Ohio Legislative Service Commission

Bill Analysis

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S.B. 19

129th General Assembly
(As Reported by S. Judiciary)

Sens. Hughes, Grendell, Kearney, Manning, Patton, Seitz, Wagoner

BILL SUMMARY

- Specifies that, if the Registrar of Motor Vehicles would be required under R.C. 4510.31(A)(1) to suspend the probationary driver's license, restricted license, or temporary instruction permit of a person for a specified repeat traffic-related violation committed prior to the person's 18th birthday, the court in which the conviction or adjudication of the repeat violation was made may elect to order the Registrar to waive the suspension if all of the following apply:

  (1) Prior to the date of sentencing or disposition of the person, the person submits to the court a petition requesting the court to order the Registrar to waive the suspension and describing the reasons why the person believes the suspension, if imposed, would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment;

  (2) Prior to that date, the person submits to the court satisfactory proof showing that the person successfully completed by a specified time an advanced juvenile driver improvement program approved by the Registrar under the provision described in the second succeeding dot point;

  (3) Prior to sentencing or making a disposition for the person, the court finds reasonable cause to believe that the suspension, if imposed, would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment;

  (4) If the court is sentencing or making a disposition for the person for a third violation, the person did not submit to the court that sentenced or made a disposition for the person for the second violation a petition of the type described in paragraph (1), and the court that sentenced or made a disposition

for the person for that second violation did not order the Registrar to waive the suspension of the person's license or permit otherwise required for that second violation.

- If a court elects as described in the preceding dot point to order the Registrar of Motor Vehicles to waive a suspension that otherwise is required, the court immediately must send a copy of the order to the Registrar, and, upon receipt of the copy, the Registrar cannot suspend the probationary driver's license, restricted license, or temporary instruction permit of the person who is the subject of the order for the repeat traffic violation for which the suspension otherwise would be imposed.

- Requires the Registrar of Motor Vehicles to establish standards for advanced juvenile driver improvement programs and to approve any programs that meet the established standards, specifies required content of the standards, and specifies that a person who successfully completes an advanced juvenile driver improvement program that meets the standards must receive a certificate of completion from the program.

CONTENT AND OPERATION

Court waiver of administrative suspension of driver's license or permit of juveniles who commit specified traffic offenses

Operation of the bill

The bill authorizes a court, in specified circumstances, to elect to order the Registrar of Motor Vehicles (the Registrar) to waive a Class C or Class E administrative suspension of the probationary driver's license, restricted license, or temporary instruction permit of a person that otherwise is required under existing law if the person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed, prior to the person's 18th birthday, a second or third violation of any of a list of specified Revised Code provisions. The Registrar imposes administrative license suspensions. Under existing law, the Class C administrative suspension (one year) would be required for three separate violations of any of the provisions specified under the bill or certain other specified provisions, and the Class E administrative suspension (three months) would be required for two separate violations of any of the provisions specified under the bill or certain other specified provisions. The Revised Code provisions in relation to which the license suspensions currently must be imposed are described below in "**Existing law**."

Under the bill, in a case in which a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed, prior to the person's 18th birthday, a second or third violation of R.C. 4511.12, 4511.13, 4511.15, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75 or any similar municipal ordinances and the Registrar is required to impose a Class C or Class E suspension of the person's license or permit for a repeat violation under the provision described below in (1) or (3) under "**Existing law**," the court in which the second or third conviction, finding, plea, or adjudication was made may elect to order the Registrar to waive the suspension if all of the following apply:[1]

(1) Prior to the date on which the court imposes sentence upon, or makes an order of disposition for, the person for the second or third violation, the person submits to the court a petition requesting the court to order the Registrar to waive the prescribed suspension and describing the reasons why the person believes the suspension, if imposed, would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment.

(2) Prior to the date specified in paragraph (1), the person submits to the court satisfactory proof showing that the person successfully completed an advanced juvenile driver improvement program approved by the Registrar under the provision enacted by the bill that is described below in "**Advanced standards for juvenile driver improvement programs**" after the date the person committed that second or third violation.

(3) Prior to imposing sentence upon, or making an order of disposition for, the person for the second or third violation, the court finds reasonable cause to believe that the suspension, if imposed, would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment.

(4) If the court is imposing sentence upon, or making an order of disposition for, the person for a third violation, the person did not submit to the court that imposed sentence upon, or made an order of disposition for, the person for the second violation a petition of the type described in paragraph (1), and the court that imposed sentence upon, or made an order of disposition for, the person for that second violation did not order the Registrar to waive the Class E suspension of the person's license or permit required under the provision described below in (3) under "**Existing law**" for the conviction of, plea of guilty to, or adjudication in juvenile court of having committed that second violation.

