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135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Lorenz and Brewer

Larry Gunter, Jr., Research Analyst

### SUMMARY

- Lowers the age at which a juvenile may obtain a temporary instruction permit from 15½ to 15.
- Expands the time a juvenile must hold a temporary instruction permit before eligibility for a probationary license from six months to one year (thus retaining age 16 as the age of eligibility for a probationary driver's license).
- Requires all drivers to take a defensive driver training course as a prerequisite to receiving a probationary driver's license.
- Alters the penalties for certain first-time juvenile traffic offenders.
- Authorizes two nonrefundable income tax credits that may be claimed when a younger driver voluntarily completes a defensive driver course.

### DETAILED ANALYSIS

#### Background

Under current law, a minor person (under 18) is eligible for a probationary driver's license (probationary license) at age 16, provided the minor meets certain conditions. (A probationary license is subject to special curfews and occupancy restrictions.)<sup>1</sup> Those conditions include:

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<sup>1</sup> R.C. 4507.071. The probationary license is valid until the age of 18, at which point it becomes a regular driver's license.

1. The minor must first apply for and obtain a temporary instruction permit (permit) by passing both a written test about motor vehicle laws<sup>2</sup> and a vision screening test;<sup>3</sup>
2. The minor may apply for and obtain the permit no earlier than age 15½ and must hold the permit for at least six months. (Thus, the earliest the minor may obtain a probationary license is age 16.)
3. The minor's application for a permit must be signed by one of the following:
  - a. The minor applicant's parents;
  - b. The minor applicant's guardian;
  - c. Another person having custody of the minor applicant; or
  - d. A responsible person who is willing to assume liability for any negligence or willful or wanton misconduct by the minor applicant while driving.<sup>4</sup>
4. During the term of the permit, the minor must complete an approved driver's education or training course (which must include at least 24 hours of classroom instruction and eight hours of behind-the-wheel instruction), acquire at least 50 hours of driving experience (including at least 10 night hours),<sup>5</sup> and pass a driving test (maneuverability and road skills).<sup>6</sup>

A temporary instruction permit is valid for one year.<sup>7</sup>

### **Temporary instruction permit: age lowered and validity extension**

The bill lowers the age at which a minor may obtain a temporary instruction permit from 15½ to 15. It also requires the minor to hold the permit for one year, instead of six months, before obtaining a probationary license. Thus, the bill retains the earliest possible age (16) at which a minor may obtain a probationary license. Additionally, the bill extends a permit's validity period from one year to one year and six months.<sup>8</sup>

The diagrams below illustrate this change:

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<sup>2</sup> R.C. 4507.10(A) and 4507.11, not in the bill.

<sup>3</sup> Ohio Administrative Code (O.A.C.) 4501:1-1-08(A), not in the bill.

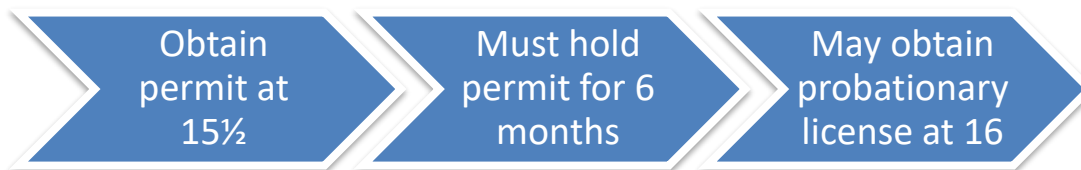
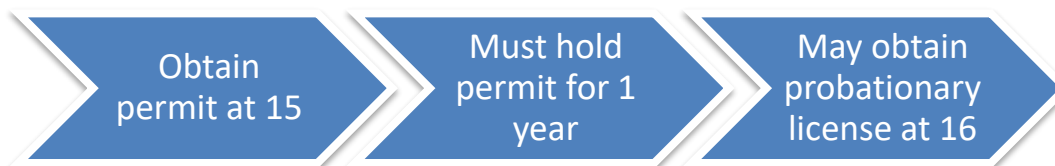
<sup>4</sup> R.C. 4507.05 and 4507.071; R.C. 4507.07(A), not in the bill.

<sup>5</sup> R.C. 4507.21(B) and 4508.02(C), not in the bill.

<sup>6</sup> R.C. 4507.10(A) and 4507.11; O.A.C. 4501:1-1-10, not in the bill.

<sup>7</sup> R.C. 4507.05.

<sup>8</sup> R.C. 4507.05(A) and (C) and 4507.071(A).

**Current law****The bill****Defensive driving training**

The bill requires the Director of Public Safety to include defensive driver training for all drivers as a prerequisite to receiving a probationary driver's license. Such courses apply to both classroom instruction and an online driver's education course. Specifically, a defensive driver training must include instruction related to all of the following:

- Weather conditions, including rain, fog, hail, sleet, snow, and high winds;
- Adverse road conditions, including potholes, road debris, construction, and road detours;
- Road hazards caused by animals, including animals that enter the roadway unexpectedly;
- Incidents involving road rage, speeding, reckless driving, erratic driving, and other aggressive driving behaviors; and
- Incidents during which the motor vehicle skids, slides, or otherwise moves in an uncontrolled manner.

Current law includes classroom or online instruction on the dangers of driving a motor vehicle in violation of Ohio's Distracted Driving Law and OVI (operating a vehicle impaired) Law.<sup>9</sup>

**Juvenile traffic offenders**

The bill allows a first-time juvenile traffic offender the option to enroll in an advance juvenile driver improvement program in lieu of paying standard fines and receiving points

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<sup>9</sup> R.C. 4508.02(C).

against the juvenile’s license.<sup>10</sup> The option to enroll in the program is available if the juvenile’s first traffic offense would have been a minor misdemeanor if committed by an adult. If the juvenile elects to participate in the program, the juvenile traffic offender must submit a certificate of completion to the court in order to have any fines or license points waived.

The advance juvenile improvement program requires a minimum of two hours of classroom instruction that focuses on driving physics, vehicle dynamics, proper vision techniques, and teen driver statistics. In addition, the program requires a minimum of four hours of emergency driving skills development through “behind-the-wheel” driving exercises that focus on vehicle control in inclement weather, emergency transition maneuvers, and spin and skid control.<sup>11</sup>

### **Income tax credits**

The bill authorizes two nonrefundable income tax credits that may be claimed when a younger driver voluntarily takes a defensive driving course described above, i.e., the driver was not ordered to take the course by a court and did not take it in lieu of a fine or other disposition from a traffic violation. The first credit is for a person aged 18 to 21, who may claim a \$50 credit against their own income tax liability in the taxable year in which they receive a certificate of completion from the course. The second credit equals \$100 and may be claimed by a taxpayer whose minor dependent voluntarily completes the course.<sup>12</sup>

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## **HISTORY**

Action	Date
Introduced	02-01-24

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ANHB0395IN-135/ts

<sup>10</sup> R.C. 2152.20 and 2152.21.

<sup>11</sup> R.C. 4510.311(B).

<sup>12</sup> R.C. 5747.86, 5747.08, and 5747.98; Section 3.