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Bill Analysis
Legislative Service Commission

S.B. 157

126th General Assembly
(As Introduced)

Sen. Fedor

BILL SUMMARY

- Prohibits any person who holds a temporary instruction permit from operating a motor vehicle while simultaneously operating a mobile telephone unless the motor vehicle is stationary.
- Prohibits any person from operating a motor vehicle, trackless trolley, or streetcar while simultaneously operating a mobile telephone that is capable of being operated in a hands-free manner unless the person operates the mobile telephone in a hands-free manner or while simultaneously operating a mobile telephone that is not capable of being operated in a hands-free manner unless the vehicle, trolley, or streetcar is stationary; but provides an exception from the prohibitions for certain persons to report a situation that is hazardous to motor vehicle travel, a motor vehicle accident, the fact that that person or any other person is encountering an imminent threat of suffering death or serious physical harm, or any other dangerous or emergency situation.
- Provides that, if a law enforcement officer charges a person with a violation of either of the bill's mobile telephone prohibitions described above and indicates on the charging document that the person was involved in a motor vehicle accident with another motor vehicle, a pedestrian, or any object, the person charged must appear in person in the proper court to answer the charge.
- Specifies that it is the state's policy to promote uniform general laws regarding the use of mobile telephones in motor vehicles that recognize the safety value of mobile telephones when used in a reasonable manner, and that no political subdivision may adopt or enact any ordinance or resolution restricting the use of mobile telephones in motor vehicles more

stringently than the bill's mobile telephone-related provisions described above.

- States that no law enforcement officer may cause an operator of a motor vehicle, trackless trolley, or streetcar to stop the motor vehicle, trackless trolley, or streetcar for the sole purpose of determining whether a violation of the bill's mobile telephone prohibition described in the third preceding dot point above has been or is being committed or for the sole purpose of charging a person with such a violation, and that no law enforcement officer may view the interior or visually inspect any motor vehicle, trackless trolley, or streetcar being operated on a street or highway for the sole purpose of determining whether such a violation has been or is being committed.
- Requires the State Highway Patrol monthly to compile data and statistics on motor vehicle accidents in which mobile telephone use was a material factor.
- Expands the state's mechanism for charging "points" against a person convicted of certain motor-vehicle related violations, to require the charging of two "points" against a person convicted of a violation of either of the bill's mobile telephone prohibitions described above or a substantially equivalent municipal ordinance if, under the bill or a provision of the ordinance, the trier of fact found by proof beyond a reasonable doubt that the violation was the proximate cause of a motor vehicle accident in which the person was involved at the time of the violation.
- Prohibits a person from operating a motor vehicle on any street, highway, or public or private property open for vehicular travel or parking in a manner that constitutes "inattentive driving," and specifies that "inattentive driving" means operating a motor vehicle while the operator's attention is diverted to an unreasonable degree from the duty of operating the vehicle safely by a distraction in the motor vehicle, including the distractions of using a device not necessary for the operation of the vehicle (including a computer or facsimile machine, but not including a mobile telephone or citizens band radio), attending to personal hygiene, eating or drinking, physically attending to a passenger, or watching a television or video display in the vehicle.

- States that all of the provisions of the bill are to be known as "Dameatrius' Law."

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CONTENT AND OPERATION

Operating a motor vehicle or other specified conveyance while simultaneously operating a mobile telephone

Prohibitions

The bill enacts two prohibitions that pertain to the operation of a motor vehicle or other specified conveyance while simultaneously operating a mobile telephone (R.C. 4511.204(A) to (C)):

(1) The first prohibition prohibits a person who holds a temporary instruction permit from "operating" a "motor vehicle" (see **COMMENT 1** for definitions of the terms in quotation marks) on any street, highway, or public or private property open for vehicular travel or parking while simultaneously operating a mobile telephone unless the motor vehicle is stationary.

(2) The second prohibition prohibits a person, except as described in the next sentence, from "operating" a "motor vehicle," "trackless trolley," or

"streetcar" (see **COMMENT 1** for definitions of the terms in quotation marks) on any street, highway, or public or private property open for vehicular travel or parking while doing either of the following: (a) simultaneously operating a mobile telephone that is capable of being operated in a hands-free manner unless the person operates the mobile telephone in a hands-free manner, or (b) simultaneously operating a mobile telephone that is not capable of being operated in a hands-free manner unless the vehicle, trolley, or streetcar is stationary. The bill provides that a person other than a person who holds a temporary instruction permit and who holds a valid commercial driver's license issued under R.C. Chapter 4506. or a valid driver's license issued under R.C. Chapter 4507. may operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or public or private property open for vehicular travel or parking while simultaneously operating a mobile telephone to report a situation that is hazardous to motor vehicle travel, a motor vehicle accident, the fact that that person or any other person is encountering an imminent threat of suffering death or serious physical harm, or any other dangerous or emergency situation.

