

As Introduced

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H. B. No. 130

Representative Miller

Cosponsors: Representatives Ujvagi, Pillich, Letson, Domenick

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A B I L L

To amend sections 4507.05 and 4507.071 of the Revised 1
Code to prohibit a person who is less than 17 2
years of age from talking or text messaging on a 3
mobile communication device while driving. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4507.05 and 4507.071 of the Revised 5
Code be amended to read as follows: 6

Sec. 4507.05. (A) The registrar of motor vehicles, or a 7
deputy registrar, upon receiving an application for a temporary 8
instruction permit and a temporary instruction permit 9
identification card for a driver's license from any person who is 10
at least fifteen years six months of age, may issue such a permit 11
and identification card entitling the applicant to drive a motor 12
vehicle, other than a commercial motor vehicle, upon the highways 13
under the following conditions: 14

(1) If the permit is issued to a person who is at least 15
fifteen years six months of age, but less than sixteen years of 16
age: 17

(a) The permit and identification card are in the holder's 18
immediate possession; 19

(b) The holder is accompanied by an eligible adult who 20
actually occupies the seat beside the permit holder and does not 21
have a prohibited concentration of alcohol in the whole blood, 22
blood serum or plasma, breath, or urine as provided in division 23
(A) of section 4511.19 of the Revised Code; 24

(c) The total number of occupants of the vehicle does not 25
exceed the total number of occupant restraining devices originally 26
installed in the motor vehicle by its manufacturer, and each 27
occupant of the vehicle is wearing all of the available elements 28
of a properly adjusted occupant restraining device. 29

(2) If the permit is issued to a person who is at least 30
sixteen years of age: 31

(a) The permit and identification card are in the holder's 32
immediate possession; 33

(b) The holder is accompanied by a licensed operator who is 34
at least twenty-one years of age, is actually occupying a seat 35
beside the driver, and does not have a prohibited concentration of 36
alcohol in the whole blood, blood serum or plasma, breath, or 37
urine as provided in division (A) of section 4511.19 of the 38
Revised Code; 39

(c) The total number of occupants of the vehicle does not 40
exceed the total number of occupant restraining devices originally 41
installed in the motor vehicle by its manufacturer, and each 42
occupant of the vehicle is wearing all of the available elements 43
of a properly adjusted occupant restraining device. 44

(B) The registrar or a deputy registrar, upon receiving from 45
any person an application for a temporary instruction permit and 46
temporary instruction permit identification card to operate a 47
motorcycle or motorized bicycle, may issue such a permit and 48
identification card entitling the applicant, while having the 49
permit and identification card in the applicant's immediate 50

possession, to drive a motorcycle or motorized bicycle under 51
restrictions determined by the registrar. A temporary instruction 52
permit and temporary instruction permit identification card to 53
operate a motorized bicycle may be issued to a person fourteen or 54
fifteen years old. 55

(C) Any permit and identification card issued under this 56
section shall be issued in the same manner as a driver's license, 57
upon a form to be furnished by the registrar. A temporary 58
instruction permit to drive a motor vehicle other than a 59
commercial motor vehicle shall be valid for a period of one year. 60

(D) Any person having in the person's possession a valid and 61
current driver's license or motorcycle operator's license or 62
endorsement issued to the person by another jurisdiction 63
recognized by this state is exempt from obtaining a temporary 64
instruction permit for a driver's license, but shall submit to the 65
regular examination in obtaining a driver's license or motorcycle 66
operator's endorsement in this state. 67

(E) The registrar may adopt rules governing the use of 68
temporary instruction permits and temporary instruction permit 69
identification cards. 70

(F)(1) No holder of a permit issued under division (A) of 71
this section shall operate a motor vehicle upon a highway or any 72
public or private property used by the public for purposes of 73
vehicular travel or parking in violation of the conditions 74
established under division (A) of this section. 75

(2) Except as provided in division (F)(2) of this section, no 76
holder of a permit that is issued under division (A) of this 77
section and that is issued on or after July 1, 1998, and who has 78
not attained the age of eighteen years, shall operate a motor 79
vehicle upon a highway or any public or private property used by 80
the public for purposes of vehicular travel or parking between the 81

hours of midnight and six a.m. 82

The holder of a permit issued under division (A) of this 83
section on or after July 1, 1998, who has not attained the age of 84
eighteen years, may operate a motor vehicle upon a highway or any 85
public or private property used by the public for purposes of 86
vehicular travel or parking between the hours of midnight and six 87
a.m. if, at the time of such operation, the holder is accompanied 88
by the holder's parent, guardian, or custodian, and the parent, 89
guardian, or custodian holds a current valid driver's or 90
commercial driver's license issued by this state, is actually 91
occupying a seat beside the permit holder, and does not have a 92
prohibited concentration of alcohol in the whole blood, blood 93
serum or plasma, breath, or urine as provided in division (A) of 94
section 4511.19 of the Revised Code. 95

(3) No holder of a permit issued under division (A) of this 96
section who has not attained the age of seventeen shall drive a 97
motor vehicle upon a highway or any public or private property 98
used by the public for purposes of vehicular travel or parking 99
while talking or text messaging on a mobile communication device. 100

