



Ohio Legislative Service Commission

Bill Analysis

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Am. H.B. 204

130th General Assembly

(As Reported by H. Transportation, Public Safety, and Homeland Security)

Reps. Perales, Stinziano, R. Hagan, Terhar, Henne, Damschroder

BILL SUMMARY

- Generally prohibits all probationary driver's license holders from operating a motor vehicle between 10 p.m. and 5 a.m. unless the holder is accompanied by a parent or guardian.
- Generally prohibits the holder of a probationary driver's license who has held the license for less than 12 months from operating a motor vehicle with more than one passenger, and requires the passenger to be at least 21 years of age and hold a valid driver's or commercial driver's license.
- Permits a person who has held a probationary driver's license for less than 12 months to operate a vehicle, subject to the number of seat belts in the vehicle, with any number of family members, or if accompanied by a parent, guardian, or custodian, with any number of passengers.
- Requires, for a specified period of time, a person who holds a probationary driver's license, who pleads guilty to a moving violation, and who has not attained the age of 18 years to be accompanied by the holder's parent or guardian when operating a motor vehicle.
- Provides that a person who holds a probationary driver's license and who has attained the age of 18 years cannot be required to be accompanied by the holder's parent or guardian as a result of a moving violation.
- Requires a person under 21 years of age, rather than under 18 years of age as in current law, to show proof of the successful completion of an approved driver's education course or similar course when applying for a driver's license.

- Generally authorizes a person who is between 18 and 21 years of age and who is on active duty in the United States armed forces, when applying for a driver's license, to present evidence of the successful completion of a driver education course conducted by a branch of those armed forces.
- Prohibits any person who is a passenger in a motor vehicle being operated by a probationary license holder from failing to wear a seat belt.

CONTENT AND OPERATION

Restrictions applicable to probationary driver's license holders

Hours of operation

The bill generally prohibits, between the hours of 10 p.m. and 5 a.m., a probationary driver's license holder from operating a motor vehicle upon a highway or upon public or private property used by the public for purposes of vehicular travel or parking unless the holder is accompanied by a parent or guardian.¹ A violation of this prohibition is a minor misdemeanor (maximum fine of \$150, no jail term possible).² The bill retains a provision of current law that permits such a license holder to operate a motor vehicle while traveling to or from work between 10 p.m. and 5 a.m. In such a case, the holder must have in the holder's immediate possession written documentation from the holder's employer.³

Under current law, the holder of a probationary driver's license who is less than 17 years of age is prohibited from operating a motor vehicle between the hours of midnight and 6 a.m. unless the holder is accompanied by a parent or guardian.⁴ The restricted period for the holder of a probationary driver's license who is between 17 and 18 years of age is 1 a.m. to 5 a.m.⁵ A violation of either prohibition is a minor misdemeanor.⁶

¹ R.C. 4507.071(B)(1).

² R.C. 4507.071(J).

³ R.C. 4507.071(B)(2).

⁴ R.C. 4507.071(B)(1)(a).

⁵ R.C. 4507.071(B)(1)(b).

⁶ R.C. 4507.071(J).



Other occupants of the motor vehicle

Under the bill, the holder of a probationary driver's license who has held the license for less than 12 months is prohibited from operating a motor vehicle with more than one passenger. The passenger must be at least 21 years of age and hold a valid driver's or commercial driver's license.⁷ A violation of this prohibition is a minor misdemeanor.⁸ However, a probationary license holder may operate a motor vehicle with any number of family members occupying the vehicle or, if the holder is accompanied by the holder's parent, guardian, or custodian, with any number of persons occupying the motor vehicle.⁹ In all cases, the number of passengers is limited by the number of occupant restraining devices ("seat belts") in the motor vehicle.¹⁰

Under current law, the holder of a probationary driver's license who is less than 17 years of age is prohibited from operating a motor vehicle with more than one person who is not a family member occupying the vehicle unless the holder is accompanied by the holder's parent, guardian, or custodian.¹¹

Moving violations

The bill alters the restrictions on the operation of a motor vehicle by the holder of a probationary driver's license who commits a moving violation. Commencing on the date the holder pleads guilty to, is convicted of, or is adjudicated as having committed ("pleads guilty to") a moving violation, one of the following applies:

(1) If, on that date, the license holder has not attained the age of 17 years, 6 months, the license holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle for a period of six months from that date;¹²

(2) If, on that date, the license holder has attained the age of 17 years, 6 months but not 18 years, the license holder must be accompanied by the holder's parent or

⁷ R.C. 4507.071(B)(4)(a).

