

**As Reported by the House Transportation, Public Safety, and
Homeland Security Committee**

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Am. H. B. No. 204

Representative Perales

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

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A B I L L

To amend sections 4507.071, 4507.21, and 4511.093 of 1
the Revised Code to modify the law related to 2
graduated driver's licenses and to extend the 3
driver education or training course requirement to 4
all applicants under the age of twenty-one. 5

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

Section 1. That sections 4507.071, 4507.21, and 4511.093 of 6
the Revised Code be amended to read as follows: 7

Sec. 4507.071. (A) No driver's license shall be issued to any 8
person under eighteen years of age, except that a probationary 9
license may be issued to a person who is at least sixteen years of 10
age and who has held a temporary instruction permit for a period 11
of at least six months. 12

~~(B)(1)(a) No holder of a probationary driver's license who 13
has not attained the age of seventeen years shall operate a motor 14
vehicle upon a highway or any public or private property used by 15
the public for purposes of vehicular travel or parking between the 16
hours of midnight and six a.m. unless the holder is accompanied by 17~~

~~the holder's parent or guardian.~~ 18

~~(b) No holder of a probationary driver's license who has~~ 19
~~attained the age of seventeen years but has not attained the age~~ 20
~~of eighteen years~~ shall operate a motor vehicle upon a highway or 21
any public or private property used by the public for purposes of 22
vehicular travel or parking between the hours of ~~one a.m.~~ ten p.m. 23
and five a.m. unless the holder is accompanied by the holder's 24
parent or guardian. 25

~~(2)(a) Subject to division (D)(1)(a) of this section,~~ 26
~~division (B)(1)(a) of this section does not apply to the holder of~~ 27
~~a probationary driver's license who is traveling to or from work~~ 28
~~between the hours of midnight and six a.m. and has in the holder's~~ 29
~~immediate possession written documentation from the holder's~~ 30
~~employer.~~ 31

~~(b) Division (B)(1)(b) of this section does not apply to the~~ 32
~~holder of a probationary driver's license who is traveling to or~~ 33
~~from work between the hours of one a.m. ten p.m. and five a.m. and~~ 34
has in the holder's immediate possession written documentation 35
from the holder's employer. 36

(3) An employer is not liable in damages in a civil action 37
for any injury, death, or loss to person or property that 38
allegedly arises from, or is related to, the fact that the 39
employer provided an employee who is the holder of a probationary 40
driver's license with the written documentation described in 41
division (B)(2) of this section. 42

The registrar of motor vehicles shall make available at no 43
cost a form to serve as the written documentation described in 44
division (B)(2) of this section, and employers and holders of 45
probationary driver's licenses may utilize that form or may choose 46
to utilize any other written documentation to meet the 47
requirements of that division. 48

(4) ~~No~~ (a) Except as provided in division (B)(4)(b) of this 49
section, no holder of a probationary driver's license who is less 50
than seventeen years of age has held the license for less than 51
twelve months shall operate a motor vehicle upon a highway or any 52
public or private property used by the public for purposes of 53
vehicular travel or parking ~~with more than one person who is not a~~ 54
~~family member occupying the vehicle unless~~ with more than one 55
passenger, and any such passenger shall be twenty-one years of age 56
or older and hold a valid driver's or commercial driver's license. 57

(b) Subject to division (E) of this section, the holder of a 58
probationary driver's license who has held the license for less 59
than twelve months may operate a motor vehicle with any number of 60
family members occupying the motor vehicle or, if the probationary 61
license holder is accompanied by the probationary license holder's 62
parent, guardian, or custodian, with any number of persons 63
occupying the motor vehicle. 64

(C) It is an affirmative defense to a violation of division 65
(B)(1)~~(a) or (b)~~ of this section if, at the time of the violation, 66
the holder of the probationary driver's license was traveling to 67
or from an official function sponsored by the school the holder 68
attends, or an emergency existed that required the holder to 69
operate a motor vehicle in violation of division (B)(1)~~(a) or (b)~~ 70
of this section, or the holder was an emancipated minor. 71

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

private property used by the public for purposes of vehicular 81
travel or parking during whichever of the following time periods 82
applies: 83

(i) If, on the date the holder of the probationary driver's 84
license pleads guilty to, is convicted of, or is adjudicated in 85
juvenile court of having committed the moving violation, the 86
holder has not attained the age of ~~sixteen~~ seventeen years six 87
months, during the six-month period commencing on that date; 88

(ii) If, on the date the holder pleads guilty to, is 89
convicted of, or is adjudicated in juvenile court of having 90
committed the moving violation, the holder has attained the age of 91
~~sixteen~~ seventeen years six months but not ~~seventeen~~ eighteen 92
years, until the person attains the age of ~~seventeen~~ eighteen 93
years. 94

