



H.B. 51

127th General Assembly
(As Introduced)

Reps. Evans, J. McGregor, Combs, Dodd, Okey, Fessler, Fende

BILL SUMMARY

- Provides that if a law enforcement officer or state highway patrol trooper issues a person a ticket for operating a motor vehicle with an expired Ohio driver's or commercial driver's license, the law enforcement officer or trooper is required to issue the person a seven-day field driving permit, if certain conditions are met.
- Permits a person who is issued such a permit to operate a motor vehicle (1) during the three hours immediately following the time of issuance of the permit to enable the person to travel directly to the person's residence, (2) during the next seven days to travel directly to and from the person's residence and the person's place of employment, and (3) to travel to the Registrar of Motor Vehicles or a deputy registrar to obtain a driver's or commercial driver's license.

CONTENT AND OPERATION

Operating a vehicle with an expired driver's license under existing law

Current law prohibits any person from operating any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license or commercial driver's license.¹ If a person violates this prohibition by operating a motor vehicle with an expired driver's or commercial driver's license and the person's license otherwise has not been suspended for any reason, the person is guilty of a minor misdemeanor if at the time of the offense the person's license has been expired for six months or less and a fourth-degree

¹ R.C. 4510.12(A)(1), not in the bill.

misdemeanor if the person's license has been expired for more than six months.² If a person whose driver's or commercial driver's license has expired is stopped by a law enforcement officer for a routine traffic violation, the person cannot operate the vehicle after the traffic stop. In such cases, the law enforcement officer may permit the person to arrange for a licensed driver to come and drive the vehicle from the site of the traffic stop. If such an arrangement cannot be made, the motor vehicle must be towed from the site.

Issuance of a seven-day field driving permit

When a law enforcement officer can issue such a permit

The bill addresses the situation in which a law enforcement officer issues a person a ticket for operating a motor vehicle other than a commercial motor vehicle with an expired Ohio driver's or commercial driver's license. If the person's license otherwise has not been suspended or canceled and therefore but for the fact that the person's license had expired the person would not have been operating a motor vehicle without a valid driver's or commercial driver's license, the bill requires the law enforcement officer to issue to the person a seven-day field driving permit at the time the officer issues the ticket to the person provided:

- (1) The person has not been arrested;
- (2) The person is physically capable of operating a motor vehicle at the time and in a safe manner; and
- (3) The motor vehicle the person was operating at the time of the violation can be lawfully operated on the public roads and is not a commercial motor vehicle.

The Registrar of Motor Vehicles is required to determine the contents and form of the seven-day field driving permit. It must include spaces in which the law enforcement officer is required to enter the date and time of issuance of the permit and the date and time that the permit expires. (R.C. 4510.121(A).)

² R.C. 4510.12(B)(2)(a), not in the bill. A minor misdemeanor is punishable by a fine of not more than \$150; no jail term is possible. A fourth-degree misdemeanor is punishable by a fine of not more than \$250, a jail term of not more than 30 days, or both.

Operation of a motor vehicle by the holder of a seven-day field driving permit

The bill permits a person who is issued a seven-day field driving permit to operate a motor vehicle as follows if the person has the permit in the person's possession:

(1) During the three hours immediately following the time of issuance of the permit, the person may travel directly to the person's residence;

(2) During the seven-day period commencing from the time and date of issuance of the permit and prior to issuance by the Registrar or a deputy registrar of a driver's or commercial driver's license to the person, the person may travel directly to and from the person's residence and the person's place of employment. The person is not permitted, however, to operate a motor vehicle in the course of the person's employment.

(3) During that seven-day period, the person may travel to an office of the Registrar or a deputy registrar to obtain a driver's or commercial driver's license. (R.C. 4510.121(B).)

A person who is issued a seven-day field driving permit will be deemed to possess a valid driver's license issued by this state only if the person operates a motor vehicle as specified above (R.C. 4510.121(C)). The bill specifically prohibits any person who is issued a seven-day field driving permit from operating a motor vehicle other than as specified above (R.C. 4510.121(F)). Whoever violates this prohibition is guilty of a first-degree misdemeanor.³

A person can be issued only one seven-day field driving permit in any 60-month period (R.C. 4510.121(E)).

Immunity provisions

The bill provides that no state highway patrol trooper or other law enforcement officer is personally liable or can be subject to any suit, judgment, or claim or damages arising from any incident or set of facts or circumstances that involve a person to whom the trooper or officer issued a seven-day field driving permit and that occurs subsequent to such issuance (R.C. 2743.02, 2744.01, and 4510.121(D)).

³ Punishable by a fine of not more than \$1,000, a jail term of not more than six months, or both.

HISTORY

ACTION

DATE

Introduced

02-20-07

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