Notation on charging document, if a violation involves an accident; mandatory appearance at trial

The bill specifies that, whenever a law enforcement officer issues a ticket, citation, or summons to an offender charging a person with a violation of either mobile telephone prohibition the bill enacts, as described above, the officer must indicate on the ticket, citation, or summons if at the time of the violation the person charged was involved in a "motor vehicle accident" with another "motor vehicle," a pedestrian, or any object (note that the provision does not specifically refer to trackless trolley or streetcar accidents, as they might relate to the second mobile telephone prohibition the bill enacts). If the law enforcement officer makes such an indication on the ticket, citation, or summons, the person charged is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge (see **COMMENT 2**).

If a law enforcement officer issues a ticket, citation, or summons to a person charging the person with a violation of either mobile telephone prohibition the bill enacts, as described above, and the officer does not make an indication on the ticket, citation, or summons as described in the preceding paragraph, the offender is not required to appear in person to answer the charge but instead may enter a written plea of guilty and waive the person's right to contest the citation in a trial. (R.C. 4511.204(D)(2) and (4).)

Penalties for a violation of either mobile telephone prohibition

In general. The bill provides that a violation of either mobile telephone prohibition it enacts, as described above, is to be punished as follows (R.C. 4511.204(D)(1)): (1) generally, the violation is a minor misdemeanor, (2) if, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one "predicate motor vehicle or traffic offense" (see **COMMENT 1** for a definition), the violation is a misdemeanor of the fourth degree, and (3) if, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more "predicate motor vehicle or traffic offenses," the violation is a misdemeanor of the third degree. (R.C. 4511.204(D)(1).)

Cases in which the violation was the proximate cause of an accident. The bill provides that, when a person appears in court to answer a charge of a violation of either mobile telephone prohibition the bill enacts, if the person is convicted of violating the prohibition and if the trier of fact finds by proof beyond a reasonable doubt that the violation was the proximate cause of the "motor vehicle accident," this fact must be noted in the abstract of the case that is sent to the Bureau of Motor Vehicles (impliedly, under the state's mechanism pursuant to which convictions of specified traffic-related offenses or municipal ordinance violations result in the assessment of "points" against the offender). Upon receipt of the abstract, the Bureau must assess two points against the person's driver's license in accordance with the provisions it enacts in the state's "point" mechanism that are described below in "**Assessment of "points" against an offender convicted of specified traffic-related offenses or municipal ordinance violations.**"

In a case involving an offender described in the preceding paragraph who is convicted of violating either mobile telephone prohibition enacted in the bill, if the motor vehicle accident resulted in the death of any person and if the trier of fact finds by proof beyond a reasonable doubt that the violation of the prohibition was the proximate cause of the motor vehicle accident, the court, in addition to any other penalties it is required or permitted by law to impose, must impose a Class 7 license suspension (see **COMMENT 3**) of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege and must impose the suspension for one year. (R.C. 4511.204(D)(2) and (3).)

Political subdivision restriction of use of mobile telephones in motor vehicles

The bill specifies that it is the policy of the state to promote uniform general laws regarding the use of mobile telephones in motor vehicles that recognize the safety value of mobile telephones when used in a reasonable

manner. It also prohibits any political subdivision from adopting or enacting any ordinance or resolution that restricts the use of mobile telephones in motor vehicles more stringently than the mobile telephone-related provisions of the bill that are described above. (R.C. 4511.204(E).)

Restriction against "primary enforcement" of the second mobile telephone prohibition

The bill states that, notwithstanding any provision of law to the contrary, no law enforcement officer may cause an operator of a motor vehicle, trackless trolley, or streetcar being operated on any street or highway to stop the motor vehicle, trackless trolley, or streetcar for the sole purpose of determining whether a violation of the second mobile telephone prohibition the bill enacts, as described above, has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature. In addition, no law enforcement officer may view the interior or visually inspect any motor vehicle, trackless trolley, or streetcar being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed. (R.C. 4511.204(F).)

