

As Passed by the Senate

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S. B. No. 419

Senator Gavarone

**Cosponsors: Senators Cirino, Craig, Cutrona, DeMora, Johnson, Landis, Lang,
Liston, Manning, McColley, Patton, Reineke, Wilson**

To amend sections 4507.05 and 4507.071 of the Revised Code to lower the age at which a juvenile may obtain a temporary instruction permit from 15½ to 15 and to expand the time a juvenile must hold a temporary instruction permit before eligibility for a probationary license from six months to one year.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4507.05 and 4507.071 of the Revised Code be amended to read as follows:

Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years ~~six months~~ of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the highways under the following conditions:

(1) If the permit is issued to a person who is at least fifteen years ~~six months~~ of age, but less than sixteen years of

age:	20
(a) The permit and identification card are in the holder's immediate possession;	21 22
(b) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;	23 24 25 26 27
(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.	28 29 30 31 32
(2) If the permit is issued to a person who is at least sixteen years of age:	33 34
(a) The permit and identification card are in the holder's immediate possession;	35 36
(b) The holder is accompanied by a licensed operator who is at least twenty-one years of age, is actually occupying a seat beside the driver, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code;	37 38 39 40 41 42
(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.	43 44 45 46 47

(B) The registrar or a deputy registrar, upon receiving 48
from any person an application for a temporary instruction 49
permit and temporary instruction permit identification card to 50
operate a motorcycle, motor-driven cycle or motor scooter, or 51
motorized bicycle, may issue such a permit and identification 52
card entitling the applicant, while having the permit and 53
identification card in the applicant's immediate possession, to 54
drive a motorcycle or motor-driven cycle or motor scooter, under 55
the restrictions prescribed in section 4511.53 of the Revised 56
Code, or to drive a motorized bicycle under restrictions 57
determined by the registrar. A temporary instruction permit and 58
temporary instruction permit identification card to operate a 59
motorized bicycle may be issued to a person fourteen or fifteen 60
years old. 61

(C) Any permit and identification card issued under this 62
section shall be issued in the same manner as a driver's 63
license, upon a form to be furnished by the registrar. A 64
temporary instruction permit to drive a motor vehicle other than 65
a commercial motor vehicle shall be valid for a period of one 66
year and six months. 67

(D) Any person having in the person's possession a valid 68
and current driver's license or motorcycle operator's license or 69
endorsement issued to the person by another jurisdiction 70
recognized by this state is exempt from obtaining a temporary 71
instruction permit for a driver's license and from submitting to 72
the examination for a temporary instruction permit and the 73
regular examination for obtaining a driver's license or 74
motorcycle operator's endorsement in this state if the person 75
does all of the following: 76

(1) Submits to and passes vision screening as provided in 77

section 4507.12 of the Revised Code; 78

(2) Surrenders to the registrar or deputy registrar the 79
person's driver's license issued by the other jurisdiction; and 80

(3) Complies with all other applicable requirements for 81
issuance by this state of a driver's license, driver's license 82
with a motorcycle operator's endorsement, or restricted license 83
to operate a motorcycle. 84

If the person does not comply with all the requirements of 85
this division, the person shall submit to the regular 86
examination for obtaining a driver's license or motorcycle 87
operator's endorsement in this state in order to obtain such a 88
license or endorsement. 89

(E) The registrar may adopt rules governing the use of 90
temporary instruction permits and temporary instruction permit 91
identification cards. 92

(F) (1) No holder of a permit issued under division (A) of 93
this section shall operate a motor vehicle upon a highway or any 94
public or private property used by the public for purposes of 95
vehicular travel or parking in violation of the conditions 96
established under division (A) of this section. 97

(2) Except as otherwise provided in division (F) (2) of 98
this section, no holder of a permit that is issued under 99
division (A) of this section ~~and that is issued on or after July~~ 100
~~1, 1998, and who has not attained the age of~~ under eighteen 101
~~years,~~ of age shall operate a motor vehicle upon a highway or 102
any public or private property used by the public for purposes 103
of vehicular travel or parking between the hours of midnight and 104
six a.m. 105