(G)(1) Notwithstanding any other provision of law to the 101
contrary, no law enforcement officer shall cause the operator of a 102
motor vehicle being operated on any street or highway to stop the 103
motor vehicle for the sole purpose of determining whether each 104
occupant of the motor vehicle is wearing all of the available 105
elements of a properly adjusted occupant restraining device as 106
required by division (A) of this section, or for the sole purpose 107
of issuing a ticket, citation, or summons if the requirement in 108
that division has been or is being violated, or for causing the 109
arrest of or commencing a prosecution of a person for a violation 110
of that requirement. 111

(2) Notwithstanding any other provision of law to the 112
contrary, no law enforcement officer shall cause the operator of a 113

motor vehicle being operated on any street or highway to stop the 114
motor vehicle for the sole purpose of determining whether a 115
violation of division (F)(2) of this section has been or is being 116
committed or for the sole purpose of issuing a ticket, citation, 117
or summons for such a violation or for causing the arrest of or 118
commencing a prosecution of a person for such violation. 119

(H) As used in this section: 120

(1) "Eligible adult" means any of the following: 121

(a) An instructor of a driver training course approved by the 122
department of public safety; 123

(b) Any of the following persons who holds a current valid 124
driver's or commercial driver's license issued by this state: 125

(i) A parent, guardian, or custodian of the permit holder; 126

(ii) A person twenty-one years of age or older who acts in 127
loco parentis of the permit holder. 128

(2) "Occupant restraining device" has the same meaning as in 129
section 4513.263 of the Revised Code. 130

(3) "Mobile communication device" includes any of the 131
following: 132

(1) A wireless telephone; 133

(2) A text-messaging device; 134

(3) A personal digital assistant; 135

(4) A computer; 136

(5) Any other substantially similar wireless device that is 137
designed or used to communicate text or data. 138

(I) Whoever violates division (F)~~(1) or (2)~~ of this section 139
is guilty of a minor misdemeanor. 140

Sec. 4507.071. (A) No driver's license shall be issued to any 141

person under eighteen years of age, except that a probationary 142
license may be issued to a person who is at least sixteen years of 143
age and has held a temporary instruction permit for a period of at 144
least six months. 145

(B)(1)(a) No holder of a probationary driver's license who 146
has not attained the age of seventeen years shall operate a motor 147
vehicle upon a highway or any public or private property used by 148
the public for purposes of vehicular travel or parking between the 149
hours of midnight and six a.m. unless the holder is accompanied by 150
the holder's parent or guardian. 151

(b) No holder of a probationary driver's license who has 152
attained the age of seventeen years but has not attained the age 153
of eighteen years shall operate a motor vehicle upon a highway or 154
any public or private property used by the public for purposes of 155
vehicular travel or parking between the hours of one a.m. and five 156
a.m. unless the holder is accompanied by the holder's parent or 157
guardian. 158

(2)(a) Subject to division (D)(1)(a) of this section, 159
division (B)(1)(a) of this section does not apply to the holder of 160
a probationary driver's license who is traveling to or from work 161
between the hours of midnight and six a.m. and has in the holder's 162
immediate possession written documentation from the holder's 163
employer. 164

(b) Division (B)(1)(b) of this section does not apply to the 165
holder of a probationary driver's license who is traveling to or 166
from work between the hours of one a.m. and five a.m. and has in 167
the holder's immediate possession written documentation from the 168
holder's employer. 169

(3) An employer is not liable in damages in a civil action 170
for any injury, death, or loss to person or property that 171
allegedly arises from, or is related to, the fact that the 172

employer provided an employee who is the holder of a probationary
driver's license with the written documentation described in
division (B)(2) of this section.

The registrar of motor vehicles shall make available at no
cost a form to serve as the written documentation described in
division (B)(2) of this section, and employers and holders of
probationary driver's licenses may utilize that form or may choose
to utilize any other written documentation to meet the
requirements of that division.

(4) No holder of a probationary driver's license who is less
than seventeen years of age shall operate a motor vehicle upon a
highway or any public or private property used by the public for
purposes of vehicular travel or parking with more than one person
who is not a family member occupying the vehicle unless the
probationary license holder is accompanied by the probationary
license holder's parent, guardian, or custodian.

(5) No holder of a probationary driver's license who has not
attained the age of seventeen shall drive a motor vehicle upon a
highway or any public or private property used by the public for
purposes of vehicular travel or parking while talking or text
messaging on a mobile communication device.

(C) It is an affirmative defense to a violation of division
(B)(1)(a) or (b) of this section if, at the time of the violation,
the holder of the probationary driver's license was traveling to
or from an official function sponsored by the school the holder
attends, or an emergency existed that required the holder to
operate a motor vehicle in violation of division (B)(1)(a) or (b)
of this section, or the holder was an emancipated minor.