⁸ R.C. 4507.071(J).

⁹ R.C. 4507.071(B)(4)(b).

¹⁰ R.C. 4507.071(E)(1).

¹¹ R.C. 4507.071(B)(4).

¹² R.C. 4507.071(D)(1)(a)(i).



guardian whenever the holder is operating a motor vehicle until the holder attains the age of 18 years.¹³

A violation of either of these restrictions is a minor misdemeanor.¹⁴

If, on the date the holder of a probationary driver's license pleads guilty to the moving violation the holder has attained the age of 18 years, the license holder is not required to be accompanied by the holder's parent or guardian when operating a motor vehicle.¹⁵

Current law places the following two restrictions on the operation of a motor vehicle by the holder of a probationary driver's license who commits a moving violation, commencing on the date the holder pleads guilty to the moving violation:

(1) If, on that date, the license holder has not attained the age of 16 years, 6 months, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle for a period of six months from that date;¹⁶

(2) If, on that date, the license holder has attained the age of 16 years, 6 months, but not 17 years, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle until the holder attains 17 years of age.¹⁷

A violation of either of these restrictions is a minor misdemeanor.¹⁸

Current law also provides that the holder of a probationary driver's license who pleads guilty to a moving violation during the six-month period after issuance of the license does not have to be accompanied by the holder's parent or guardian if either (1) the holder committed the moving violation before attaining 17 years of age, but on the date the holder pleads guilty to the moving violation, the holder has attained 17 years of age, or (2) the holder committed the moving violation after reaching 17 years of age.

¹³ R.C. 4507.071(D)(1)(a)(ii).

¹⁴ R.C. 4507.071(D)(3) and (J).

¹⁵ R.C. 4507.071(D)(1)(b).

¹⁶ R.C. 4507.071(D)(1)(a)(i).

¹⁷ R.C. 4507.071(D)(1)(a)(ii).

¹⁸ R.C. 4507.071(D)(3) and (J).



In either case, however, the court or juvenile court may require the probationary license holder to be accompanied by the holder's parent or guardian.¹⁹

Driver education or training requirement

The bill requires a person under 21 years of age, rather than under 18 years of age as in current law, when applying for a driver's license to show proof of having successfully completed any of the following:

- (1) An approved driver education course;
- (2) An approved driver training course; or

(3) A training course that is comparable to either of those two courses that was administered by a branch of the United States armed forces while residing outside this state for the purpose of being with or near any person serving in the United States armed forces.

As an alternative to these provisions, the bill also provides that a person who is at least 18 but less than 21 years of age and is on active duty in or a veteran of the United States armed forces may present satisfactory evidence of having successfully completed, while on active duty, a driver training course that is comparable to either an approved driver education course or driver training course and was administered by a branch of the United States armed forces.²⁰

Seat belt requirement

The bill prohibits any person who is a passenger in a motor vehicle being operated by a probationary license holder from failing to wear a seat belt.²¹ A violation of this prohibition is a minor misdemeanor. A violation of this prohibition is not a primary offense. Thus, a vehicle may not be stopped for the sole reason of enforcing such a violation.²²

¹⁹ R.C. 4507.071(D)(1)(b).

²⁰ R.C. 4507.21(B)(1)(a) and (b).

²¹ R.C. 4507.071(E)(2).

²² R.C. 4507.071(G) and (J).



HISTORY

ACTION	DATE
Introduced	06-11-13
Reported, H. Transportation, Public Safety & Homeland Security	02-12-14

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