

As Introduced

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

H. B. No. 62

Representative Dovilla

**Cosponsors: Representatives Becker, Hood, Ruhl, Thompson, Huffman,
Grossman, McGregor, Scherer**

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A B I L L

To amend section 4507.05 of the Revised Code to 1
provide that a person who holds a current, valid 2
driver's license from another state be required to 3
pass only vision screening in order to be issued a 4
driver's license, and to amend the version of 5
section 4507.05 of the Revised Code that is 6
scheduled to take effect January 1, 2017, to 7
continue the provisions of this act on and after 8
that effective date. 9

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

Section 1. That section 4507.05 of the Revised Code be 10
amended to read as follows: 11

Sec. 4507.05. (A) The registrar of motor vehicles, or a 12
deputy registrar, upon receiving an application for a temporary 13
instruction permit and a temporary instruction permit 14
identification card for a driver's license from any person who is 15
at least fifteen years six months of age, may issue such a permit 16
and identification card entitling the applicant to drive a motor 17
vehicle, other than a commercial motor vehicle, upon the highways 18

under the following conditions: 19

(1) If the permit is issued to a person who is at least 20
fifteen years six months of age, but less than sixteen years of 21
age: 22

(a) The permit and identification card are in the holder's 23
immediate possession; 24

(b) The holder is accompanied by an eligible adult who 25
actually occupies the seat beside the permit holder and does not 26
have a prohibited concentration of alcohol in the whole blood, 27
blood serum or plasma, breath, or urine as provided in division 28
(A) of section 4511.19 of the Revised Code; 29

(c) The total number of occupants of the vehicle does not 30
exceed the total number of occupant restraining devices originally 31
installed in the motor vehicle by its manufacturer, and each 32
occupant of the vehicle is wearing all of the available elements 33
of a properly adjusted occupant restraining device. 34

(2) If the permit is issued to a person who is at least 35
sixteen years of age: 36

(a) The permit and identification card are in the holder's 37
immediate possession; 38

(b) The holder is accompanied by a licensed operator who is 39
at least twenty-one years of age, is actually occupying a seat 40
beside the driver, and does not have a prohibited concentration of 41
alcohol in the whole blood, blood serum or plasma, breath, or 42
urine as provided in division (A) of section 4511.19 of the 43
Revised Code; 44

(c) The total number of occupants of the vehicle does not 45
exceed the total number of occupant restraining devices originally 46
installed in the motor vehicle by its manufacturer, and each 47
occupant of the vehicle is wearing all of the available elements 48

of a properly adjusted occupant restraining device. 49

(B) The registrar or a deputy registrar, upon receiving from 50
any person an application for a temporary instruction permit and 51
temporary instruction permit identification card to operate a 52
motorcycle or motorized bicycle, may issue such a permit and 53
identification card entitling the applicant, while having the 54
permit and identification card in the applicant's immediate 55
possession, to drive a motorcycle under the restrictions 56
prescribed in section 4511.53 of the Revised Code, or to drive a 57
motorized bicycle under restrictions determined by the registrar. 58
A temporary instruction permit and temporary instruction permit 59
identification card to operate a motorized bicycle may be issued 60
to a person fourteen or fifteen years old. 61

(C) Any permit and identification card issued under this 62
section shall be issued in the same manner as a driver's license, 63
upon a form to be furnished by the registrar. A temporary 64
instruction permit to drive a motor vehicle other than a 65
commercial motor vehicle shall be valid for a period of one year. 66

(D) Any person having in the person's possession a valid and 67
current driver's license or motorcycle operator's license or 68
endorsement issued to the person by another jurisdiction 69
recognized by this state is exempt from obtaining a temporary 70
instruction permit for a driver's license, ~~but shall submit and~~ 71
from submitting to the examination for a temporary instruction 72
permit and the regular examination ~~in~~ for obtaining a driver's 73
license or motorcycle operator's endorsement in this state if the 74
person does all of the following: 75

(1) Submits to and passes vision screening as provided in 76
section 4507.12 of the Revised Code; 77

(2) Surrenders to the registrar or deputy registrar the 78
person's driver's license issued by the other jurisdiction; and 79

(3) Complies with all other applicable requirements for 80
issuance by this state of a driver's license, driver's license 81
with a motorcycle operator's endorsement, or restricted license to 82
operate a motorcycle. 83

If the person does not comply with all the requirements of 84
this division, the person shall submit to the regular examination 85
for obtaining a driver's license or motorcycle operator's 86
endorsement in this state in order to obtain such a license or 87
endorsement. 88

(E) The registrar may adopt rules governing the use of 89
temporary instruction permits and temporary instruction permit 90
identification cards. 91