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[1] R.C. 4510.31(C)(2)(a).

If a court elects as described in the preceding paragraphs to order the Registrar to waive a suspension that otherwise is required under the provision described below in (1) or (3) under "**Existing law**," the court immediately must send a written copy of the order to the Registrar. Upon receipt of the written copy of the order, the Registrar cannot impose the Class C or Class E administrative license suspension described below in (1) or (3) under "**Existing law**" on the person who is the subject of the order for the second or third violation for which the suspension otherwise would be imposed under that provision.[2]

Existing law

Existing law provides that, except when limited driving privileges are granted, the Registrar must suspend the probationary driver's license, restricted license, or temporary instruction permit issued to any person when the person has been convicted of, pleaded guilty to, or been adjudicated in juvenile court of having committed, prior to the person's 18th birthday, any of a list of specified violations.[3] The procedures that apply to the suspensions are described below in "**Multiple offense license suspensions – procedures and violations**" under "**Background**."

The period of the administrative suspensions, and the violations for which they must be imposed, are as follows[4] (see "**Juvenile court dispositions**" under "**Background**," below):

(1) A Class C suspension (one year) for three separate violations of R.C. 2903.06, 2903.08, 2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03, R.C. 4510.14 involving a suspension imposed under R.C. 4511.191 or 4511.196, R.C. 2903.04 in a case in which the person would have been subject to the sanctions described in division (D) of that section had the person been convicted of the violation of that section, former R.C. 2903.07, or any municipal ordinances similarly relating to the offenses referred to in those sections;

(2) A Class D suspension (six months) for one violation of R.C. 4511.19 or a substantially similar municipal ordinance (this suspension is not affected by the bill);

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[2] R.C. 4510.31(C)(2)(b); conforming changes in R.C. 4510.31(A)(1), (C)(1), and (D).

[3] R.C. 4510.31(A)(1).

[4] R.C. 4510.31(A)(1)(a), (b), and (c).

(3) A Class E suspension (three months) for two separate violations of any Revised Code sections referred to in (1), above, or any municipal ordinance that is substantially similar to any of those sections.

Advanced standards for juvenile driver improvement programs

Operation of the bill

The bill requires the Registrar to establish standards for advanced juvenile driver improvement programs and to approve any programs that meet the established standards. The standards must require a minimum of two hours of classroom instruction with a focus on driving physics, vehicle dynamics, proper vision techniques, and teen driver statistics. The standards also must require a minimum of four hours of emergency driving skills development through "behind-the-wheel" driving exercises with a focus on vehicle control in emergency and adverse weather driving situations. The driving exercises must include vehicle control in inclement weather conditions, emergency transition maneuvers, and spin and skid control, and they must take place in a suitable closed-course facility that is safe and controlled and has adequate run-off areas. The Registrar must prescribe the requirements for the curriculum to be provided as well as other program directives and the requirements and score necessary to pass the course. A person who attends an advanced juvenile driver improvement program for the purpose described above in "**Operation of the bill**" under "**Court waiver of administrative suspension of driver's license or permit of juveniles who commit specified traffic offenses**" that meets the standards and requirements described in this paragraph for such courses and successfully completes the course must receive a certificate of completion from the program.[5]

Existing law

Under existing law, unchanged by the bill, the Registrar is required to establish standards for juvenile driver improvement programs and to approve any programs that meet the established standards. The standards must require a minimum of five hours of classroom instruction, with at least three hours devoted to driver skill requirements and two hours devoted to juvenile driver information related to the driving records of drivers under 18, driver perceptions, and the value of the traffic laws. The standards also must require a person whose probationary driver's license was suspended under R.C. 4510.31, as described above, to undertake and pass, as successful completion of an approved juvenile driver improvement program, the driver's license examination that a person who holds a temporary instruction permit is required to undertake and pass in order to be issued a probationary driver's license. The person must pay the applicable

[5] R.C. 4510.311(B).

fee that is required to accompany an application for a driver's license. The Registrar must prescribe the requirements for the curriculum to be provided as well as other program directives. Only those programs approved by the Registrar are acceptable for reinstatement of the driving privileges of a person whose probationary driver's license was suspended under R.C. 4510.31, as described above.[6]

