



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

H.B. 121

128th General Assembly
(As Introduced)

Reps. Evans, Huffman, Mecklenborg, Amstutz, Hagan, Grossman, Harris, Hackett, Stebelton, Brown, Okey, Balderson, B. Williams, Ujvagi, Domenick

BILL SUMMARY

- Provides that if a law enforcement officer or state highway patrol trooper issues a person a ticket for operating a motor vehicle with an expired Ohio driver's or commercial driver's license, the law enforcement officer or trooper is required to issue the person a seven-day field driving permit, if certain conditions are met.
- Permits a person who is issued such a permit to operate a motor vehicle (1) during the three hours immediately following the time of issuance of the permit to enable the person to travel directly to the person's residence, (2) during the next seven days to travel directly to and from the person's residence and the person's place of employment, and (3) to travel to the Registrar of Motor Vehicles or a deputy registrar to obtain a driver's or commercial driver's license.

CONTENT AND OPERATION

Operating a vehicle with an expired driver's license under existing law

Current law prohibits any person from operating any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license or commercial driver's license.¹ If a person violates this prohibition by operating a motor vehicle with an expired driver's or commercial driver's license and the person's license otherwise has not been suspended for any reason, the person is guilty of a minor misdemeanor if at the time of the offense the person's license has been

¹ R.C. 4510.12(A)(1), not in the bill.

expired for six months or less and a fourth-degree misdemeanor if the person's license has been expired for more than six months.² If a person whose driver's or commercial driver's license has expired is stopped by a law enforcement officer for a routine traffic violation, the person cannot operate the vehicle after the traffic stop. In such cases, the law enforcement officer may permit the person to arrange for a licensed driver to come and drive the vehicle from the site of the traffic stop. If such an arrangement cannot be made, the motor vehicle must be towed from the site.

Issuance of a seven-day field driving permit

When a law enforcement officer can issue such a permit

The bill addresses the situation in which a law enforcement officer issues a person a ticket for operating a motor vehicle other than a commercial motor vehicle with an expired Ohio driver's or commercial driver's license. If the person's license otherwise has not been suspended or canceled and therefore but for the fact that the person's license had expired the person would not have been operating a motor vehicle without a valid driver's or commercial driver's license, the bill requires the law enforcement officer to issue to the person a seven-day field driving permit. The ticket serves as the seven-day field driving permit, and the officer must make the necessary markings and notations on the ticket in order to indicate that it is to serve as a seven-day field driving permit for the person listed on the ticket. The officer must issue the combination ticket and field driving permit if all of the following apply:

- (1) The person has not been arrested;
- (2) The motor vehicle the person was operating at the time of the violation can be lawfully operated on the public roads and is not a commercial motor vehicle; and
- (3) The person presents to the law enforcement officer valid proof of financial responsibility in a form as provided in the Financial Responsibility Law.

The ticket must include all language and spaces necessary in order for it to serve as the person's seven-day field driving permit, including spaces in which the law enforcement officer is required to enter the date and time of issuance of the permit and the date and time that the permit expires. (R.C. 4510.121(A).)

² R.C. 4510.12(B)(2)(a), not in the bill. A minor misdemeanor is punishable by a fine of not more than \$150; no jail term is possible. A fourth-degree misdemeanor is punishable by a fine of not more than \$250, a jail term of not more than 30 days, or both.

Operation of a motor vehicle by the holder of a seven-day field driving permit

The bill permits a person who is issued a seven-day field driving permit to operate a motor vehicle as follows if the person has the permit in the person's possession:

(1) During the three hours immediately following the time of issuance of the permit, the person may travel directly to the person's residence;

(2) During the seven-day period commencing from the time and date of issuance of the permit and prior to issuance by the Registrar or a deputy registrar of a driver's or commercial driver's license to the person, the person may travel directly to and from the person's residence and the person's place of employment. The person is not permitted, however, to operate a motor vehicle in the course of the person's employment.

(3) During that seven-day period, the person may travel to an office of the Registrar or a deputy registrar to obtain a driver's or commercial driver's license. (R.C. 4510.121(B).)

Issuance of a seven-day field driving permit to a person does not invalidate, supersede, or otherwise affect in any manner or to any degree any suspension or cancellation of the person's driver's or commercial driver's license that is in effect at the time of issuance of the permit. A person who is issued a seven-day field driving permit will be deemed to possess a valid driver's license issued by this state only if the person operates a motor vehicle as specified above, and only if the person's driver's or commercial driver's license otherwise has not been suspended or canceled (R.C. 4510.121(C)). The bill specifically prohibits any person who is issued a seven-day field driving permit from operating a motor vehicle other than as specified above (R.C. 4510.121(F)). Whoever violates this prohibition is guilty of a first-degree misdemeanor.³

A person can be issued only one seven-day field driving permit in any 60-month period, commencing on the date such a permit is issued (R.C. 4510.121(E)). If a person who has been issued a seven-day field driving permit submits an application to the Registrar or a deputy registrar for a driver's license or commercial driver's license and, on the date of the application, the person's previous driver's or commercial driver's license expired more than 48 months prior to the date of the application, the person cannot be issued a driver's or commercial driver's license unless the person pays not only all the applicable fees associated with the issuance of a driver's or commercial driver's license on that date but also all the fees the person would have paid to the Registrar or deputy registrar had the person applied for renewal of the person's

³ Punishable by a fine of not more than \$1,000, a jail term of not more than six months, or both.

previous driver's or commercial driver's license on the expiration date of that previous license (R.C. 4510.121(G)).

Immunity provisions

The bill provides that no state highway patrol trooper or other law enforcement officer is personally liable or can be subject to any suit, judgment, or claim or damages arising from any incident or set of facts or circumstances that involve a person to whom the trooper or officer issued a seven-day field driving permit and that occurs subsequent to such issuance (R.C. 2743.02, 2744.01, and 4510.121(D)).

HISTORY

ACTION	DATE
Introduced	04-02-09

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