(F)(1) No holder of a permit issued under division (A) of 92
this section shall operate a motor vehicle upon a highway or any 93
public or private property used by the public for purposes of 94
vehicular travel or parking in violation of the conditions 95
established under division (A) of this section. 96

(2) Except as provided in division (F)(2) of this section, no 97
holder of a permit that is issued under division (A) of this 98
section and that is issued on or after July 1, 1998, and who has 99
not attained the age of eighteen years, shall operate a motor 100
vehicle upon a highway or any public or private property used by 101
the public for purposes of vehicular travel or parking between the 102
hours of midnight and six a.m. 103

The holder of a permit issued under division (A) of this 104
section on or after July 1, 1998, who has not attained the age of 105
eighteen years, may operate a motor vehicle upon a highway or any 106
public or private property used by the public for purposes of 107
vehicular travel or parking between the hours of midnight and six 108
a.m. if, at the time of such operation, the holder is accompanied 109
by the holder's parent, guardian, or custodian, and the parent, 110

guardian, or custodian holds a current valid driver's or 111
commercial driver's license issued by this state, is actually 112
occupying a seat beside the permit holder, and does not have a 113
prohibited concentration of alcohol in the whole blood, blood 114
serum or plasma, breath, or urine as provided in division (A) of 115
section 4511.19 of the Revised Code. 116

(G)(1) Notwithstanding any other provision of law to the 117
contrary, no law enforcement officer shall cause the operator of a 118
motor vehicle being operated on any street or highway to stop the 119
motor vehicle for the sole purpose of determining whether each 120
occupant of the motor vehicle is wearing all of the available 121
elements of a properly adjusted occupant restraining device as 122
required by division (A) of this section, or for the sole purpose 123
of issuing a ticket, citation, or summons if the requirement in 124
that division has been or is being violated, or for causing the 125
arrest of or commencing a prosecution of a person for a violation 126
of that requirement. 127

(2) Notwithstanding any other provision of law to the 128
contrary, no law enforcement officer shall cause the operator of a 129
motor vehicle being operated on any street or highway to stop the 130
motor vehicle for the sole purpose of determining whether a 131
violation of division (F)(2) of this section has been or is being 132
committed or for the sole purpose of issuing a ticket, citation, 133
or summons for such a violation or for causing the arrest of or 134
commencing a prosecution of a person for such violation. 135

(H) As used in this section: 136

(1) "Eligible adult" means any of the following: 137

(a) An instructor of a driver training course approved by the 138
department of public safety; 139

(b) Any of the following persons who holds a current valid 140
driver's or commercial driver's license issued by this state: 141

(i) A parent, guardian, or custodian of the permit holder;	142
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	143 144
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	145 146
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	147 148
Section 2. That existing section 4507.05 of the Revised Code is hereby repealed.	149 150
Section 3. That the version of section 4507.05 of the Revised Code that is scheduled to take effect January 1, 2017, be amended to read as follows:	151 152 153
Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years six months of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the highways under the following conditions:	154 155 156 157 158 159 160 161
(1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:	162 163 164
(a) The permit and identification card are in the holder's immediate possession;	165 166
(b) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood,	167 168 169

blood serum or plasma, breath, or urine as provided in division	170
(A) of section 4511.19 of the Revised Code;	171
(c) The total number of occupants of the vehicle does not	172
exceed the total number of occupant restraining devices originally	173
installed in the motor vehicle by its manufacturer, and each	174
occupant of the vehicle is wearing all of the available elements	175
of a properly adjusted occupant restraining device.	176
(2) If the permit is issued to a person who is at least	177
sixteen years of age:	178
(a) The permit and identification card are in the holder's	179
immediate possession;	180
(b) The holder is accompanied by a licensed operator who is	181
at least twenty-one years of age, is actually occupying a seat	182
beside the driver, and does not have a prohibited concentration of	183
alcohol in the whole blood, blood serum or plasma, breath, or	184
urine as provided in division (A) of section 4511.19 of the	185
Revised Code;	186
(c) The total number of occupants of the vehicle does not	187
exceed the total number of occupant restraining devices originally	188
installed in the motor vehicle by its manufacturer, and each	189
occupant of the vehicle is wearing all of the available elements	190
of a properly adjusted occupant restraining device.	191
(B) The registrar or a deputy registrar, upon receiving from	192
any person an application for a temporary instruction permit and	193
temporary instruction permit identification card to operate a	194
motorcycle, motor-driven cycle or motor scooter, or motorized	195
bicycle, may issue such a permit and identification card entitling	196
the applicant, while having the permit and identification card in	197
the applicant's immediate possession, to drive a motorcycle or	198
motor-driven cycle or motor scooter, under the restrictions	199
prescribed in section 4511.53 of the Revised Code, or to drive a	200

motorized bicycle under restrictions determined by the registrar. 201
A temporary instruction permit and temporary instruction permit 202
identification card to operate a motorized bicycle may be issued 203
to a person fourteen or fifteen years old. 204