Background

Multiple offense license suspensions – procedures and violations

Existing law contains the following procedures, unchanged by the bill, regarding an administrative suspension under any of the provisions described above in "**Court waiver of administrative suspension of driver's license or permit of juveniles who commit specified traffic offenses**":

(1) **In general**. A person whose license or permit is suspended must mail or deliver the person's license or permit to the Registrar within 14 days of notification of the suspension. The Registrar must retain the license or permit during the period of the suspension. If the person's license or permit is under suspension on the date the court imposes sentence upon the person for a violation of R.C. 4511.19 or a substantially similar municipal ordinance, the suspension takes effect on the next day immediately following the end of that period of suspension. If the person is 16 or older and pleads guilty to or is convicted of a violation of R.C. 4511.19 or a substantially similar municipal ordinance and the person does not have a current, valid probationary driver's license, restricted license, or temporary instruction permit, the Registrar must deny the issuance to the person of a probationary driver's license, restricted license, driver's license, commercial driver's license, or temporary instruction permit, as the case may be, for six months beginning on the date the court imposes sentence upon the person for the violation. If the person has not attained the age of 16 on the date the court imposes sentence upon the person for the violation, the period of denial commences on the date the person attains the age of 16. The Registrar is required to suspend the person's license or permit under the provisions described above regardless of whether the disposition of the case in juvenile court occurred after the person's 18th birthday.[7]

(2) **Limited driving privileges**. Currently, except as described in the third succeeding paragraph, for any person who is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or third violation of R.C. 4511.12, 4511.13, 4511.15, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to

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[6] R.C. 4510.311(A).

[7] R.C. 4510.31(A)(2) and (3).

4511.65, or 4511.75 or any similar municipal ordinances and whose license or permit is suspended for a repeat violation under the provision described above in (1) or (3) of "**Existing law**" under "**Court waiver of administrative suspension of driver's license or permit of juveniles who commit specified traffic offenses**," the court in which the second or third conviction, finding, plea, or adjudication resulting in the suspension was made, upon petition of the person, may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed under the specified provision if the court finds reasonable cause to believe that the suspension will seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment. In granting the privileges, the court must specify the purposes, times, and places of the privileges and may impose any other conditions upon the person's driving a motor vehicle that the court considers reasonable and necessary.

A court that grants limited driving privileges under the provision described in the preceding paragraph must retain the person's probationary driver's license, restricted license, or temporary instruction permit during the period the license or permit is suspended and also during the period for which the privileges are granted and must deliver to the person a permit card, in a form to be prescribed by the court, setting forth the date on which the privileges become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle. The court immediately must notify the Registrar, in writing, of the grant of limited driving privileges. The notification must specify the information required to be on the permit card delivered to the person. The Registrar cannot suspend the license or permit of any person pursuant to the provisions described above in "**Court waiver of administrative suspension of driver's license or permit of juveniles who commit specified traffic offenses**" during any period for which the person has been granted limited driving privileges under the provision described in the preceding paragraph if the Registrar has received from the court the notification described in this paragraph.[8]

Currently, except as described in the next paragraph, in any case in which the temporary instruction permit or probationary driver's license of a person under 18 has been suspended under any provision of law, the court may grant the person limited driving privileges for the purpose of the person's practicing of driving with the person's parent, guardian, or other custodian during the period of the suspension. Any grant of limited driving privileges under this provision must require, in addition to any other conditions imposed by the court, that the person exercise the privilege only when a parent, guardian, or custodian of the person who holds a current valid Ohio driver's or

[8] R.C. 4510.31(C)(1).

commercial driver's license actually occupies the seat beside the person in the vehicle the person is operating.[9]

Existing law specifies that a court cannot grant limited driving privileges to a person identified in any of the three preceding paragraphs if the person, within the preceding six years, has been convicted of, pleaded guilty to, or adjudicated in juvenile court of having committed three or more violations of one or more of the divisions or sections set forth in "R.C. 2919.22(G)(2)(b) to (g)."[10] R.C. 2919.22(G)(2)(c) to (g) do not exist. R.C. 2919.22(G)(2)(b), by reference to R.C. 4511.181, lists the following provisions for which violations are relevant under the limited driving privileges restriction: (a) R.C. 4511.19(A) or (B), (b) a municipal OVI ordinance, (c) R.C. 2903.04 if the offender was subject to the sanctions described in division (D) of that section, (d) R.C. 2903.06(A)(1) or 2903.08(A)(1) or a municipal ordinance that is substantially equivalent to either of those divisions, (e) R.C. 2903.06(A)(2), (3), or (4), R.C. 2903.08(A)(2), or former R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, if a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them, (f) R.C. 1547.11(A) or (B), (g) a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on Ohio waters while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on Ohio waters with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, (h) an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. 4511.19(A) or (B) or 1547.11(A) or (B), and (i) a former law of Ohio that was substantially equivalent to R.C. 4511.19(A) or (B) or 1547.11(A) or (B).

