Amendment No. AM_136_3281

H. B. No. 753
As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete the second "section" and insert "sections"

In line 2 of the title, after "4506.091" insert ", 4506.91, and 4507.113"

In line 4 of the title, after "English" insert "and to prohibit the use of wireless communications devices during drivers exams"

In line 5, delete the second "section" and insert "sections"

In line 6, after "4506.091" insert ", 4506.91, and 4507.113"

In line 8, after "conduct" insert ",only"; after "language" insert ","

After line 19, insert:

"(C) The registrar shall require the tests specified under division (A) of this section to be administered in person either at an authorized deputy registrar location or an authorized third party skills testing site in accordance with section 4506.09 of the Revised Code.

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Sec. 4506.91. (A) As used in this section, "electronic wireless communications device" has the same meaning as in section 4511.204 of the Revised Code.

(B) During the administration of the knowledge test for a commercial driver's license temporary instruction permit conducted under section 4506.06 of the Revised Code, an applicant shall not knowingly use in any manner an electronic wireless communications device.

(C)(1) Whoever violates this section is guilty of cheating on the commercial driver's license knowledge test and shall be punished as follows:

(a) For a first violation, the offender is guilty of a misdemeanor of the third degree and is prohibited from retaking the test for one hundred eighty days.

(b) For a second violation, the offender is guilty of a misdemeanor of the second degree and is prohibited from retaking the test for one year.

(c) For a third or subsequent violation, the offender is guilty of a misdemeanor of the first degree and is permanently prohibited from retaking the test.

(2) In all cases, if the registrar of motor vehicles or a deputy registrar determines that an applicant is using an electronic wireless communications device during the knowledge test, the registrar or deputy registrar shall do all of the following:

(a) Stop the test if the test has not been completed;

(b) Consider the applicant to have failed the test;

(c) Not issue a commercial driver's license temporary

instruction permit to the applicant."

In line 31, after "examination" insert "in person at a deputy registrar office,"

In line 33, after "~~tested~~" insert "only,"

After line 136, insert:

"**Sec. 4507.113.** (A) As used in this section, "electronic wireless communications device" has the same meaning as in section 4511.204 of the Revised Code.

(B) During the administration of the knowledge test for a temporary instruction permit and a temporary instruction permit identification card conducted under section 4507.11 of the Revised Code, an applicant shall not knowingly use in any manner an electronic wireless communications device.

(C)(1) Whoever violates this section is guilty of cheating on the driver's license knowledge test and shall be punished as follows:

(a) For a first violation, the offender is guilty of a misdemeanor of the fourth degree.

(b) For a second violation, the offender is guilty of a misdemeanor of the third degree.

(c) For a third violation, the offender is guilty of a misdemeanor of the second degree and is prohibited from retaking the test for one hundred eighty days.

(d) For any subsequent violation, the offender is guilty of a misdemeanor of the first degree and is prohibited from retaking the test for one hundred eighty days.

(2) In all cases, if the registrar of motor vehicles or a

deputy registrar determines that an applicant is using an electronic wireless communications device during the knowledge test, the registrar or deputy registrar shall do all of the following:

(a) Stop the test if the test has not been completed;

(b) Consider the applicant to have failed the test;

(c) Not issue a temporary instruction permit or a temporary instruction permit identification card to the applicant."

The motion was _____ agreed to.

SYNOPSIS

Knowledge test for a driver's license

R.C. 4506.091, 4506.91, 4507.11, and 4507.113

Prohibits an applicant for a commercial driver's license temporary instruction permit (CLP) or a temporary instruction permit/temporary instruction permit identification card (TIPIC) from knowingly using an electronic wireless communications device during the knowledge test for those temporary permits.

Specifies that a CLP applicant who violates that prohibition is guilty of cheating on a knowledge test and must be punished as follows:

1. For a first violation, a 3rd degree misdemeanor and the offender cannot retake the test for 180 days;

2. For a second violation, a 2nd degree misdemeanor and

the offender cannot retake the test for one year; and

3. For a third violation or subsequent violation, a 1st degree misdemeanor and the offender is permanently prohibited from retaking the test.

Specifies that a TIPIC applicant who violates that prohibition is guilty of cheating on a knowledge test and punished as follows:

(1) For a first violation, a 4th degree misdemeanor;

(2) For a second violation, a 3rd degree misdemeanor;

(3) For a third violation, a 2nd degree misdemeanor and the offender cannot retake the test for 180 days;

(4) For any subsequent violation, a 1st degree misdemeanor and the offender cannot retake the test for 180 days.

Requires the Registrar of Motor Vehicles or deputy registrar to stop the knowledge test, consider the applicant to have failed, and not issue the CLP or TIPIC to an applicant caught using an electronic wireless communications device during a knowledge test.

Requires the Registrar to administer all of the knowledge tests in person.

Clarifies that the knowledge and skills tests for commercial driver's licenses and standard driver's licenses must be conducted only in English.