(C) Any permit and identification card issued under this 205
section shall be issued in the same manner as a driver's license, 206
upon a form to be furnished by the registrar. A temporary 207
instruction permit to drive a motor vehicle other than a 208
commercial motor vehicle shall be valid for a period of one year. 209

(D) Any person having in the person's possession a valid and 210
current driver's license or motorcycle operator's license or 211
endorsement issued to the person by another jurisdiction 212
recognized by this state is exempt from obtaining a temporary 213
instruction permit for a driver's license, ~~but shall submit and~~ 214
from submitting to the examination for a temporary instruction 215
permit and the regular examination ~~in~~ for obtaining a driver's 216
license or motorcycle operator's endorsement in this state if the 217
person does all of the following: 218

(1) Submits to and passes vision screening as provided in 219
section 4507.12 of the Revised Code; 220

(2) Surrenders to the registrar or deputy registrar the 221
person's driver's license issued by the other jurisdiction; and 222

(3) Complies with all other applicable requirements for 223
issuance by this state of a driver's license, driver's license 224
with a motorcycle operator's endorsement, or restricted license to 225
operate a motorcycle. 226

If the person does not comply with all the requirements of 227
this division, the person shall submit to the regular examination 228
for obtaining a driver's license or motorcycle operator's 229
endorsement in this state in order to obtain such a license or 230
endorsement. 231

(E) The registrar may adopt rules governing the use of 232
temporary instruction permits and temporary instruction permit 233
identification cards. 234

(F)(1) No holder of a permit issued under division (A) of 235
this section shall operate a motor vehicle upon a highway or any 236
public or private property used by the public for purposes of 237
vehicular travel or parking in violation of the conditions 238
established under division (A) of this section. 239

(2) Except as provided in division (F)(2) of this section, no 240
holder of a permit that is issued under division (A) of this 241
section and that is issued on or after July 1, 1998, and who has 242
not attained the age of eighteen years, shall operate a motor 243
vehicle upon a highway or any public or private property used by 244
the public for purposes of vehicular travel or parking between the 245
hours of midnight and six a.m. 246

The holder of a permit issued under division (A) of this 247
section on or after July 1, 1998, who has not attained the age of 248
eighteen years, may operate a motor vehicle upon a highway or any 249
public or private property used by the public for purposes of 250
vehicular travel or parking between the hours of midnight and six 251
a.m. if, at the time of such operation, the holder is accompanied 252
by the holder's parent, guardian, or custodian, and the parent, 253
guardian, or custodian holds a current valid driver's or 254
commercial driver's license issued by this state, is actually 255
occupying a seat beside the permit holder, and does not have a 256
prohibited concentration of alcohol in the whole blood, blood 257
serum or plasma, breath, or urine as provided in division (A) of 258
section 4511.19 of the Revised Code. 259

(G)(1) Notwithstanding any other provision of law to the 260
contrary, no law enforcement officer shall cause the operator of a 261
motor vehicle being operated on any street or highway to stop the 262
motor vehicle for the sole purpose of determining whether each 263

occupant of the motor vehicle is wearing all of the available 264
elements of a properly adjusted occupant restraining device as 265
required by division (A) of this section, or for the sole purpose 266
of issuing a ticket, citation, or summons if the requirement in 267
that division has been or is being violated, or for causing the 268
arrest of or commencing a prosecution of a person for a violation 269
of that requirement. 270

(2) Notwithstanding any other provision of law to the 271
contrary, no law enforcement officer shall cause the operator of a 272
motor vehicle being operated on any street or highway to stop the 273
motor vehicle for the sole purpose of determining whether a 274
violation of division (F)(2) of this section has been or is being 275
committed or for the sole purpose of issuing a ticket, citation, 276
or summons for such a violation or for causing the arrest of or 277
commencing a prosecution of a person for such violation. 278

(H) As used in this section: 279

(1) "Eligible adult" means any of the following: 280

(a) An instructor of a driver training course approved by the 281
department of public safety; 282

(b) Any of the following persons who holds a current valid 283
driver's or commercial driver's license issued by this state: 284

(i) A parent, guardian, or custodian of the permit holder; 285

(ii) A person twenty-one years of age or older who acts in 286
loco parentis of the permit holder. 287

(2) "Occupant restraining device" has the same meaning as in 288
section 4513.263 of the Revised Code. 289

(I) Whoever violates division (F)(1) or (2) of this section 290
is guilty of a minor misdemeanor. 291

Section 4. That the existing version of section 4507.05 of 292

the Revised Code that is scheduled to take effect January 1, 2017, 293
is hereby repealed. 294

Section 5. Sections 3 and 4 of this act shall take effect 295
January 1, 2017. 296