State Highway Patrol data and statistics

The bill requires the State Highway Patrol monthly to compile data and statistics relating to motor vehicle accidents that State Highway Patrol troopers investigate and in which the investigating trooper reasonably determines that mobile telephone use by any person involved in the accident was a material factor in the cause of the accident. It requires the Patrol to make the data and statistics available as any other public record, and authorizes the Department of Public Safety or Patrol to include the data and statistics in any publication that it issues. (R.C. 4511.204(G).)

Effective date of the mobile telephone provisions

The bill specifies that (Section 4):

(1) Its provisions described in the second preceding paragraph regarding State Highway Patrol data and statistics are to take effect on the earliest date permitted by law.

(2) Its other mobile telephone-related provisions described above are to take effect three years after the bill's effective date. The bill states that the reason for this delay is that many existing mobile telephones are not capable of hands-free operation, and that this three-year period will: (a) give Ohioans the

opportunity to upgrade to hands-free equipment, (b) allow the mobile telephone industry to develop less expensive hands-free mobile telephones and related hands-free accessories, and (c) allow Ohioans with existing mobile telephone contracts to complete their contracts and acquire a new telephone that is capable of hands-free operation.

Assessment of "points" against an offender convicted of specified traffic-related offenses or municipal ordinance violations

Existing law

Existing law provides a mechanism pursuant to which convictions of specified traffic-related offenses or municipal ordinance violations result in the assessment of "points" against the offender and pursuant to which the accumulation of 12 or more "points" within any two-year period against a person results in a Class D suspension (under R.C. 4510.02(B)(4), not in the bill, a Class D license suspension is for six months) of the person's driver's or commercial driver's license or permit or nonresident operating privilege (R.C. 4510.03 to 4510.038; see **COMMENT 4** for a more detailed description of the mechanism and the points assessed for specified violations).

Operation of the bill

The bill expands the list of specified traffic-related offenses or municipal ordinance violations for which "points" must be assessed against persons convicted of the offenses or violations so that the list also includes, in specified circumstances, violations of the prohibitions enacted in the bill that are described above and violations of substantially equivalent municipal ordinances. Under the bill, in addition to the offenses and ordinance violations included in the list under existing law, a court in which a person is convicted of or pleads guilty to a violation of either of the mobile telephone prohibitions enacted in the bill or of any ordinance that is substantially equivalent to either of those prohibitions must assess "points" against the offender as follows (R.C. 4507.036(C)(13)):

(1) If the violation of the mobile telephone prohibition or the substantially equivalent ordinance did not involve an accident between the motor vehicle operated by the offender and another motor vehicle, pedestrian, or any object, zero points;

(2) If the violation was a violation of either mobile telephone prohibition and the provision described above in "**Cases in which the violation was the proximate cause of an accident**" applies (i.e., the offender under the prohibition was involved in a motor vehicle accident at the time of the violation, the offender was required to appear in court, and, in addition to the offender's conviction of or

guilty plea to the violation, the trier of fact found by proof beyond a reasonable doubt that the violation was the proximate cause of the accident) or if the violation was a violation of a substantially equivalent ordinance and a provision of that ordinance that is substantially equivalent to the provision described above in "Cases in which the violation was the proximate cause of an accident" applies, two points.

Operating a motor vehicle in a manner that constitutes inattentive driving

The bill prohibits a person from operating a motor vehicle on any street, highway, or public or private property open for vehicular travel or parking in a manner that constitutes "inattentive driving" (see below). A violation of the prohibition generally is a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one "predicate motor vehicle or traffic offense" (see **COMMENT 1** for definition), the violation is a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more "predicate motor vehicle or traffic offenses," the violation is a misdemeanor of the third degree. (R.C. 4511.205(B) and (C).)

The bill defines "inattentive driving" for use in the provision as operating a motor vehicle while the attention of the operator is diverted to an unreasonable degree from the duty of operating the motor vehicle in a safe manner by a distraction within the motor vehicle, including any of the following distractions (R.C. 4511.205(A)): (1) using any device not necessary for the operation of the motor vehicle, including a computer or facsimile machine, but not including a mobile telephone or citizens band radio, (2) attending to personal hygiene, (3) eating or drinking, (4) physically attending to a passenger, or (5) watching a television or video display located in the vehicle.

