



**H.B. 343**

126th General Assembly  
(As Introduced)

Rep. Raga

---

**BILL SUMMARY**

- Increases the age at which a person is eligible to obtain a temporary instruction permit from 15 years, 6 months to 16 years.
- Generally prohibits the holder of a temporary instruction permit who has not attained the age of 18 years from operating a motor vehicle between 1 a.m. and 5 a.m.
- Prohibits the holder of a probationary driver's license from operating a motor vehicle between 1 a.m. and 5 a.m. unless the holder is accompanied by a parent or guardian.
- Prohibits the holder of a probationary driver's license from operating a motor vehicle with more than one person who is not a family member occupying the vehicle.

---

**CONTENT AND OPERATION**

**Issuance of a temporary instruction permit and a probationary driver's license**

The bill increases from at least 15 years, 6 months to at least 16 years, the age at which a person may apply for and be issued a temporary instruction permit and a temporary instruction permit identification card. These entitle the person 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 15 years, 6 months of age but less than 16 years of age under current law (at least 16 years, 6 months under the bill):

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

(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 specified in the state OVI law;

(c) The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices (hereinafter "seat belt") originally installed in the motor vehicle by its manufacturer, and each vehicle occupant is wearing all of the available elements of a properly adjusted seat belt. (R.C. 4507.05(A)(1).)

"Eligible adult" is defined as either (1) an instructor of a driver training course approved by the Department of Public Safety or (2) a parent, guardian, or custodian of the permit holder, or a person at least 21 years of age who acts in loco parentis of the permit holder, if such person holds a current, valid Ohio driver's or commercial driver's license. (R.C. 4507.05(H)(1).)

(2) If the permit is issued to a person who is at least 16 years of age (at least 16 years, 6 months under the bill):

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

(b) The holder is accompanied by a licensed operator who is at least 21 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 specified in the state OVI law;

(c) The total number of occupants of the vehicle does not exceed the total number of seat belts originally installed in the motor vehicle by its manufacturer, and each vehicle occupant is wearing all of the available elements of a properly adjusted seat belt. (R.C. 4507.05(A)(2).)

A temporary instruction permit to drive a motor vehicle other than a commercial motor vehicle is valid for a period of one year (R.C. 4507.05(C)).

A person who is under 18 years of age must hold a temporary instruction permit for six months before the person is eligible to take the on-road driver's license examination and to be issued a probationary driver's license. Therefore, if a person obtains a temporary instruction permit at age 15 years, 6 months under current law (at age 16 under the bill), the person may take the driver's license examination at 16 years of age under current law (at age 16 years, 6 months under the bill). If the person passes the examination, the person is issued a probationary

driver's license. A person who is 18 years of age or older and passes the examination is issued a driver's license. (R.C. 4507.071(A).)

Under the bill, a person who is under 18 years of age still must hold a temporary instruction permit for six months before the person is eligible to take the on-road driver's license examination. As the bill increases the age at which a person may be issued a temporary instruction permit from 15 years, 6 months to 16 years, however, the bill also increases the age at which a person may be issued a probationary driver's license from 16 years to 16 years, 6 months. (R.C. 4507.071(A).)

**Restriction on the operation of a motor vehicle by the holder of a temporary instruction permit**

Current law provides that holders of temporary instruction permits who are less than 17 years of age generally are prohibited from operating a motor vehicle upon the public highways or upon public or private property open to public parking between the hours of 1 a.m. and 5 a.m. Such operation is permitted only if at the time the permit holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid Ohio driver's or commercial driver's license, 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 specified in the state OVI law. (R.C. 4507.05(F)(2).)

The bill retains this provision, except that it increases the prescribed age threshold from 17 years of age to 18 years of age.

**Restriction on the operation of a motor vehicle by the holder of a probationary driver's license**

Under current law, the holder of a probationary driver's license who has not attained the age of 17 years is prohibited from operating a motor vehicle upon the public highways or upon public or private property open to public parking between the hours of 1 a.m. and 5 a.m. unless the holder is accompanied by the holder's parent or guardian (R.C. 4507.071(B)). The bill applies the prohibition to *all* probationary driver's license holders, not only those who are less than 17 years of age. It is an affirmative defense to a violation of this prohibition if, at the time of the violation (1) the probationary driver's license holder was traveling to or from the holder's place of employment or an official function sponsored by the school the holder attends, (2) an emergency existed that required the holder to operate a motor vehicle in violation of the prohibition, or (3) the holder was an emancipated minor. (R.C. 4507.071(C).)

The bill also contains a new prohibition that applies to all probationary driver's license holders. It prohibits any such holder from operating a motor vehicle upon the public highways or upon public or private property open to public parking with more than one person who is not a family member occupying the vehicle (R.C. 4507.071(B)(2)). However, the bill applies the current affirmative defense provision (reviewed above) to this new prohibition too (R.C. 4507.071(C)). Violation of this new prohibition is a minor misdemeanor (R.C. 4507.071(I)).

"Family member" of a probationary license holder is defined to include any of the following:

- (1) A spouse;
- (2) A child or stepchild;
- (3) A parent, stepparent, grandparent, or parent-in-law;
- (4) An aunt or uncle;
- (5) A sibling, whether of the whole or half-blood, or by adoption, a brother-in-law, or sister-in-law;
- (6) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
- (7) An eligible adult, as defined in current law. (R.C. 4507.071(H)(2).)

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-15-05	p. 1635

H0343-I-126.doc/jc