



Members Only

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Graduated Licensing of Teenage Drivers*

PREPARED BY: JOSEPH G. ANINAO, LSC ATTORNEY
REVIEWED BY: RICHARD BLOEDEL, LSC RESEARCH ASSOCIATE

Graduated licensing of teenage drivers is a concept that has been instituted by state legislatures throughout the United States to phase in driving privileges for young persons in an attempt to reduce the number of automobile accidents involving teenagers. The leading cause of death among persons between the ages of 15 and 20 is traffic accidents.¹ This is attributed to the fact that, for teen drivers, inexperience and cognitive functions combine to create risk factors that are unique to their age group.²

Graduated licensing provides a three-phase approach to the licensing of teenage drivers to ensure that their initial driving experience is acquired in lower-risk conditions with adult supervision. Although the details of graduated licensing programs vary by state, all graduated licensing programs have three stages: a required learners period with supervised driving permitted under certain conditions; a restricted or limited license period during which unsupervised driving is allowed in some circumstances; and a full, unrestricted license period, provided that the individual has not incurred traffic violations or been cited for involvement in crashes.³

Ohio's graduated licensing system

Temporary instruction permit

The first phase of Ohio's graduated licensing system for teenage drivers consists of the issuance of temporary instruction permits to eligible teenagers. The eligibility age to obtain a temporary instruction permit is 15½ years of age, and a temporary instruction permit is valid for one year.

There are slightly different provisions that apply to teenagers who are between 15½ and 16 years of age and teenagers who are 16 years of age or older. In order for an individual who is between 15½ and 16 years of age to operate a motor vehicle, certain conditions apply:

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Graduated licensing provides a three-phase approach to acquiring driving experience with adult supervision.

An individual who is 15½ years of age may obtain a temporary instruction permit.

* This *Members Only* brief is an update of an earlier brief on this subject dated September 14, 1998 (Volume 122 Issue 8).



After complying with and meeting the requirements of the temporary instruction permit, a teenage driver may obtain a probationary driver's license.

There are several restrictions placed on drivers holding a probationary driver's license.

- A temporary permit and identification card must be in the holder's immediate possession;

- The permit holder must be accompanied by an eligible adult who occupies the seat beside the permit holder ("eligible adult" includes an instructor of a driver's education course approved by the Department of Public Safety; a parent, guardian, or custodian who holds a valid Ohio driver's or commercial driver's license; or a person at least 21 years of age who acts *in loco parentis*⁴ and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in the state OVI law);

- The total number of occupants of the vehicle being operated by the holder cannot exceed the total number of seat belts originally installed by the manufacturer of the vehicle; and

- Each occupant of the vehicle being operated by the holder must wear all available elements of a seat belt.⁵

A teenager who is 16 years of age or older and who holds a temporary instruction permit must meet all of the requirements listed above except that rather than being accompanied by an "eligible adult," he or she must be accompanied by a licensed operator who is at least 21 years of age.⁶

In addition, certain nighttime driving restrictions apply. No holder of a temporary permit who is less than 18 years of age may operate a motor vehicle between the hours of midnight and 6 a.m. unless accompanied by a licensed driver who is the parent,

guardian, or custodian of the permit holder who occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in the state OVI law.⁷

Probationary driver's license

A probationary driver's license is the license issued to a person between 16 and 18 years of age to operate a motor vehicle and represents the intermediate phase of the graduated licensing system in Ohio. A person who seeks to obtain a probationary driver's license is subject to a number of requirements, and after the person obtains the license, restrictions are placed on the license holder's operation of a vehicle. In order to be eligible to be issued a probationary driver's license, the individual must:

- Be at least 16 years of age;
- Have held a temporary instruction permit for at least six months;

- Have successfully completed a high school or commercial driver's education course consisting of 24 hours of classroom instruction and 8 hours of driving;

- Have acquired at least 50 hours of actual driving experience (at least 10 hours of which must be at night), certified by a parent, guardian, custodian, or person acting *in loco parentis*; and

- Have successfully completed the required road and maneuverability tests.⁸



An individual who is under 17 years of age and holds a probationary driver's license is not permitted to drive between the hours of midnight and 6 a.m. unless accompanied by a parent or guardian, while a holder who is at least 17 years of age but less than 18 years of age is not permitted to drive between the hours of 1 a.m. and 5 a.m. unless accompanied by a parent or guardian. Neither of these restrictions applies, however, if the holder is traveling to or from work between the applicable hours and has in the holder's immediate possession written documentation from the holder's employer.⁹

There are some circumstances in which a probationary license holder might not be subject to license suspension or revocation provisions for driving during the applicable prohibited time period. These are if: (1) the holder is traveling to or from an official function sponsored by the school that the holder attends, (2) an emergency exists requiring the holder to operate the vehicle, or (3) the holder is an emancipated minor.¹⁰

Younger probationary driver's license holders may be subject to an additional restriction. If the holder of such a license is issued the license prior to attaining 17 years of age and the holder then commits a moving violation during the six-month period commencing on the date on which the person is issued the license, the holder must be accompanied by the holder's parent or guardian whenever the holder drives a motor vehicle

during whichever of the following time periods applies:

(1) During the six-month period commencing on that date if, on the date the license holder is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of 16½ years;

(2) Until the person reaches 17 years of age if, on the date the holder is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of 16½ years but not 17 years.

