



**H.B. 441**

127th General Assembly  
(As Introduced)

**Reps. Fessler, Uecker, Webster, Stebelton, Adams, J. McGregor, Garrison,  
S. Williams, Chandler**

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**BILL SUMMARY**

- Permits a court, under certain circumstances, to grant unaccompanied driving privileges one time to a probationary driver's license holder who, because of a moving violation, otherwise would be subject to a restriction that the holder be accompanied by the holder's parent or guardian for a period of time.

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**CONTENT AND OPERATION**

**Background**

A person 18 years of age or older who takes and passes the road and maneuverability tests is issued a driver's license, while a minor who takes and passes those same tests is issued a probationary driver's license. Holders of probationary driver's licenses are subject to a number of restrictions and provisions that do not apply to adults, including nighttime driving restrictions. For example, current law prohibits a person who is less than 17 years of age and holds a probationary driver's license from operating a motor vehicle upon a highway or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6 a.m. unless the holder is accompanied by the holder's parent or guardian (R.C. 4507.071(B)(1)(a)). At all other times, such a probationary license holder, being a licensed driver, is not required to be accompanied by a parent or guardian.

Current law provides, however, that if a person is issued a probationary driver's license prior to attaining the age of 17 years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the holder *must* be accompanied by the holder's parent or guardian *whenever* the holder is operating a

motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular parking (not only during certain nighttime hours) during whichever of the following time periods applies:

(1) If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of 16 years six months, during the six-month period commencing on that date.

(2) If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of 16 years six months but not 17 years, until the person attains the age of 17 years. (R.C. 4507.071(D)(1)(a)(i) and (ii).)

This requirement is not subject to any modification by a court, and since the holder's probationary driver's license is not under suspension, Revised Code section 4510.021, which generally permits a court to grant limited driving privileges to a person whose driver's license has been suspended, is inapplicable.

If a probationary driver's license holder commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of 17 years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation the person has attained the age of 17 years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of 17 years, the holder is not subject to the additional "must be accompanied by a parent or guardian" operating restriction unless the court or juvenile court imposes such a restriction upon the holder. (R.C. 4507.071(D)(1)(b).)

**Restriction on motor vehicle operation by probationary license holders in certain circumstances**

The bill retains these current provisions, but provides that a probationary license holder who is subject to the additional "must be accompanied by a parent or guardian" operating restriction as a result of a *first* moving violation may petition the court for occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the applicable period of time. The court may grant the probationary license holder such driving privileges if the court finds reasonable cause to believe that the requirement that the holder not operate a motor vehicle unless the holder is accompanied by the holder's parent or guardian will seriously affect the holder's ability to continue in employment or educational 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 is required to specify the purposes, times, and places of the privileges and issue the person appropriate forms setting forth the privileges granted. Such occupational or educational driving privileges cannot 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 the bill are terminated upon the subsequent conviction, plea, or adjudication. (R.C. 4507.071(D)(2).)

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	01-22-08

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