

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 71

Representative DeVitis

Cosponsors: Representatives Arndt, Becker, Blessing, Brenner, Dever, Goodman, Hood, Merrin, Johnson, T., Roegner, Romanchuk, Seitz, Stein, Perales, Patmon

A BILL

To amend sections 4503.21 and 4511.043 of the 1
Revised Code to specify that failure to display 2
a license plate on the front of a motor vehicle 3
that is required to display a front license 4
plate is a secondary traffic offense and to 5
establish a maximum fine of \$100 for such an 6
offense. 7

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

Section 1. That sections 4503.21 and 4511.043 of the 8
Revised Code be amended to read as follows: 9

Sec. 4503.21. (A) (1) No person who is the owner or 10
operator of a motor vehicle shall fail to display in plain view 11
on the front and rear of the motor vehicle a license plate that 12
bears the distinctive number and registration mark assigned to 13
the motor vehicle by the director of public safety, including 14
any county identification sticker and any validation sticker 15
issued under sections 4503.19 and 4503.191 of the Revised Code, ~~—~~ 16
~~furnished by the director of public safety, except that a as~~ 17
follows: 18

(a) A manufacturer of motor vehicles or dealer therein, 19
the holder of an in transit permit, and the owner or operator of 20
a motorcycle, motorized bicycle or moped, motor-driven cycle or 21
motor scooter, autocyycle, cab-enclosed motorcycle, manufactured 22
home, mobile home, trailer, or semitrailer shall display a 23
license plate on the rear only. ~~A~~ 24

(b) A motor vehicle that is issued two license plates 25
shall display the validation sticker only on the rear license 26
plate, except that a commercial tractor that does not receive an 27
apportioned license plate under the international registration 28
plan shall display the validation sticker on the front of the 29
commercial tractor. ~~An~~ 30

(c) ~~An~~ apportioned vehicle receiving an apportioned 31
license plate under the international registration plan shall 32
display the license plate only on the front of a commercial 33
tractor and on the rear of all other vehicles. ~~All~~ 34

(2) ~~All~~ license plates shall be securely fastened so as 35
not to swing, and shall not be covered by any material that 36
obstructs their visibility. 37

(3) No person to whom a temporary license placard or 38
windshield sticker has been issued for the use of a motor 39
vehicle under section 4503.182 of the Revised Code, and no 40
operator of that motor vehicle, shall fail to display the 41
temporary license placard in plain view from the rear of the 42
vehicle either in the rear window or on an external rear surface 43
of the motor vehicle, or fail to display the windshield sticker 44
in plain view on the rear window of the motor vehicle. No 45
temporary license placard or windshield sticker shall be covered 46
by any material that obstructs its visibility. 47

(B) ~~Whoever~~ Notwithstanding any provision of law to the 48
contrary, no law enforcement officer shall do either of the 49
following solely because the owner or operator of a motor 50
vehicle has failed to display a license plate in plain view on 51
the front of the motor vehicle in violation of division (A) of 52
this section: 53

(1) Cause the operator of the motor vehicle to stop the 54
motor vehicle for the purpose of issuing a ticket, citation, or 55
summons for the violation, or causing the arrest or commencing a 56
prosecution of the operator for the violation; 57

(2) Issue a ticket, citation, or summons to the owner of a 58
parked motor vehicle for the violation, or cause the arrest or 59
commence the prosecution of such owner for the violation. 60

A law enforcement officer may only issue a ticket, 61
citation, or summons, or cause the arrest or commence a 62
prosecution, for the failure to display a license plate in plain 63
view on the front of the motor vehicle if the officer first 64
determines that another offense has occurred and either places 65
the operator or vehicle owner under arrest or issues a ticket, 66
citation, or summons to the operator or vehicle owner for the 67
other offense. 68

(C) (1) Except as provided in division (C) (2) of this 69
section, whoever violates division (A) of this section is guilty 70
of a minor misdemeanor. 71

(2) Whoever violates division (A) of this section by 72
failing to display a license plate in plain view on the front of 73
a motor vehicle as required under division (A) of this section 74
is guilty of a minor misdemeanor and may be fined not more than 75
one hundred dollars. 76

A person who is subject to the penalty prescribed in 77
division (C) (2) of this section is not subject to the charging 78
of points under section 4510.036 of the Revised Code. 79

(3) The offense established under division (A) of this 80
section is a strict liability offense and section 2901.20 of the 81
Revised Code does not apply. The designation of this offense as 82
a strict liability offense shall not be construed to imply that 83
any other offense, for which there is no specified degree of 84
culpability, is not a strict liability offense. 85

Sec. 4511.043. (A) (1) No law enforcement officer who stops 86
the operator of a motor vehicle in the course of an authorized 87
sobriety or other motor vehicle checkpoint operation or a motor 88
vehicle safety inspection shall issue a ticket, citation, or 89
summons for a secondary traffic offense unless in the course of 90
the checkpoint operation or safety inspection the officer first 91
determines that an offense other than a secondary traffic 92
offense has occurred and either places the operator or a vehicle 93
occupant under arrest or issues a ticket, citation, or summons 94
to the operator or a vehicle occupant for an offense other than 95
a secondary offense. 96

(2) A law enforcement agency that operates a motor vehicle 97
checkpoint for an express purpose related to a secondary traffic 98
offense shall not issue a ticket, citation, or summons for any 99
secondary traffic offense at such a checkpoint, but may use such 100
a checkpoint operation to conduct a public awareness campaign 101
and distribute information. 102

(B) As used in this section, "secondary traffic offense" 103
means a violation of division (A) of section 4503.21 of the 104
Revised Code when the penalty described in division (C) (2) of 105
that section applies, division (A) or (F) (2) of section 4507.05, 106

division (B) (1) (a) or (b) or (E) of section 4507.071, division	107
(A) of section 4511.204, division (C) or (D) of section 4511.81,	108
division (A) (3) of section 4513.03, or division (B) of section	109
4513.263 of the Revised Code.	110
Section 2. That existing sections 4503.21 and 4511.043 of	111
the Revised Code are hereby repealed.	112