These restrictions are subject to the granting by the court of occupational or educational driving privileges.

If a probationary driver's license holder commits a moving violation during the six-month period after the holder is issued the license and before the holder attains 17 years of age and on the date the holder is adjudicated in juvenile court of having committed the moving violation the holder reaches 17 years of age, or if the holder commits the moving violation during the six-month period after the holder is issued the probationary driver's license and after the holder reaches 17 years of age, the holder is not subject to the parent or guardian restriction unless the court imposes such a restriction upon the holder.¹¹

Unrestricted driver's license

The final phase of Ohio's graduated licensing system is a full, unrestricted license. When a person who holds a probationary driver's license reaches

After complying with and meeting the requirements of a probationary driver's license, a person 18 years of age or older may obtain an unrestricted driver's license.



18 years of age, the license ceases to be considered probationary and the license is unrestricted as to its use for operation of a motor vehicle. The actual license does not expire and does not need to be replaced until the holder turns 21 years of age. A driver's license issued to a person under the age of 21 has a different appearance than a license issued to a person who is 21 years of age or older and generally expires on the person's 21st birthday.¹²

Suspension and revocation provisions¹³

Ohio law applies more stringent suspension and revocation provisions to holders of temporary permits and probationary licenses than it does to holders of drivers' licenses. The suspension or revocation of a temporary instruction permit or a probationary license may occur if a holder commits specified traffic, drug abuse, or alcohol-related offenses. Disciplinary provisions include the zero-tolerance alcohol law, a violation of which results in a six-month suspension of a temporary permit or probationary license; a three-month suspension of the permit or license for a person who has been found guilty of, or pleaded guilty to, having committed two separate violations of specific traffic offenses prior to the person's 18th birthday; and a one-year suspension for individuals convicted of three separate violations of specific traffic

offenses prior to the person's 18th birthday.¹⁴ Subsequent reinstatement of a suspended probationary license of a driver under the age of 18 requires the individual to retake and pass the driver's license examination and complete a juvenile driver improvement program approved by the Registrar of Motor Vehicles.¹⁵

Effectiveness of graduated licensing

Graduated licensing of teenage drivers is a relatively new approach being taken by states to reduce the number of traffic accidents involving teenage drivers. Studies completed in New Zealand after that country's adoption in 1987 of a graduated licensing system show that the injury and fatality rate among young drivers decreased.¹⁶ In the United States, studies in states that have adopted graduated licensing indicate that crash reductions of 40% to 60% are possible during curfew hours.¹⁷

According to a 2001 report published by the Ohio Department of Public Safety, after Ohio enacted its graduated licensing program in October 1997, crash and fatality data for teenaged drivers improved for both males and females. For example, overall fatal crash rates involving teen drivers who were licensed under the graduated licensing program were 24% less than for those who had been licensed prior to the program for a comparable time period.¹⁸



A temporary instruction permit or probationary license may be suspended or revoked if the holder is involved in certain traffic, drug, or alcohol-related offenses.



Endnotes

¹ National Center for Health Statistics, “Deaths: Leading Causes for 2004.” *National Vital Statistics Reports*, Volume 56, Number 5 (November 20, 2007).

² Anne Teigan, “Transportation Review Teen Driving – Graduated Driver’s Licenses and More,” National Conference of State Legislatures (June 2007).

³ Insurance Institute for Highway Safety, “Q & A: Teenagers – Graduated Driver Licensing” (April 2008), www.iihs.org/research/qanda/gdl.html.

⁴ *In loco parentis* means to act as a temporary guardian or caretaker of a child, taking on all or some of the responsibilities of a parent (*Black’s Law Dictionary*, 8th ed., 2004).

⁵ R.C. 4507.05(A)(1)

⁶ R.C. 4507.05(A)(2)

⁷ R.C. 4507.05(F)(2)

⁸ R.C. 4507.071(A), 4507.11(A), and 4507.21(B) and (C)

⁹ R.C. 4507.071(B)(1) and (2)

¹⁰ R.C. 4507.071(C). An emancipated minor is one who has married, entered the armed services of the United States, become employed and self-subsisting, or otherwise become independent from the care and control of his or her parent, guardian, or custodian.

¹¹ R.C. 4507.071(D)(1) and (2)

¹² R.C. 4507.09(B) and 4507.13(A)

¹³ See Revised Code sections 2151.354, 2152.19, 2152.21, 4301.99, and 4510.31 for specific suspension provisions and penalties.

¹⁴ R.C. 4510.31(A) and (B)

¹⁵ R.C. 4510.31(E)

¹⁶ National Conference of State Legislatures, NCSL Transportation Reviews, “Graduated Licensing for Teen Drivers” (January 2000), www.ncsl.org/programs/transportation/trgradli.htm.

¹⁷ Insurance Institute for Highway Safety, “Q&A: Teenagers – Graduated Driver Licensing” (April 2008), www.iihs.org/research/qanda/gdl.html.

¹⁸ Ohio Department of Public Safety, “An Evaluation of Ohio’s Graduated Driver License Law.”

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COMMISSION STAFF**

9th Floor
Vern Riffe Center
Columbus, Ohio
614/466-3615

Director
Mark C. Flanders

Contributing Author
Joseph G. Aninao,
LSC Attorney

Reviewer
Richard Bloedel,
LSC Research Associate

Layout & Design
Jeanette Cupp