



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

H.B. 17

128th General Assembly
(As Introduced)

Reps. Uecker, Huffman, Fende, Bupp, Derickson, Stebelton, Balderson, Winburn

BILL SUMMARY

- Clarifies that the penalty provisions that apply to cases of driving without a valid license apply to cases in which the operator of a motorcycle possessed a valid driver's or commercial driver's license but was not licensed to operate a motorcycle.

CONTENT AND OPERATION

Operation of a motorcycle

Current law

Current law generally 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 issued by this state.¹ Similarly, current law generally prohibits any person from operating a motorcycle on any of those locations unless the person has either a motorcycle endorsement on the person's driver's or commercial driver's license or a proper restricted license.² Whoever violates either of these prohibitions is guilty of operating a motor vehicle without a valid license and is subject to the following punishment:

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, the offense is a

¹ R.C. 4510.12(A)(1).

² R.C. 4510.12(A)(2).

first-degree misdemeanor.³ Note that this provision does *not* address a case in which a person who *has* a valid driver's or commercial driver's license but does *not* have a motorcycle operator's endorsement is charged with operating a motorcycle without having a valid license as a motorcycle operator.

(2) If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, the offense is a minor misdemeanor on the first such offense.⁴ If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for more than six months, the offense is a fourth-degree misdemeanor on the first such offense.⁵ Again these two provisions do not specifically address a case involving the operation of a motorcycle by the license holder.

However, if the offender previously was convicted of or pleaded guilty to one such violation or a substantially equivalent municipal ordinance within the past three years, the offense is a third-degree misdemeanor.⁶ If the offender previously was convicted of or pleaded guilty to two such violations or a substantially equivalent municipal ordinance within the past three years, the offense is a second-degree misdemeanor.⁷ If the offender previously was convicted of or pleaded guilty to three or more such violations or a substantially equivalent municipal ordinance within the past three years, the offense is a first-degree misdemeanor.

Changes made by the bill

The bill does not change either of the two prohibitions discussed above, but it does clarify the penalty provisions in cases involving the operation of a motorcycle. Specifically:

(1) It provides that if the trier of fact finds that the offender did not have a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, the offense is a misdemeanor of the first degree (R.C. 4510.12(B)(1)).

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

⁴ Punishable by a fine of not more than \$150; no jail term is possible.

⁵ Punishable by a fine of not more than \$250, a jail term of not more than 30 days, or both.

⁶ Punishable by a fine of not more than \$500, a jail term of not more than 60 days, or both.

⁷ Punishable by a fine of not more than \$750, a jail term of not more than 90 days, or both.

(2) If the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense for no more than six months, the offense is a minor misdemeanor on the first offense. If the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense for more than six months, the offense is a misdemeanor of the fourth degree on the first offense. However, if the offender previously was convicted of or pleaded guilty to one or more such violations within the past three years, the existing enhanced penalties of current law apply. (R.C. 4510.12(B)(2).)

HISTORY

ACTION	DATE
Introduced	02-18-09

H0017-I-128.docx/jc