The bill's provisions to be known as "Dameatrius' Law"

The bill states that all of the provisions of the bill are to be known as "Dameatrius' Law" (Section 3).

COMMENT

1. Existing R.C. 4511.01, not in the bill, defines numerous terms that apply throughout R.C. Chapter 4511. and, thus, to the bill's provisions. The relevant terms, and their definitions, include:

(a) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power

cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(b) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley.

(c) "Predicate motor vehicle or traffic offense" means any one of the following: (i) A violation of R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84, (ii) a violation of R.C. 4511.17(A)(2), 4511.51(A) to (D), or 4511.74(A), (iii) a violation of any provision of R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated, or (iv) a violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in clause (i), (ii), or (iii) of this paragraph.

(d) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.

(e) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.

(f) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected

from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

2. Generally, provisions of the Ohio Traffic Rules allow for resolution of a charge of motor vehicle traffic offense without a formal appearance before a court. The Traffic Rules prescribe the procedure in all Ohio courts in "traffic cases." As used in the Rules, "traffic case" means any proceeding, other than a proceeding resulting from a felony indictment, that involves one or more violations of a law, ordinance, or regulation governing the operation and use of vehicles, conduct of pedestrians in relation to vehicles, or weight, dimension, loads or equipment, or vehicles drawn or moved on highways or bridges, but it does not include any proceeding that results in a felony indictment (Traffic Rules 1 and 2).

Under the Rules, all "traffic offenses" except those listed in clauses (a) to (i) of this paragraph may be disposed of by a Traffic Violations Bureau (note that the Rules do not define "traffic offenses," but do define "traffic cases," as described in the preceding paragraph). The following "traffic offenses" cannot be processed by a Traffic Violations Bureau: (a) indictable offenses, (b) operating a motor vehicle while under the influence of alcohol or any drug of abuse, (c) leaving the scene of an accident, (d) driving while under suspension or revocation of a driver's or commercial driver's license, (e) driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less, (f) a third moving traffic offense within a 12-month period, (g) failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child, (h) willfully eluding or fleeing a police officer, and (i) drag racing.

3. Existing R.C. 4510.02(A), not in the bill, sets forth seven numerically designated suspension classes (i.e., Classes 1 through 7) and provides that, when a court elects or is required to suspend the driver's or commercial driver's license or permit or nonresident operating privilege of any offender from a specified suspension class, the court must impose a definite period of suspension from the range set forth for the particular class of suspension. For a Class 7 suspension, the range of authorized suspension is a definite period not to exceed one year.

4. Existing law provides a mechanism pursuant to which convictions of specified traffic-related offenses or municipal ordinance violations result in the assessment of "points" against the offender and pursuant to which the accumulation of 12 or more "points" within any two-year period against a person result in a Class D suspension of the person's driver's or commercial driver's license or permit or nonresident operating privilege (R.C. 4510.03 to 4510.038).

Currently, under the mechanism, a court in which a person is convicted of or pleads guilty to any of the specified traffic-related offenses or municipal

ordinance violations must assess the following "points" for the offense or violation, based on the following formula (R.C. 4510.036(C)(1) to (13)): (1) for aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault when the offense involves the operation of a vehicle, streetcar, or trackless trolley on a highway or street, six points, (2) for a violation of R.C. 2921.331 or any ordinance prohibiting the willful fleeing or eluding of a law enforcement officer, six points, (3) for a violation of R.C. 4549.02 or 4549.021 or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident, six points, (4) for a violation of R.C. 4511.251 or any ordinance prohibiting street racing, six points, (5) for a violation of R.C. 4510.11, 4510.14, 4510.16, or 4510.21 or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension, six points, (6) for state OVI under R.C. 4511.19(A), a violation of any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or a violation of any ordinance substantially equivalent to state OVI prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine, six points, (7) for a violation of R.C. 2913.03 that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner, six points, (8) for any offense under Ohio's motor vehicle laws that is a felony, or any other felony in the commission of which a motor vehicle was used, six points, (9) for state OVUAC under R.C. 4511.19(B) or a violation of any ordinance substantially equivalent to state OVUAC prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine, four points, (10) for a violation of R.C. 4511.20 or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property, four points, (11) for a violation of any law or ordinance pertaining to speed, four points when the speed exceeds the lawful speed limit by 30 miles per hour or more, two points when the speed exceeds the lawful speed limit of 55 miles per hour or more by more than ten miles per hour, two points when the speed exceeds the lawful speed limit of less than 55 miles per hour by more than five miles per hour, and zero points when the speed does not exceed the amounts set forth in the first three clauses of (11), (12) for operating a motor vehicle in violation of a restriction imposed by the Registrar of Motor Vehicles, two points, and (13) for all other moving violations reported to the Registrar under the mechanism, two points.

