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Sub. H. B. No. 343

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A BILL

To amend sections 4507.05 and 4507.071 of the Revised Code to increase the age at which a person is eligible to obtain a temporary instruction permit from 15 years 6 months to 16 years and to prohibit the holder of a probationary driver's license from operating a motor vehicle between midnight and six a.m. or with more than one person who is not a family member occupying the vehicle.

**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~~ sixteen years ~~and 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~~ sixteen years ~~and six months~~ of age, but less than sixteen years six months of age:

(a) The permit and identification card are in the holder's 22  
immediate possession; 23

(b) The holder is accompanied by an eligible adult who 24  
actually occupies the seat beside the permit holder and does not 25  
have a prohibited concentration of alcohol in the whole blood, 26  
blood serum or plasma, breath, or urine as provided in division 27  
(A) of section 4511.19 of the Revised Code; 28

(c) The total number of occupants of the vehicle does not 29  
exceed the total number of occupant restraining devices originally 30  
installed in the motor vehicle by its manufacturer, and each 31  
occupant of the vehicle is wearing all of the available elements 32  
of a properly adjusted occupant restraining device. 33

(2) If the permit is issued to a person who is at least 34  
sixteen years six months of age: 35

(a) The permit and identification card are in the holder's 36  
immediate possession; 37

(b) The holder is accompanied by a licensed operator who is 38  
at least twenty-one years of age, is actually occupying a seat 39  
beside the driver, and does not have a prohibited concentration of 40  
alcohol in the whole blood, blood serum or plasma, breath, or 41  
urine as provided in division (A) of section 4511.19 of the 42  
Revised Code; 43

(c) The total number of occupants of the vehicle does not 44  
exceed the total number of occupant restraining devices originally 45  
installed in the motor vehicle by its manufacturer, and each 46  
occupant of the vehicle is wearing all of the available elements 47  
of a properly adjusted occupant restraining device. 48

(B) The registrar or a deputy registrar, upon receiving from 49  
any person an application for a temporary instruction permit and 50  
temporary instruction permit identification card to operate a 51

motorcycle or motorized bicycle, may issue such a permit and 52  
identification card entitling the applicant, while having the 53  
permit and identification card in the applicant's immediate 54  
possession, to drive a motorcycle or motorized bicycle under 55  
restrictions determined by the registrar. A temporary instruction 56  
permit and temporary instruction permit identification card to 57  
operate a motorized bicycle may be issued to a person fourteen or 58  
fifteen years old. 59

(C) Any permit and identification card issued under this 60  
section shall be issued in the same manner as a driver's license, 61  
upon a form to be furnished by the registrar. A temporary 62  
instruction permit to drive a motor vehicle other than a 63  
commercial motor vehicle shall be valid for a period of one year. 64

(D) Any person having in the person's possession a valid and 65  
current driver's license or motorcycle operator's license or 66  
endorsement issued to the person by another jurisdiction 67  
recognized by this state is exempt from obtaining a temporary 68  
instruction permit for a driver's license, but shall submit to the 69  
regular examination in obtaining a driver's license or motorcycle 70  
operator's endorsement in this state. 71

(E) The registrar may adopt rules governing the use of 72  
temporary instruction permits and temporary instruction permit 73  
identification cards. 74

(F) (1) No holder of a permit issued under division (A) of 75  
this section shall operate a motor vehicle upon a highway or any 76  
public or private property used by the public for purposes of 77  
vehicular travel or parking in violation of the conditions 78  
established under division (A) of this section. 79

(2) Except as provided in division (F) (2) of this section, no 80  
holder of a permit that is issued under division (A) of this 81  
section and that is issued on or after July 1, 1998, and who has 82

not attained the age of ~~seventeen~~ eighteen years, 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 ~~one a.m.~~ midnight and ~~five~~ six a.m.

The holder of a permit issued under division (A) of this  
section on or after July 1, 1998, who has not attained the age of  
~~seventeen~~ eighteen years, may 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 ~~one~~  
~~a.m.~~ midnight and ~~five~~ six a.m. if, at the time of such operation,  
the holder is accompanied by the holder's parent, guardian, or  
custodian, and the parent, guardian, or custodian holds a current  
valid driver's or commercial driver's license issued by this  
state, is actually occupying a 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.

