



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 109

128th General Assembly

(As Reported by H. Transportation & Infrastructure)

Reps. Hottinger and Weddington, Grossman, Combs, Hackett, McGregor, Winburn, Hagan, Bolon, Carney, Domenick, Yuko, Balderson, McClain, Uecker, Zehringer

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.
- Eliminates all references in the CDL law to a "waiver" being issued to the holder of a restricted CDL for farm-related service industries.

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, disqualification for one year;

(2) Upon a second conviction for a violation of any such law, or any combination of such violations arising from two or more separate incidents, disqualification 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.¹

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 (R.C. 4506.16(D)(1) and (2)). 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 alcohol, a controlled substance, or a

¹ R.C. 4506.16(D)(1) and (2).

metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine."²

Restricted CDL for farm-related service industries

Current law

Current law permits the Registrar to issue a restricted CDL and waiver for farm-related service industries, which allows a person to operate a commercial motor vehicle during seasonal periods determined by the Registrar and subject to certain statutory restrictions (R.C. 4506.24(A)). In order for a person to be issued such a restricted CDL, the person must meet all of the following requirements:

- (1) Has at least one year of driving experience in any type of vehicle;
- (2) Holds a valid driver's license issued by this state, other than a restricted license;
- (3) Certifies that during the two-year period immediately preceding the application, all of the following apply:
 - (A) The person has not had more than one license;
 - (B) The person has not had any license suspended, revoked, or canceled;
 - (C) The person has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in the CDL law;
 - (D) The person has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the person was at fault.
- (4) Certifies and also provides evidence that the person is employed in one or more of the following farm-related service industries requiring the person to operate a commercial motor vehicle:
 - (A) Custom harvesters;
 - (B) Farm retail outlets and suppliers;
 - (C) Agri-chemical business;

² R.C. 4506.16(D)(1) and (2) and R.C. 4511.181(C).

(D) Livestock feeders. (R.C. 4506.24(B).)

Under current law, an annual waiver for farm-related service industries may be issued to authorize the holder of a restricted CDL to operate a commercial motor vehicle during seasonal periods designated by the Registrar. The Registrar must determine the format of the waiver. The total number of days that a person may operate a commercial motor vehicle pursuant to a waiver for farm-related service industries cannot exceed 180 days in any 12-month period. Each time the holder of such a restricted CDL applies for a waiver for farm-related service industries, the Registrar must verify that the person meets all of the requirements set forth in current law. The holder of the restricted CDL and waiver must carry them at all times when operating a commercial motor vehicle. (R.C. 4506.24(C).)

The holder of a restricted CDL and waiver for farm-related service industries may operate a class B or C commercial motor vehicle (generally, a commercial motor vehicle that is a single vehicle and not a combination of vehicles) subject to all of the following restrictions:

(1) The commercial motor vehicle is operated within a distance of no more than 150 miles of the employer's place of business or the farm currently being served;

(2) The operation of the commercial motor vehicle does not involve transporting hazardous materials for which placarding is required, except as follows:

(a) Diesel fuel in quantities of 1,000 gallons or less;

(b) Liquid fertilizers in vehicles or implements of husbandry with total capacities of 3,000 gallons or less;

(c) Solid fertilizers that are not transported with any organic substance.

Generally, an applicant for or holder of a restricted CDL and waiver for farm-related service industries is subject to the CDL law. Some CDL law provisions do not apply to such persons, such as the CDL examination and the physical examination. (R.C. 4506.24(D).)

Changes made by the bill

The bill eliminates all references in the CDL law to a "waiver" being issued to the holder of a restricted CDL for farm-related service industries; the holder is issued only the restricted CDL for farm-related service industries and nothing more. This restricted CDL continues to be valid for one year, and all other provisions of current law relating to that CDL remain unchanged.

HISTORY

ACTION

DATE

Introduced

03-30-09

Reported, H. Transportation & Infrastructure

11-18-09

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