R.C. 4510.03, not in the bill, requires every county court judge, mayor of a mayor's court, and clerk of a court of record to keep a full record of every case in which a person is charged with any violation of any provision of R.C. Chapter 4511. or 4513. or of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets. If a person is

convicted of or forfeits bail in relation to a violation of any such section, law, or ordinance, the judge or mayor must forward to the Bureau of Motor Vehicles (BMV), within a specified period of time, a certified abstract of the court record covering the case in which the person was convicted or forfeited bail. Each court of record also must forward to the BMV an abstract of the court record upon the conviction of any person of aggravated vehicular homicide or vehicular homicide or of a felony in the commission of which a vehicle was used.

R.C. 4510.036 requires every court of record or mayor's court before which a person is charged with a violation for which points are chargeable to assess and transcribe to the abstract of conviction the number of points chargeable. A United States district court with jurisdiction in Ohio also may assess and transcribe to the abstract of conviction the number of points chargeable. The BMV must record, within ten days after receipt, and keep at its main office, all abstracts received from a court or mayor and maintain records of convictions and bond forfeitures for any violation of a state law or a municipal ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways and streets, except a violation related to parking a motor vehicle. Upon receiving notification from the proper court, the BMV must delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted.

Under R.C. 4510.037(A) and (B), not in the bill, when the Registrar of the BMV determines that the total points charged against any person exceed five, the Registrar must send a warning letter to the person at the person's last known address. The warning letter must list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of the law. When the Registrar determines that the total points charged against any person within any two-year period beginning on the date of the first conviction within the two-year period is equal to 12 or more, the Registrar must send a written notice to the person at the person's last known address. The notice must list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and state that, because the total number of points charged within the applicable two-year period is equal to 12 or more, the Registrar is imposing a Class D suspension of the person's driver's or commercial driver's license or permit or nonresident operating privileges (under R.C. 4510.02(B)(4), not in the bill, a Class D license suspension is for six months). The notice also must state when the suspension is effective, as provided by law, and describe the process for an appeal.

R.C. 4510.037(C), not in the bill, provides that any person against whom at least two but less than 12 points have been charged may enroll in a course of remedial driving instruction that is approved by the Director of Public Safety. Upon the person's completion of the approved course, the person may apply to the

Registrar for a credit of two points on the person's driving record. Upon receipt of the application and proof of completion of the approved remedial driving course, the Registrar must approve the two-point credit. The Registrar cannot approve any credits for a person who completes an approved course of remedial driving instruction pursuant to a judge's order under R.C. 4510.02. In any three-year period, the Registrar may approve only one two-point credit on a person's driving record, and the Registrar may approve not more than five two-point credits on a person's driving record during that person's lifetime.

R.C. 4510.037(D), not in the bill, specifies that, when a judge of a court of record suspends a person's driver's or commercial driver's license or permit or nonresident operating privilege and charges points against the person for the offense that resulted in the suspension, that period of suspension is credited against the time of any subsequent "points" suspension for which those points were used to impose the "points" suspension. R.C. 4510.037(H), not in the bill, provides that a person whose license, permit, or privileges are suspended for "points" is not entitled to apply for or receive a new license or permit or to request or be granted nonresident operating privileges during the effective period of the suspension. Under R.C. 4510.037(J), not in the bill, any person whose license, permit, or privileges are suspended for "points" and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of a misdemeanor of the first degree, and the court must sentence the offender to a minimum term of three days in jail.

R.C. 4510.038, not in the bill, provides that any person whose driver's or commercial driver's license or permit is suspended for "points" is not eligible to retain the license, or to have the driving privileges reinstated, until each of the following has occurred: (a) the person successfully completes a course of remedial driving instruction approved by the Director of Public Safety, (b) the person is examined in the manner provided for in R.C. 4507.20 and found by the Registrar to be qualified to operate a motor vehicle, and (c) the person gives and maintains proof of financial responsibility, in accordance with R.C. 4509.45.

HISTORY

ACTION	DATE
Introduced	06-21-05

S0157-I-126.doc/kl

