



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Margaret E. Marcy

H.B. 260

132nd General Assembly
(As Introduced)

Reps. Butler and Sykes, Becker, Brenner, Craig, Dean, Goodman, Hambley, Henne, Kent, Manning, McColley, Ramos, Reece, Rezabek, Seitz, Sheehy, K. Smith, West

BILL SUMMARY

- Requires a court to grant limited driving privileges to a person in relation to a driver's license suspension when the suspension is imposed for certain non-vehicle-related criminal offenses.
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CONTENT AND OPERATION

Limited driving privileges

The bill requires a court to grant limited driving privileges to a person in relation to a driver's license¹ suspension for a criminal offense if both of the following apply:

(1) No element of the offense relates to the operation or physical control of a motor vehicle or the failure to comply with a requirement for the use, possession, or registration of a motor vehicle; and

(2) The suspension is not required to be imposed due to the involvement of a motor vehicle in the offense or the failure to obtain a valid license or permit for the operation of a motor vehicle.²

Current law permits, but does not require, a court to grant limited driving privileges during a court-ordered suspension, provided that the offense does not

¹ Under the bill, a driver's license, commercial driver's license, temporary instruction permit, probationary license, and nonresident operating privilege are all included.

² R.C. 4510.023

expressly prohibit the granting of such privileges. Limited driving privileges may be granted for any of the following purposes:

- (1) Occupational, educational, vocational, or medical purposes;
- (2) Taking the driver's or commercial driver's license examination;
- (3) Attending court-ordered treatment;
- (4) Attending any court proceeding related to the offense for which the offender's suspension was imposed;
- (5) Transporting a minor to a child care provider, day-care, preschool, school, or to any other location for purposes of receiving child care; and
- (6) Any other purpose the court determines to be appropriate.

Under current law, unchanged by the bill, the court must specify the purposes, times, and places of the privileges and may impose any other reasonable conditions on the person's driving of a motor vehicle in relation to the limited driving privileges.³

Included offenses

The criminal offenses that meet the requirements of the bill are summarized in the following table.⁴ The elements of the offenses are not altered by the bill. However, as indicated above, a court is required to grant limited driving privileges if the offender's driver's license is suspended for commission of the offense.

	Description of Offense
R.C. 2151.354	Unruly child ⁵
R.C. 2151.87	Disobeying a court order related to the underage use, consumption, possession, or purchase of tobacco products or alternative nicotine products

³ R.C. 4510.021(A), not in the bill.

⁴ The Revised Code sections listed in the table are not in the bill.

⁵ Under R.C. 2151.022, "unruly child" includes any of the following: (1) any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient, (2) any child who is an habitual truant from school and who previously has not been adjudicated an unruly child for being an habitual truant, (3) any child who behaves in a manner as to injure or endanger the child's own health or morals or the health or morals of others, or (4) any child who violates a law (other than a statutorily excepted law) that is applicable only to a child.

	Description of Offense
R.C. 2152.19	Delinquent child ⁶
R.C. 2913.02	Theft of gasoline
R.C. 2923.01	Conspiracy to commit a felony drug trafficking, manufacturing, processing, or possession offense
R.C. 2923.122	Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone
R.C. 2925.02	Corrupting another with drugs
R.C. 2925.03	Drug trafficking
R.C. 2925.04	Illegal manufacture of drugs or illegal cultivation of marijuana
R.C. 2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs
R.C. 2925.05	Funding of drug or marijuana trafficking
R.C. 2925.06	Illegal administration or distribution of anabolic steroids
R.C. 2925.11	Drug possession
R.C. 2925.12	Possessing drug abuse instruments
R.C. 2925.13	Permitting drug abuse
R.C. 2925.14	Illegal use or possession of drug paraphernalia (not for marijuana)
R.C. 2925.141	Illegal use or possession of drug paraphernalia (for marijuana)
R.C. 2925.22	Deception to obtain a dangerous drug
R.C. 2925.23	Illegal processing of drug documents
R.C. 2925.31	Abusing harmful intoxicants
R.C. 2925.32	Trafficking in harmful intoxicants
R.C. 2925.36	Illegal dispensing of drug samples
R.C. 2925.37	Trafficking in counterfeit controlled substances, aggravated trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising
R.C. 3123.55	Failure to pay child support or appear for a proceeding to enforce a child support order ⁷

⁶ Under R.C. 2152.02(F), "delinquent child" includes any of the following: (1) any child, except a juvenile traffic offender, who violates any law or ordinance that would be an offense if committed by an adult, (2) generally, any child who violates any lawful order of the juvenile court, (3) any child who unlawfully enters an adult entertainment establishment, purchases a firearm, or unlawfully purchases pseudoephedrine or ephedrine, (4) any child who is an habitual truant and who previously has been adjudicated an unruly child for being an habitual truant, or (5) any child who is a chronic truant.

⁷ See also, R.C. 3123.58, not in the bill.

	Description of Offense
R.C. 4301.99	Consumption of alcohol by a minor in a motor vehicle Purchase, possession, or consumption of alcohol by a minor Presentation of a false identification card or driver's license (second or subsequent violation) (Portions not related to a motor vehicle)
R.C. 4510.05	Violation of a municipal ordinance that is substantially similar to a statutory violation for which a suspension may be imposed (When not related to a motor vehicle)
R.C. 4510.06	Suspension under the federal Assimilative Crimes Act
R.C. 4510.17	Commission of an out-of-state drug or OVI violation that is substantially similar to specified offenses in the Revised Code (Portions not related to OVI)
R.C. 4510.32	Habitual absence from school (if the appropriate board of education has adopted a resolution authorizing suspension of the minor's license) ⁸
R.C. 4510.33	Use of a driver's license for the underage purchase of alcohol

HISTORY

ACTION	DATE
Introduced	06-06-17

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⁸ See also, R.C. 3321.13, not in the bill.