The holder of a permit issued under division (A) of this 106

~~section on or after July 1, 1998, who has not attained the age~~ 107
~~of under eighteen years, of age~~ may operate a motor vehicle upon 108
a highway or any public or private property used by the public 109
for purposes of vehicular travel or parking between the hours of 110
midnight and six a.m. if, at the time of such operation, the 111
holder is accompanied by the holder's parent, guardian, or 112
custodian, and the parent, guardian, or custodian holds a 113
current valid driver's or commercial driver's license issued by 114
this state, is actually occupying a seat beside the permit 115
holder, and does not have a prohibited concentration of alcohol 116
in the whole blood, blood serum or plasma, breath, or urine as 117
provided in division (A) of section 4511.19 of the Revised Code. 118

(G) (1) Notwithstanding any other provision of law to the 119
contrary, no law enforcement officer shall cause the operator of 120
a motor vehicle being operated on any street or highway to stop 121
the motor vehicle for the sole purpose of determining whether 122
each occupant of the motor vehicle is wearing all of the 123
available elements of a properly adjusted occupant restraining 124
device as required by division (A) of this section, or for the 125
sole purpose of issuing a ticket, citation, or summons if the 126
requirement in that division has been or is being violated, or 127
for causing the arrest of or commencing a prosecution of a 128
person for a violation of that requirement. 129

(2) Notwithstanding any other provision of law to the 130
contrary, no law enforcement officer shall cause the operator of 131
a motor vehicle being operated on any street or highway to stop 132
the motor vehicle for the sole purpose of determining whether a 133
violation of division (F) (2) of this section has been or is 134
being committed or for the sole purpose of issuing a ticket, 135
citation, or summons for such a violation or for causing the 136
arrest of or commencing a prosecution of a person for such 137

violation.	138
(H) As used in this section:	139
(1) "Eligible adult" means any of the following:	140
(a) An instructor of a driver training course approved by the department of public safety;	141 142
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	143 144
(i) A parent, guardian, or custodian of the permit holder;	145
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	146 147
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	148 149
(I) Whoever violates division (F) (1) or (2) of this section is guilty of a minor misdemeanor.	150 151
Sec. 4507.071. (A) The registrar of motor vehicles or any deputy registrar shall not issue a driver's license to any person under eighteen years of age, except that the registrar or a deputy registrar may issue a probationary license to a person who is at least sixteen years of age and has held a temporary instruction permit for a period of at least six months <u>one year</u> .	152 153 154 155 156 157
(B) (1) (a) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.	158 159 160 161 162 163
(b) No holder of a probationary driver's license who has	164

held the license for twelve months or longer shall operate a 165
motor vehicle upon a highway or any public or private property 166
used by the public for purposes of vehicular travel or parking 167
between the hours of one a.m. and five a.m. unless the holder is 168
accompanied by the holder's parent or guardian. 169

(2) (a) Subject to division (D) (1) of this section, 170
division (B) (1) (a) of this section does not apply to the holder 171
of a probationary driver's license who is doing ~~either~~ any of 172
the following: 173

(i) Traveling to or from work between the hours of 174
midnight and six a.m., provided that the holder has in the 175
holder's immediate possession written documentation from the 176
holder's employer; i 177

(ii) Traveling to or from an official function sponsored 178
by the school the holder attends between the hours of midnight 179
and six a.m., provided that the holder has in the holder's 180
immediate possession written documentation from an appropriate 181
official of the school; 182

(iii) Traveling to or from an official religious event 183
between the hours of midnight and six a.m., provided that the 184
holder has in the holder's immediate possession written 185
documentation from an appropriate official affiliated with the 186
event. 187

(b) Division (B) (1) (b) of this section does not apply to 188
the holder of a probationary driver's license who is doing- 189
~~either~~ any of the following: 190

(i) Traveling to or from work between the hours of one 191
a.m. and five a.m., provided that the holder has in the holder's 192
immediate possession written documentation from the holder's 193

employer ; _i	194
(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;	195 196 197 198 199
(iii) Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.	200 201 202 203 204
(3) An employer, school official, or official affiliated with a religious event is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in division (B) (2) of this section.	205 206 207 208 209 210 211 212
The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in division (B) (2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.	213 214 215 216 217 218 219
(4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property	220 221 222

used by the public for purposes of vehicular travel or parking 223
with more than one person who is not a family member occupying 224
the vehicle unless the probationary license holder is 225
accompanied by the probationary license holder's parent, 226
guardian, or custodian. 227