(G) (1) 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 each  
occupant of the motor vehicle is wearing all of the available  
elements of a properly adjusted occupant restraining device as  
required by division (A) of this section, or for the sole purpose  
of issuing a ticket, citation, or summons if the requirement in  
that division has been or is being violated, or for causing the  
arrest of or commencing a prosecution of a person for a violation  
of that requirement.

(2) 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 (F) (2) 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.

(H) As used in this section: 119

(1) "Eligible adult" means any of the following: 120

(a) An instructor of a driver training course approved by the  
department of public safety; 121  
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(b) Any of the following persons who holds a current valid  
driver's or commercial driver's license issued by this state: 123  
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(i) A parent, guardian, or custodian of the permit holder; 125

(ii) A person twenty-one years of age or older who acts in  
loco parentis of the permit holder. 126  
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(2) "Occupant restraining device" has the same meaning as in  
section 4513.263 of the Revised Code. 128  
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(I) Whoever violates division (F) (1) or (2) of this section  
is guilty of a minor misdemeanor. 130  
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**Sec. 4507.071.** (A) No driver's license shall be issued to any  
person under eighteen years of age, except that a probationary  
license may be issued to a person who is at least sixteen years  
six months of age and has held a temporary instruction permit for  
a period of at least six months. 132  
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(B) (1) No holder of a probationary driver's license issued on  
or after ~~the effective date of this section who has not attained~~  
~~the age of seventeen years~~ January 1, 1999, 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 ~~one a.m.~~ midnight and ~~five~~ six a.m. unless the holder is  
accompanied by the holder's parent or guardian. 137  
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Division (B) (1) of this section does not apply to the holder 144  
of a probationary driver's license who is traveling to or from 145  
work between the hours of midnight and six a.m. and has in the 146  
holder's immediate possession written documentation from the 147  
holder's employer that states the hours that the holder is 148  
scheduled or was scheduled to work on that date. 149

An employer is not liable in damages in a civil action for 150  
any injury, death, or loss to person or property that allegedly 151  
arises from, or is related to, the fact that the employer provided 152  
an employee who is the holder of a probationary driver's license 153  
with the written documentation described in division (B) (1) of 154  
this section. 155

The registrar of motor vehicles shall make available at no 156  
cost a form to serve as the written documentation described in 157  
division (B) (1) of this section, and employers and holders of 158  
probationary driver's licenses may utilize such form or may choose 159  
to utilize any other written documentation to meet the 160  
requirements of that division. 161

(2) No holder of a probationary driver's license shall 162  
operate a motor vehicle upon a highway or any public or private 163  
property used by the public for purposes of vehicular travel or 164  
parking with more than one person who is not a family member 165  
occupying the vehicle. 166

(C) It is an affirmative defense to a violation of division 167  
(B) (1) of this section if, at the time of the violation, the 168  
holder of the probationary driver's license was traveling to or 169  
from ~~the holder's place of employment or~~ an official function 170  
sponsored by the school the holder attends, or an emergency 171  
existed that required the holder to operate a motor vehicle in 172  
violation of division (B) (1) of this section, or the holder was an 173  
emancipated minor. 174

(D) No holder of a probationary license 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 unless 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.

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

(F) 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 each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (D) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that division has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(G) 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) 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.

(H) As used in this section, ~~"occupant:~~ 205

<u>(1) "Occupant restraining device" has the same meaning as in</u>	206
<u>section 4513.263 of the Revised Code.</u>	207
<u>(2) "Family member" of a probationary license holder includes</u>	208
<u>any of the following:</u>	209
<u>(a) A spouse;</u>	210
<u>(b) A child or stepchild;</u>	211
<u>(c) A parent, stepparent, grandparent, or parent-in-law;</u>	212
<u>(d) An aunt or uncle;</u>	213
<u>(e) A sibling, whether of the whole or half blood, or by</u>	214
<u>adoption, a brother-in-law, or sister-in-law;</u>	215
<u>(f) A son or daughter of the probationary license holder's</u>	216
<u>stepparent if the stepparent has not adopted the probationary</u>	217
<u>license holder;</u>	218
<u>(g) An eligible adult, as defined in section 4507.05 of the</u>	219
<u>Revised Code.</u>	220
(I) Whoever violates division (B) <u>(1) or (2)</u> or (D) of this	221
section is guilty of a minor misdemeanor.	222
<b>Section 2.</b> That existing sections 4507.05 and 4507.071 of the	223
Revised Code are hereby repealed.	224