

**As Introduced**

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

**H. B. No. 204**

**Representative Perales**

**Cosponsors: Representatives Stinziano, Hagan, R., Terhar, Henne**

—

**A B I L L**

To amend sections 4507.071 and 4511.093 of the 1  
Revised Code to modify the law related to 2  
graduated driver's licenses. 3

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

**Section 1.** That sections 4507.071 and 4511.093 of the Revised 4  
Code be amended to read as follows: 5

**Sec. 4507.071.** (A) No driver's license shall be issued to any 6  
person under eighteen years of age, except that a probationary 7  
license may be issued to a person who is at least sixteen years of 8  
age and who has held a temporary instruction permit for a period 9  
of at least six months. 10

~~(B)(1)(a) No holder of a probationary driver's license who 11  
has not attained the age of seventeen years shall operate a motor 12  
vehicle upon a highway or any public or private property used by 13  
the public for purposes of vehicular travel or parking between the 14  
hours of midnight and six a.m. unless the holder is accompanied by 15  
the holder's parent or guardian. 16~~

~~(b) No holder of a probationary driver's license who has 17  
attained the age of seventeen years but has not attained the age 18  
of eighteen years shall operate a motor vehicle upon a highway or 19~~

any public or private property used by the public for purposes of 20  
vehicular travel or parking between the hours of ~~one a.m. ten p.m.~~ 21  
and five a.m. unless the holder is accompanied by the holder's 22  
parent or guardian. 23

(2)~~(a)~~ Subject to division (D)(1)(a) of this section, 24  
division (B)(1)~~(a)~~ of this section does not apply to the holder of 25  
a probationary driver's license who is traveling to or from work 26  
between the hours of ~~midnight and six a.m.~~ and has in the holder's 27  
~~immediate possession written documentation from the holder's~~ 28  
~~employer.~~ 29

~~(b) Division (B)(1)(b) of this section does not apply to the~~ 30  
~~holder of a probationary driver's license who is traveling to or~~ 31  
~~from work between the hours of one a.m. ten p.m.~~ and five a.m. and 32  
has in the holder's immediate possession written documentation 33  
from the holder's employer. 34

(3) An employer is not liable in damages in a civil action 35  
for any injury, death, or loss to person or property that 36  
allegedly arises from, or is related to, the fact that the 37  
employer provided an employee who is the holder of a probationary 38  
driver's license with the written documentation described in 39  
division (B)(2) of this section. 40

The registrar of motor vehicles shall make available at no 41  
cost a form to serve as the written documentation described in 42  
division (B)(2) of this section, and employers and holders of 43  
probationary driver's licenses may utilize that form or may choose 44  
to utilize any other written documentation to meet the 45  
requirements of that division. 46

(4) ~~No (a) Except as provided in division (B)(4)(b) of this~~ 47  
~~section, no~~ holder of a probationary driver's license who ~~is less~~ 48  
~~than seventeen years of age~~ has held the license for less than 49  
twelve months shall operate a motor vehicle upon a highway or any 50

public or private property used by the public for purposes of 51  
vehicular travel or parking ~~with more than one person who is not a~~ 52  
~~family member occupying the vehicle unless~~ with more than one 53  
passenger, and any such passenger shall be twenty-one years of age 54  
or older and hold a valid driver's or commercial driver's license. 55

(b) Subject to division (E) of this section, the holder of a 56  
probationary driver's license who has held the license for less 57  
than twelve months may operate a motor vehicle with any number of 58  
family members occupying the motor vehicle or, if the probationary 59  
license holder is accompanied by the probationary license holder's 60  
parent, guardian, or custodian, with any number of persons 61  
occupying the motor vehicle. 62

(C) It is an affirmative defense to a violation of division 63  
(B)(1)~~(a) or (b)~~ of this section if, at the time of the violation, 64  
the holder of the probationary driver's license was traveling to 65  
or from an official function sponsored by the school the holder 66  
attends, or an emergency existed that required the holder to 67  
operate a motor vehicle in violation of division (B)(1)~~(a) or (b)~~ 68  
of this section, or the holder was an emancipated minor. 69

(D)(1)(a) Except as otherwise provided in division (D)(2) of 70  
this section, if a person ~~is issued~~ who holds a probationary 71  
driver's license ~~prior to attaining the age of seventeen years and~~ 72  
~~the person~~ pleads guilty to, is convicted of, or is adjudicated in 73  
juvenile court of having committed a moving violation ~~during the~~ 74  
~~six-month period commencing on the date on which the person is~~ 75  
~~issued the probationary driver's license,~~ the holder must be 76  
accompanied by the holder's parent or guardian whenever the holder 77  
is operating a motor vehicle upon a highway or any public or 78  
private property used by the public for purposes of vehicular 79  
travel or parking during whichever of the following time periods 80  
applies: 81