(b) If the holder of a probationary driver's license commits 95
a moving violation ~~during the six-month period after the person is~~ 96
~~issued the probationary driver's license and before the person~~ 97
~~attains the age of seventeen years~~ and on the date the person 98
pleads guilty to, is convicted of, or is adjudicated in juvenile 99
court of having committed the moving violation the person has 100
attained the age of ~~seventeen~~ eighteen years, ~~or if the person~~ 101
~~commits the moving violation during the six-month period after the~~ 102
~~person is issued the probationary driver's license and after the~~ 103
~~person attains the age of seventeen years,~~ the holder is not 104
subject to the restriction described in divisions (D)(1)(a)(i) and 105
(ii) of this section ~~unless the court or juvenile court imposes~~ 106
~~such a restriction upon the holder.~~ 107

(2) Any person who is subject to the operating restrictions 108
established under division (D)(1) of this section as a result of a 109
first moving violation may petition the court for occupational or 110
educational driving privileges without being accompanied by the 111
holder's parent or guardian during the period of time specified in 112

that division. The court may grant the person such driving 113
privileges if the court finds reasonable cause to believe that the 114
restrictions established in division (D)(1) will seriously affect 115
the person's ability to continue in employment or educational 116
training or will cause undue hardship on the license holder or a 117
family member of the license holder. In granting the driving 118
privileges, the court shall specify the purposes, times, and 119
places of the privileges and shall issue the person appropriate 120
forms setting forth the privileges granted. Occupational or 121
educational driving privileges under this division shall not be 122
granted to the same person more than once. If a person is 123
convicted of, pleads guilty to, or is adjudicated in juvenile 124
court of having committed a second or subsequent moving violation, 125
any driving privileges previously granted under this division are 126
terminated upon the subsequent conviction, plea, or adjudication. 127

(3) No person shall violate division (D)(1)(a) of this 128
section. 129

(E)(1) No holder of a probationary license shall operate a 130
motor vehicle upon a highway or any public or private property 131
used by the public for purposes of vehicular travel or parking 132
unless the total number of occupants of the vehicle does not 133
exceed the total number of occupant restraining devices originally 134
installed in the motor vehicle by its manufacturer, and each 135
occupant of the vehicle is wearing all of the available elements 136
of a properly adjusted occupant restraining device. 137

(2) No person who is a passenger in a motor vehicle being 138
operated by a holder of a probationary license on a highway or any 139
public or private property used by the public for purposes of 140
vehicular travel or parking shall fail to wear all of the 141
available elements of a properly adjusted occupant restraining 142
device. 143

(F) A restricted license may be issued to a person who is 144

fourteen or fifteen years of age upon proof of hardship 145
satisfactory to the registrar of motor vehicles. 146

(G) Notwithstanding any other provision of law to the 147
contrary, no law enforcement officer shall cause the operator of a 148
motor vehicle being operated on any street or highway to stop the 149
motor vehicle for the sole purpose of determining whether each 150
occupant of the motor vehicle is wearing all of the available 151
elements of a properly adjusted occupant restraining device as 152
required by division (E) of this section, or for the sole purpose 153
of issuing a ticket, citation, or summons if the requirement in 154
that division has been or is being violated, or for causing the 155
arrest of or commencing a prosecution of a person for a violation 156
of that requirement. 157

(H) Notwithstanding any other provision of law to the 158
contrary, no law enforcement officer shall cause the operator of a 159
motor vehicle being operated on any street or highway to stop the 160
motor vehicle for the sole purpose of determining whether a 161
violation of division (B)(1)~~(a) or (b)~~ of this section has been or 162
is being committed or for the sole purpose of issuing a ticket, 163
citation, or summons for such a violation or for causing the 164
arrest of or commencing a prosecution of a person for such 165
violation. 166

(I) As used in this section: 167

(1) "Occupant restraining device" has the same meaning as in 168
section 4513.263 of the Revised Code. 169

(2) "Family member" of a probationary license holder includes 170
any of the following: 171

(a) A spouse; 172

(b) A child or stepchild; 173

(c) A parent, stepparent, grandparent, or parent-in-law; 174

(d) An aunt or uncle;	175
(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;	176 177
(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;	178 179 180
(g) An eligible adult, as defined in section 4507.05 of the Revised Code.	181 182
(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.	183 184 185 186 187 188 189 190
(J) Whoever violates division (B)(1) or (4)(a), (D)(3), or (E) of this section is guilty of a minor misdemeanor.	191 192
Sec. 4507.21. (A) Each applicant for a driver's license shall file an application in the office of the registrar of motor vehicles or of a deputy registrar.	193 194 195
(B)(1) Each <u>(a) Except as provided in division (B)(1)(b) of this section, each</u> person under eighteen <u>twenty-one</u> years of age applying for a driver's license issued in this state shall present satisfactory evidence of having successfully completed any one of the following:	196 197 198 199 200
(a)(i) <u>(i)</u> A driver education course approved by the state department of education prior to December 31, 2003.	201 202
(b)(ii) <u>(ii)</u> A driver training course approved by the director of public safety.	203 204

~~(e)(iii)~~ A driver training course comparable to a driver education or driver training course described in division (B)(1)(a)(i) or ~~(b)(ii)~~ of this section and administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States.

