Revised Code, 394
which shall be given no consideration in the issuance of a license 395
or endorsement; 396

(f) Whether the applicant has executed a valid durable power 397
of attorney for health care pursuant to sections 1337.11 to 398
1337.17 of the Revised Code or has executed a declaration 399
governing the use or continuation, or the withholding or 400
withdrawal, of life-sustaining treatment pursuant to sections 401
2133.01 to 2133.15 of the Revised Code and, if the applicant has 402
executed either type of instrument, whether the applicant wishes 403
the applicant's license to indicate that the applicant has 404
executed the instrument; 405

(g) On and after October 7, 2009, whether the applicant is a 406
veteran, active duty, or reservist of the armed forces of the 407
United States and, if the applicant is such, whether the applicant 408
wishes the applicant's license to indicate that the applicant is a 409
veteran, active duty, or reservist of the armed forces of the 410
United States by a military designation on the license. 411

(2) Every applicant for a driver's license shall be 412
photographed in color at the time the application for the license 413
is made. The application shall state any additional information 414
that the registrar requires. 415

(B) A person who has been approved for the deferred action 416
for childhood arrivals program by United States citizenship and 417
immigration services shall be eligible to receive a driver's 418
license or motorcycle operator's license or endorsement. At the 419

time of application for such a license or endorsement, the person 420
shall present to the registrar or deputy registrar either the 421
notice of decision or employment authorization document issued by 422
United States citizenship and immigration services. Upon the 423
presentation of either document, the person shall not be required 424
to prove legal presence in the United States as is otherwise 425
required under rules adopted by the registrar, but shall be 426
required to meet all other applicable requirements related to the 427
issuance of the license or endorsement. 428

The registrar and deputy registrars shall train any employee 429
who works with the public about the deferred action for childhood 430
arrivals program and the eligibility of a person who has been 431
approved for the program to receive a driver's license or 432
motorcycle operator's license or endorsement. The registrar shall 433
establish appropriate procedures for the training. 434

(C) The registrar or a deputy registrar, in accordance with 435
section 3503.11 of the Revised Code, shall register as an elector 436
any person who applies for a license or endorsement under division 437
(A) of this section, or for a renewal or duplicate of the license 438
or endorsement, if the applicant is eligible and wishes to be 439
registered as an elector. The decision of an applicant whether to 440
register as an elector shall be given no consideration in the 441
decision of whether to issue the applicant a license or 442
endorsement, or a renewal or duplicate. 443

~~(C)~~(D) The registrar or a deputy registrar, in accordance 444
with section 3503.11 of the Revised Code, shall offer the 445
opportunity of completing a notice of change of residence or 446
change of name to any applicant for a driver's license or 447
endorsement under division (A) of this section, or for a renewal 448
or duplicate of the license or endorsement, if the applicant is a 449
registered elector who has changed the applicant's residence or 450
name and has not filed such a notice. 451

~~(D)~~(E) In addition to any other information it contains, on 452
and after October 7, 2009, the approved form furnished by the 453
registrar of motor vehicles for an application for a license or 454
endorsement or an application for a duplicate of any such license 455
or endorsement shall inform applicants that the applicant must 456
present a copy of the applicant's DD-214 or an equivalent document 457
in order to qualify to have the license or duplicate indicate that 458
the applicant is a veteran, active duty, or reservist of the armed 459
forces of the United States based on a request made pursuant to 460
division (A)(1)(g) of this section. 461

Section 4. That the existing versions of sections 4507.05 and 462
4507.06 of the Revised Code that are scheduled to take effect 463
January 1, 2017, are hereby repealed. 464

Section 5. Sections 3 and 4 of this act shall take effect 465
January 1, 2017. 466