(C) It is an affirmative defense to a violation of 228
division (B) (1) (a) or (b) of this section if, at the time of the 229
violation, an emergency existed that required the holder of the 230
probationary driver's license to operate a motor vehicle in 231
violation of division (B) (1) (a) or (b) of this section or the 232
holder was an emancipated minor. 233

(D) (1) If a person is issued a probationary driver's 234
license prior to attaining the age of seventeen years and the 235
person pleads guilty to, is convicted of, or is adjudicated in 236
juvenile court of having committed a moving violation during the 237
six-month period commencing on the date on which the person is 238
issued the probationary driver's license, the court with 239
jurisdiction over the violation may order that the holder must 240
be accompanied by the holder's parent or guardian whenever the 241
holder is operating a motor vehicle upon a highway or any public 242
or private property used by the public for purposes of vehicular 243
travel or parking for a period not to exceed six months or the 244
date the holder attains the age of seventeen years, whichever 245
occurs first. 246

(2) Any person who is subject to the operating 247
restrictions established under division (D) (1) of this section 248
as a result of a first moving violation may petition the court 249
for driving privileges without being accompanied by the holder's 250
parent or guardian during the period of time determined by the 251
court under that division. In granting the driving privileges, 252

the court shall specify the purposes of the privileges and shall 253
issue the person appropriate forms setting forth the privileges 254
granted. If a person is convicted of, pleads guilty to, or is 255
adjudicated in juvenile court of having committed a second or 256
subsequent moving violation, the court with jurisdiction over 257
the violation may terminate any driving privileges previously 258
granted under this division. 259

(3) No person shall violate any operating restriction 260
imposed under division (D) (1) or (2) of this section. 261

(E) No holder of a probationary license shall operate a 262
motor vehicle upon a highway or any public or private property 263
used by the public for purposes of vehicular travel or parking 264
unless the total number of occupants of the vehicle does not 265
exceed the total number of occupant restraining devices 266
originally installed in the motor vehicle by its manufacturer, 267
and each occupant of the vehicle is wearing all of the available 268
elements of a properly adjusted occupant restraining device. 269

(F) A restricted license may be issued to a person who is 270
fourteen or fifteen years of age upon proof of hardship 271
satisfactory to the registrar of motor vehicles. 272

(G) Notwithstanding any other provision of law to the 273
contrary, no law enforcement officer shall cause the operator of 274
a motor vehicle being operated on any street or highway to stop 275
the motor vehicle for the sole purpose of determining whether 276
each occupant of the motor vehicle is wearing all of the 277
available elements of a properly adjusted occupant restraining 278
device as required by division (E) of this section, or for the 279
sole purpose of issuing a ticket, citation, or summons if the 280
requirement in that division has been or is being violated, or 281
for causing the arrest of or commencing a prosecution of a 282

person for a violation of that requirement.	283
(H) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (B) (1) (a) or (b) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.	284 285 286 287 288 289 290 291 292
(I) As used in this section:	293
(1) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	294 295
(2) "Family member" of a probationary license holder includes any of the following:	296 297
(a) A spouse;	298
(b) A child or stepchild;	299
(c) A parent, stepparent, grandparent, or parent-in-law;	300
(d) An aunt or uncle;	301
(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;	302 303
(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;	304 305 306
(g) An eligible adult, as defined in section 4507.05 of the Revised Code.	307 308
(3) "Moving violation" means any violation of any statute	309

or ordinance that regulates the operation of vehicles, 310
streetcars, or trackless trolleys on the highways or streets. 311
"Moving violation" does not include a violation of section 312
4513.263 of the Revised Code or a substantially equivalent 313
municipal ordinance, or a violation of any statute or ordinance 314
regulating pedestrians or the parking of vehicles, vehicle size 315
or load limitations, vehicle fitness requirements, or vehicle 316
registration. 317

(J) Whoever violates division (B) (1) or (4), (D) (3), or 318
(E) of this section is guilty of a minor misdemeanor. 319

Section 2. That existing sections 4507.05 and 4507.071 of 320
the Revised Code are hereby repealed. 321