(3) **Judicial and administrative suspensions for new violation occurring during period of limited driving privileges**. If a person who has been granted limited driving privileges under any of the provisions described above in "**Limited driving privileges**" is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed, a violation of R.C. Chapter 4510. or a subsequent violation of any of the Revised Code sections listed above in (1) of "**Existing law**" under "**Court waiver of administrative suspension of driver's license or permit of juveniles who commit specified traffic offenses**" or any similar municipal ordinance during the period for which the person was granted privileges, the court that granted the privileges must

[9] R.C. 4510.31(C)(2).

[10] R.C. 4510.31(C)(3).

suspend the person's permit card. The court or its clerk immediately must forward the person's probationary driver's license, restricted license, or temporary instruction permit together with written notification of the court's action to the Registrar. Upon receipt of the license or permit and notification, the Registrar must impose a Class C suspension (a suspension of one year) of the person's license or permit. The Registrar must retain the license or permit during the period of suspension, and no further limited driving privileges may be granted during that period.[11]

(4) **Application for license, after suspension**. Under existing law, no application for a driver's or commercial driver's license may be received from any person whose probationary driver's license, restricted license, or temporary instruction permit has been suspended under any of the provisions described above until each of the following has occurred:[12] (a) the suspension period has expired, (b) a temporary instruction permit or commercial driver's license temporary instruction permit has been issued, (c) the person successfully completes a juvenile driver improvement program approved by the Registrar under R.C. 4510.311, and (d) the applicant has submitted to the examination for a driver's license or a commercial driver's license as provided by law.

Juvenile court dispositions

A person under 18 years of age who is charged with committing a violation of law generally is tried for the violation in a juvenile court. If the person is found to have violated a prohibition in R.C. Title XLV or a comparable municipal ordinance, the person is adjudicated a juvenile traffic offender. If the person is found to have violated a prohibition in R.C. Title XXIX or a comparable municipal ordinance, the person is adjudicated a delinquent child. Some of the violations to which the administrative license suspension provisions of R.C. 4510.31(A) apply are violations of a prohibition contained in R.C. Title XLV or a comparable municipal ordinance and some are violations of a prohibition contained in R.C. Title XXIX or a comparable municipal ordinance. Thus, a person under 18 years of age who is found in juvenile court to have committed any of those violations will be adjudicated either a juvenile traffic offender or a delinquent child. A juvenile court may make or must make certain dispositions for a child adjudicated a juvenile traffic offender or delinquent child. The dispositions include in certain circumstances a judicial suspension of the child's license:

(1) If a child is adjudicated a juvenile traffic offender, the juvenile court may suspend the child's driver's license, probationary driver's license, or temporary

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[11] R.C. 4510.31(D).

[12] R.C. 4510.31(D).

instruction permit for a definite period not exceeding two years or suspend the registration of all motor vehicles registered in the name of the child for a definite period not exceeding two years. If, after making such a disposition, the court finds that the child has failed to comply with the orders of the court and the child's operation of a motor vehicle constitutes a danger to the child and to others, the court may suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a period of time prescribed by the court, or suspend the registration of all motor vehicles registered in the name of the child for a period of time prescribed by the court.

If a child is adjudicated a juvenile traffic offender for violating R.C. 4511.19(A) or (B), in addition to any discretionary order of disposition, the court must impose a Class 6 suspension (a suspension for a definite period of three months to two years) of the child's temporary instruction permit, probationary driver's license, or driver's license. The court, in its discretion, may terminate the suspension if the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court.[13]

(2) If a child is adjudicated a delinquent child, one of the authorized dispositions for such a child provides that the court may suspend the child's driver's license, probationary driver's license, or temporary instruction permit for a period of time prescribed by the court, or suspend the registration of all motor vehicles registered in the name of the child for a period of time prescribed by the court.[14]

HISTORY

ACTION	DATE
Introduced	02-01-11
Reported, S. Judiciary	11-30-11

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[13] R.C. 2152.20, 2152.21, and 2152.212(B).

[14] R.C. 2152.19(A)(4)(l).