



S.B. 221

126th General Assembly
(As Introduced)

Sens. Cates, Fedor, Clancy

BILL SUMMARY

- For temporary instruction permits, (1) increases the eligibility age from 15 years, 6 months to 16 years, and (2) generally prohibits a permit holder under 18 from operating a motor vehicle between midnight and 6 a.m. unless accompanied by a parent or guardian.
- For probationary driver's licenses, (1) subject to a work-related exception and several affirmative defenses, prohibits the license holder from operating a motor vehicle between midnight and 6 a.m. unless accompanied by a parent or guardian, and (2) prohibits the holder from operating a motor vehicle with more than one passenger who is not a family member.

CONTENT AND OPERATION

Temporary instruction permits

The bill increases from at least 15 years, 6 months to at least 16 years, the age at which a person is eligible for a temporary instruction permit, entitling the person to drive a motor vehicle under certain conditions, including having the permit (and required identification card) in the holder's immediate possession, being accompanied by any of certain specified adults, and having all occupants wear seat belts. Under current law, if the permit holder is under 16, the adult accompanying the holder must be an "eligible adult," which includes a driving instructor, or a licensed parent, guardian, or custodian of the permit holder, or a licensed person 21 years of age or older who acts in loco parentis of the permit holder; if the permit holder is at least 16, the person accompanying the holder may be any licensed person 21 or over. The bill retains this distinction concerning who may accompany a permit holder, but permit holders under 16 years and 6 months must be accompanied by an eligible adult as described above while permit holders

who are at least 16 years, 6 months of age may be accompanied by any licensed person 21 or over. (R.C. 4507.05(A) and (H).)

Under current law, permit holders who are less than 17 years of age generally are prohibited from operating a motor vehicle between the hours of 1 a.m. and 5 a.m. unless the permit holder is accompanied by the holder's parent, guardian, or custodian who holds a current valid Ohio driver's or commercial driver's license. The bill increases the prescribed age threshold for the driving curfew from 17 years of age to 18 years of age and extends the curfew to the hours between midnight and 6 a.m. (R.C. 4507.05(F)(2).)

Probationary license holders

Under current law and the bill, a person 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. Upon passing the examination, a person under 18 receives a probationary driver's license, entitling the person to drive a motor vehicle under certain conditions, including a driving curfew and a requirement that all occupants wear seat belts. Under current law, a probationary license holder who is under 17 generally is prohibited from operating a motor vehicle between the hours of 1 a.m. and 5 a.m. unless the holder is accompanied by the holder's parent or guardian. The bill extends the hours of the driving curfew to the hours between midnight and 6 a.m. and applies the prohibition to *all* probationary driver's license holders, not only those who are less than 17 years of age. (R.C. 4507.071(A), (B), and (D).)

Currently, it is an affirmative defense to a violation of the driving curfew if, at the time of the violation (1) the probationary 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. The bill retains the affirmative defenses for curfew violations concerning traveling to or from a school function, emergency travel, and travel by an emancipated minor, but replaces the affirmative defense for work-related travel during the restricted hours with an exemption from the driving curfew if the probationary license holder is traveling to or from work during the specified curfew hours and has, in the holder's immediate possession, written documentation from the holder's employer that states the holder's scheduled hours of work for that date. (R.C. 4507.071(B)(1) and (C).)

The bill requires the Registrar of Motor Vehicles to make a form available at no cost to serve as the written documentation and allows employers and probationary license holders to use the form or any other written documentation to meet the documentation requirements. The bill also establishes that an employer

is not liable in a civil action for any injury, death, or loss to person or property related to the fact that the employer provided a probationary license holder with the written documentation concerning work hours. (R.C. 4507.071(B).)

The bill also contains a new prohibition that applies to all probationary license holders. It generally prohibits any such holder from operating a motor vehicle with more than one person who is not a family member occupying the vehicle (R.C. 4507.071(B)(2) and (C)). "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, 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, or (7) an eligible adult, as defined in current law. (R.C. 4507.071(H)(2).)

Violation of these new prohibitions is a minor misdemeanor (R.C. 4507.071(I)).

HISTORY

ACTION	DATE
Introduced	11-01-05

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