



# Ohio Legislative Service Commission

## Bill Analysis

Joseph G. Aninao

### H.B. 109

128th General Assembly  
(As Introduced)

**Reps.** Hottinger and Weddington, Grossman, Combs, Hackett, McGregor, Winburn

---

## BILL SUMMARY

- Requires the Registrar of Motor Vehicles to disqualify the holder of a commercial driver's license from operating a commercial motor vehicle if the holder pleads guilty to or is convicted of a municipal OVI offense.

---

## CONTENT AND OPERATION

### Disqualification of the holder of a commercial driver's license

#### Current law

The commercial driver's license (CDL) law regulates the issuance of commercial driver's licenses, which enable their holders to operate commercial motor vehicles such as tractor-semitrailer combinations and school buses. One provision of the CDL law requires the Registrar of Motor Vehicles to disqualify any holder of a CDL, or any operator of a commercial motor vehicle for which a CDL is required, from operating a commercial motor vehicle as follows:

(1) Upon a first conviction for a violation of any provision of sections 4506.15(A)(2) to (9), 4511.19, or 4549.02 to 4549.03 of the Revised Code, or a similar law of another state or a foreign jurisdiction, one year;

(2) Upon a second conviction for a violation of any provision of the Revised Code specified in item (1) above, or a similar law of another state or a foreign jurisdiction, or any combination of such violations arising from two or more separate incidents, the person must be disqualified for life or for any other period of time as

determined by the United States Secretary of Transportation and designated by the Director of Public Safety by rule.<sup>1</sup>

R.C. 4506.15 provides that no person may commit any of a number of specified actions relating to the operation of a commercial motor vehicle. Divisions (A)(2) to (9) of that section provide that no person may do any of the following:

- (1) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;
- (2) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;
- (3) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;
- (4) Drive a motor vehicle while under the influence of a controlled substance;
- (5) Use a motor vehicle in the commission of a felony;
- (6) Refuse to submit to a test, under the CDL implied consent law;
- (7) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified; or
- (8) Cause a fatality through the negligent operation of a commercial motor vehicle, including the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter.

R.C. 4511.19 is the state OVI law, while R.C. 4549.02, 4549.021, and 4549.03 relate to stopping after an accident.

### **Change made by the bill**

The bill adds conviction of a municipal OVI ordinance to the kinds of convictions that disqualify the holder of a CDL, or the operator of a commercial motor vehicle for which a CDL is required, from operating a commercial motor vehicle. A "municipal OVI ordinance" is "any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of

---

<sup>1</sup> R.C. 4506.16(D)(1) and (2).

alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine."<sup>2</sup>

---

## HISTORY

ACTION	DATE
Introduced	03-30-09

h0109-i-128.docx/kl

---

<sup>2</sup> R.C. 4506.16(D)(1) and (2) and R.C. 4511.181(C).

