



Ohio Legislative Service Commission

Bill Analysis

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H.B. 204

130th General Assembly
(As Introduced)

Reps. Perales, Stinziano, R. Hagan, Terhar, Henne

BILL SUMMARY

- Generally prohibits all probationary driver's license holders from operating a motor vehicle between 10 p.m. and 5 a.m. unless the holder is accompanied by a parent or guardian.
- Prohibits the holder of a probationary driver's license who has held the license for less than 12 months from operating a motor vehicle with more than one passenger, and requires the passenger to be at least 21 years of age and hold a valid driver's or commercial driver's license.
- Permits the holder of a probationary driver's license who has held the license for less than 12 months to operate a motor vehicle with any number of family members occupying the vehicle or, if the holder is accompanied by the holder's parent, guardian, or custodian, to operate a motor vehicle with any number of passengers, but in all cases subject to the number of seat belts in the motor vehicle.
- Requires, for a specified period of time, a person who holds a probationary driver's license, who pleads guilty to a moving violation, and who has not attained the age of 18 years to be accompanied by the holder's parent or guardian when operating a motor vehicle.
- Provides that a person who holds a probationary driver's license and who has attained the age of 18 years cannot be required to be accompanied by the holder's parent or guardian as a result of a moving violation.
- Prohibits any person who is a passenger in a motor vehicle being operated by a probationary license holder from failing to wear a seat belt.

CONTENT AND OPERATION

Restrictions applicable to probationary driver's license holders

Hours of operation

The bill generally prohibits, between the hours of 10 p.m. and 5 a.m., all probationary driver's license holders from operating a motor vehicle upon a highway or upon public or private property used by the public for purposes of vehicular travel or parking unless the holder is accompanied by a parent or guardian.¹ A violation of this prohibition is a minor misdemeanor (maximum fine of \$150, no jail term possible).² The bill retains a provision of current law that permits such a license holder to operate a motor vehicle while traveling to or from work between 10 p.m. and 5 a.m. if the holder has in the holder's immediate possession written documentation from the holder's employer.³

Under current law, the holder of a probationary driver's license who is less than 17 years of age is prohibited from operating a motor vehicle between the hours of midnight and 6 a.m. unless the holder is accompanied by a parent or guardian.⁴ The restricted period for the holder of a probationary driver's license who is between 17 and 18 years of age is 1 a.m. to 5 a.m.⁵ A violation of either prohibition is a minor misdemeanor.⁶

Other occupants of the motor vehicle

Under the bill, the holder of a probationary driver's license who has held the license for less than 12 months is prohibited from operating a motor vehicle with more than one passenger, and the passenger must be at least 21 years of age and hold a valid driver's or commercial driver's license.⁷ A violation of this prohibition is a minor misdemeanor.⁸ Such a probationary license holder may operate a motor vehicle with

¹ R.C. 4507.071(B)(1).

² R.C. 4507.071(J).

³ R.C. 4507.071(B)(2).

⁴ R.C. 4507.071(B)(1)(a).

⁵ R.C. 4507.071(B)(1)(b).

⁶ R.C. 4507.071(J).

⁷ R.C. 4507.071(B)(4)(a).

⁸ R.C. 4507.071(J).



any number of family members occupying the vehicle or, if the holder is accompanied by the holder's parent, guardian, or custodian, with any number of persons occupying the motor vehicle.⁹ In all cases, the number of passengers is limited by the number of occupant restraining devices ("seat belts") in the motor vehicle.¹⁰

Under current law, the holder of a probationary driver's license who is less than 17 years of age is prohibited from operating a motor vehicle with more than one person who is not a family member occupying the vehicle unless the holder is accompanied by the holder's parent, guardian, or custodian.¹¹

Moving violations

The bill alters the restrictions on the operation of a motor vehicle by the holder of a probationary driver's license who commits a moving violation. Commencing on the date the holder pleads guilty to, is convicted of, or is adjudicated of having committed ("pleads guilty to") a moving violation, one of the following applies:

(1) If, on that date, the license holder has not attained the age of 17 years, 6 months, the license holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle for a period of six months from that date;¹²

(2) If, on that date, the license holder has attained the age of 17 years, 6 months but not 18 years, the license holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle until the holder attains the age of 18 years.¹³

A violation of either of these restrictions is a minor misdemeanor.¹⁴

If, on the date the holder of a probationary driver's license pleads guilty to the moving violation the holder has attained the age of 18 years, the license holder cannot

⁹ R.C. 4507.071(B)(4)(b).

¹⁰ R.C. 4507.071(E)(1).

¹¹ R.C. 4507.071(B)(4).

¹² R.C. 4507.071(D)(1)(a)(i).

¹³ R.C. 4507.071(D)(1)(a)(ii).

¹⁴ R.C. 4507.071(D)(3) and (J).

be required to be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle.¹⁵

Current law places the following two restrictions on the operation of a motor vehicle by the holder of a probationary driver's license who commits a moving violation, commencing on the date the holder pleads guilty to the moving violation:

(1) If, on that date, the license holder has not attained the age of 16 years, 6 months, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle for a period of six months from that date;¹⁶

(2) If, on that date, the license holder has attained the age of 16 years, 6 months, but not 17 years, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle until the holder attains 17 years of age.¹⁷

A violation of either of these restrictions is a minor misdemeanor.¹⁸

Current law also provides that the holder of a probationary driver's license who pleads guilty to a moving violation during the six-month period after issuance of the license does not have to be accompanied by the holder's parent or guardian if either (1) the holder committed the moving violation before attaining 17 years of age, but on the date the holder pleads guilty to the moving violation, the holder has attained 17 years of age or (2) the holder committed the moving violation after reaching 17 years of age. In either case, however, the court or juvenile court may require the probationary license holder to be accompanied by the holder's parent or guardian.¹⁹

Seat belt requirement

The bill prohibits any person who is a passenger in a motor vehicle being operated by a probationary license holder from failing to wear a seat belt.²⁰ A violation of this prohibition is a minor misdemeanor. A violation of this prohibition is not a

¹⁵ R.C. 4507.071(D)(1)(b).

¹⁶ R.C. 4507.071(D)(1)(a)(i).

¹⁷ R.C. 4507.071(D)(1)(a)(ii).

¹⁸ R.C. 4507.071(D)(3) and (J).

¹⁹ R.C. 4507.071(D)(1)(b).

²⁰ R.C. 4507.071(E)(2).

primary offense. Thus, a vehicle may not be stopped for the sole reason of enforcing such a violation.²¹

HISTORY

ACTION	DATE
Introduced	06-11-13

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²¹ R.C. 4507.071(G) and (J).