(b) As an alternative to division (B)(1)(a) of this section, a person who is at least eighteen but less than twenty-one years of age and is on active duty in or a veteran of the armed forces of the United States may present satisfactory evidence of having successfully completed, while on active duty in the armed forces of the United States, a driver training course to which both of the following apply:

(i) It is comparable to a driver education or driver training course described in division (B)(1)(a)(i) or (ii) of this section; and

(ii) It is administered by a branch of the armed forces of the United States.

(2) Each person under eighteen years of age applying for a driver's license also shall present, on a form prescribed by the registrar, an affidavit signed by an eligible adult attesting that the person has acquired at least fifty hours of actual driving experience, with at least ten of those hours being at night.

(C) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted.

(D) All applications shall be filed in duplicate, and the

deputy registrar issuing the license shall immediately forward to 236
the office of the registrar the original copy of the application, 237
together with the duplicate copy of the certificate, if issued. 238
The registrar shall prescribe rules as to the manner in which the 239
deputy registrar files and maintains the applications and other 240
records. The registrar shall file every application for a driver's 241
or commercial driver's license and index them by name and number, 242
and shall maintain a suitable record of all licenses issued, all 243
convictions and bond forfeitures, all applications for licenses 244
denied, and all licenses that have been suspended or canceled. 245

(E) For purposes of section 2313.06 of the Revised Code, the 246
registrar shall maintain accurate and current lists of the 247
residents of each county who are eighteen years of age or older, 248
have been issued, on and after January 1, 1984, driver's or 249
commercial driver's licenses that are valid and current, and would 250
be electors if they were registered to vote, regardless of whether 251
they actually are registered to vote. The lists shall contain the 252
names, addresses, dates of birth, duration of residence in this 253
state, citizenship status, and social security numbers, if the 254
numbers are available, of the licensees, and may contain any other 255
information that the registrar considers suitable. 256

(F) Each person under eighteen years of age applying for a 257
motorcycle operator's endorsement or a restricted license enabling 258
the applicant to operate a motorcycle shall present satisfactory 259
evidence of having completed the courses of instruction in the 260
motorcycle safety and education program described in section 261
4508.08 of the Revised Code or a comparable course of instruction 262
administered by a branch of the armed forces of the United States 263
and completed by the applicant while residing outside this state 264
for the purpose of being with or near any person serving in the 265
armed forces of the United States. If the registrar or deputy 266
registrar then determines that the applicant is entitled to the 267

endorsement or restricted license, it shall be issued. 268

(G) No person shall knowingly make a false statement in an 269
affidavit presented in accordance with division (B)(2) of this 270
section. 271

(H) As used in this section, "eligible adult" means any of 272
the following persons: 273

(1) A parent, guardian, or custodian of the applicant; 274

(2) A person over the age of twenty-one who acts in loco 275
parentis of the applicant and who maintains proof of financial 276
responsibility with respect to the operation of a motor vehicle 277
owned by the applicant or with respect to the applicant's 278
operation of any motor vehicle. 279

(I) Whoever violates division (G) of this section is guilty 280
of a minor misdemeanor and shall be fined one hundred dollars. 281

Sec. 4511.093. (A)(1) No law enforcement officer who stops 282
the operator of a motor vehicle in the course of an authorized 283
sobriety or other motor vehicle checkpoint operation or a motor 284
vehicle safety inspection shall issue a ticket, citation, or 285
summons for a secondary traffic offense unless in the course of 286
the checkpoint operation or safety inspection the officer first 287
determines that an offense other than a secondary traffic offense 288
has occurred and either places the operator or a vehicle occupant 289
under arrest or issues a ticket, citation, or summons to the 290
operator or a vehicle occupant for an offense other than a 291
secondary offense. 292

(2) A law enforcement agency that operates a motor vehicle 293
checkpoint for an express purpose related to a secondary traffic 294
offense shall not issue a ticket, citation, or summons for any 295
secondary traffic offense at such a checkpoint, but may use such a 296
checkpoint operation to conduct a public awareness campaign and 297

distribute information. 298

(B) As used in this section, "secondary traffic offense" 299
means a violation of division (A) or (F)(2) of section 4507.05, 300
division (B)(1)~~(a) or (b)~~ or (E) of section 4507.071, division (A) 301
of section 4511.204, division (C) or (D) of section 4511.81, 302
division (A)(3) of section 4513.03, or division (B) of section 303
4513.263 of the Revised Code. 304

Section 2. That existing sections 4507.071, 4507.21, and 305
4511.093 of the Revised Code are hereby repealed. 306

Section 3. Section 4507.21 of the Revised Code is presented 307
in this act as a composite of the section as amended by both Am. 308
Sub. H.B. 407 and Am. Sub. S.B. 123 of the 124th General Assembly. 309
The General Assembly, applying the principle stated in division 310
(B) of section 1.52 of the Revised Code that amendments are to be 311
harmonized if reasonably capable of simultaneous operation, finds 312
that the composite is the resulting version of the section in 313
effect prior to the effective date of the section as presented in 314
this act. 315