(i) If, on the date the holder of the probationary driver's 82

license pleads guilty to, is convicted of, or is adjudicated in 83  
juvenile court of having committed the moving violation, the 84  
holder has not attained the age of ~~sixteen~~ seventeen years six 85  
months, during the six-month period commencing on that date; 86

(ii) If, on the date the holder pleads guilty to, is 87  
convicted of, or is adjudicated in juvenile court of having 88  
committed the moving violation, the holder has attained the age of 89  
~~sixteen~~ seventeen years six months but not ~~seventeen~~ eighteen 90  
years, until the person attains the age of ~~seventeen~~ eighteen 91  
years. 92

(b) If the holder of a probationary driver's license commits 93  
a moving violation ~~during the six-month period after the person is~~ 94  
~~issued the probationary driver's license and before the person~~ 95  
~~attains the age of seventeen years~~ and on the date the person 96  
pleads guilty to, is convicted of, or is adjudicated in juvenile 97  
court of having committed the moving violation the person has 98  
attained the age of ~~seventeen~~ eighteen years, ~~or if the person~~ 99  
~~commits the moving violation during the six-month period after the~~ 100  
~~person is issued the probationary driver's license and after the~~ 101  
~~person attains the age of seventeen years,~~ the holder is not 102  
subject to the restriction described in divisions (D)(1)(a)(i) and 103  
(ii) of this section ~~unless the court or juvenile court imposes~~ 104  
~~such a restriction upon the holder.~~ 105

(2) Any person who is subject to the operating restrictions 106  
established under division (D)(1) of this section as a result of a 107  
first moving violation may petition the court for occupational or 108  
educational driving privileges without being accompanied by the 109  
holder's parent or guardian during the period of time specified in 110  
that division. The court may grant the person such driving 111  
privileges if the court finds reasonable cause to believe that the 112  
restrictions established in division (D)(1) will seriously affect 113  
the person's ability to continue in employment or educational 114

training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this division shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this division are terminated upon the subsequent conviction, plea, or adjudication.

(3) No person shall violate division (D)(1)(a) of this section.

(E)(1) No holder of a probationary license 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 unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(2) No person who is a passenger in a motor vehicle being operated by a holder of a probationary license on a highway or any public or private property used by the public for purposes of vehicular travel or parking shall fail to wear all of the available elements of a properly adjusted occupant restraining device.

(F) A restricted license may be issued to a person who is fourteen or fifteen years of age upon proof of hardship satisfactory to the registrar of motor vehicles.

(G) 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 (E) 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 arrest of or commencing a prosecution of a person for a violation of that requirement.

(H) 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 a violation of division (B)(1)~~(a) or (b)~~ of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(I) As used in this section:

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

(2) "Family member" of a probationary license holder includes any of the following:

(a) A spouse;

(b) A child or stepchild;

(c) A parent, stepparent, grandparent, or parent-in-law;

(d) An aunt or uncle;

(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;

(f) A son or daughter of the probationary license holder's  
stepparent if the stepparent has not adopted the probationary  
license holder;

(g) An eligible adult, as defined in section 4507.05 of the  
Revised Code.

(3) "Moving violation" means any violation of any statute or  
ordinance that regulates the operation of vehicles, streetcars, or  
trackless trolleys on the highways or streets. "Moving violation"  
does not include a violation of section 4513.263 of the Revised  
Code or a substantially equivalent municipal ordinance, or a  
violation of any statute or ordinance regulating pedestrians or  
the parking of vehicles, vehicle size or load limitations, vehicle  
fitness requirements, or vehicle registration.

(J) Whoever violates division (B)(1) or (4)(a), (D)(3), or  
(E) of this section is guilty of a minor misdemeanor.

**Sec. 4511.093.** (A)(1) No law enforcement officer who stops  
the operator of a motor vehicle in the course of an authorized  
sobriety or other motor vehicle checkpoint operation or a motor  
vehicle safety inspection shall issue a ticket, citation, or  
summons for a secondary traffic offense unless in the course of  
the checkpoint operation or safety inspection the officer first  
determines that an offense other than a secondary traffic offense  
has occurred and either places the operator or a vehicle occupant  
under arrest or issues a ticket, citation, or summons to the  
operator or a vehicle occupant for an offense other than a  
secondary offense.

(2) A law enforcement agency that operates a motor vehicle  
checkpoint for an express purpose related to a secondary traffic  
offense shall not issue a ticket, citation, or summons for any  
secondary traffic offense at such a checkpoint, but may use such a  
checkpoint operation to conduct a public awareness campaign and

distribute information. 207

(B) As used in this section, "secondary traffic offense" 208  
means a violation of division (A) or (F)(2) of section 4507.05, 209  
division (B)(1)~~(a) or (b)~~ or (E) of section 4507.071, division (A) 210  
of section 4511.204, division (C) or (D) of section 4511.81, 211  
division (A)(3) of section 4513.03, or division (B) of section 212  
4513.263 of the Revised Code. 213

**Section 2.** That existing sections 4507.071 and 4511.093 of 214  
the Revised Code are hereby repealed. 215