(D)(1)(a) Except as otherwise provided in division (D)(2) of
this section, if a person is issued a probationary driver's
license prior to attaining the age of seventeen years and the

person pleads guilty to, is convicted of, or is adjudicated in 204
juvenile court of having committed a moving violation during the 205
six-month period commencing on the date on which the person is 206
issued the probationary driver's license, the holder must be 207
accompanied by the holder's parent or guardian whenever the holder 208
is operating a motor vehicle upon a highway or any public or 209
private property used by the public for purposes of vehicular 210
travel or parking during whichever of the following time periods 211
applies: 212

(i) If, on the date the holder of the probationary driver's 213
license pleads guilty to, is convicted of, or is adjudicated in 214
juvenile court of having committed the moving violation, the 215
holder has not attained the age of sixteen years six months, 216
during the six-month period commencing on that date; 217

(ii) If, on the date the holder pleads guilty to, is 218
convicted of, or is adjudicated in juvenile court of having 219
committed the moving violation, the holder has attained the age of 220
sixteen years six months but not seventeen years, until the person 221
attains the age of seventeen years. 222

(b) If the holder of a probationary driver's license commits 223
a moving violation during the six-month period after the person is 224
issued the probationary driver's license and before the person 225
attains the age of seventeen years and on the date the person 226
pleads guilty to, is convicted of, or is adjudicated in juvenile 227
court of having committed the moving violation the person has 228
attained the age of seventeen years, or if the person commits the 229
moving violation during the six-month period after the person is 230
issued the probationary driver's license and after the person 231
attains the age of seventeen years, the holder is not subject to 232
the restriction described in divisions (D)(1)(a)(i) and (ii) of 233
this section unless the court or juvenile court imposes such a 234
restriction upon the holder. 235

(2) Any person who is subject to the operating restrictions 236
established under division (D)(1) of this section as a result of a 237
first moving violation may petition the court for occupational or 238
educational driving privileges without being accompanied by the 239
holder's parent or guardian during the period of time specified in 240
that division. The court may grant the person such driving 241
privileges if the court finds reasonable cause to believe that the 242
restrictions established in division (D)(1) will seriously affect 243
the person's ability to continue in employment or educational 244
training or will cause undue hardship on the license holder or a 245
family member of the license holder. In granting the driving 246
privileges, the court shall specify the purposes, times, and 247
places of the privileges and shall issue the person appropriate 248
forms setting forth the privileges granted. Occupational or 249
educational driving privileges under this division shall not be 250
granted to the same person more than once. If a person is 251
convicted of, pleads guilty to, or is adjudicated in juvenile 252
court of having committed a second or subsequent moving violation, 253
any driving privileges previously granted under this division are 254
terminated upon the subsequent conviction, plea, or adjudication. 255
256

(3) No person shall violate division (D)(1)(a) of this 257
section. 258

(E) No holder of a probationary license shall operate a motor 259
vehicle upon a highway or any public or private property used by 260
the public for purposes of vehicular travel or parking unless the 261
total number of occupants of the vehicle does not exceed the total 262
number of occupant restraining devices originally installed in the 263
motor vehicle by its manufacturer, and each occupant of the 264
vehicle is wearing all of the available elements of a properly 265
adjusted occupant restraining device. 266

(F) A restricted license may be issued to a person who is 267

fourteen or fifteen years of age upon proof of hardship 268
satisfactory to the registrar of motor vehicles. 269

(G) Notwithstanding any other provision of law to the 270
contrary, no law enforcement officer shall cause the operator of a 271
motor vehicle being operated on any street or highway to stop the 272
motor vehicle for the sole purpose of determining whether each 273
occupant of the motor vehicle is wearing all of the available 274
elements of a properly adjusted occupant restraining device as 275
required by division (E) of this section, or for the sole purpose 276
of issuing a ticket, citation, or summons if the requirement in 277
that division has been or is being violated, or for causing the 278
arrest of or commencing a prosecution of a person for a violation 279
of that requirement. 280

(H) Notwithstanding any other provision of law to the 281
contrary, no law enforcement officer shall cause the operator of a 282
motor vehicle being operated on any street or highway to stop the 283
motor vehicle for the sole purpose of determining whether a 284
violation of division (B)(1)(a) or (b) of this section has been or 285
is being committed or for the sole purpose of issuing a ticket, 286
citation, or summons for such a violation or for causing the 287
arrest of or commencing a prosecution of a person for such 288
violation. 289

(I) As used in this section: 290

(1) "Occupant restraining device" has the same meaning as in 291
section 4513.263 of the Revised Code. 292

(2) "Family member" of a probationary license holder includes 293
any of the following: 294

(a) A spouse; 295

(b) A child or stepchild; 296

(c) A parent, stepparent, grandparent, or parent-in-law; 297

(d) An aunt or uncle;	298
(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;	299 300
(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;	301 302 303
(g) An eligible adult, as defined in section 4507.05 of the Revised Code.	304 305
(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.	306 307 308 309 310 311 312 313
<u>(4) "Mobile communication device" includes any of the following:</u>	314 315
<u>(1) A wireless telephone;</u>	316
<u>(2) A text-messaging device;</u>	317
<u>(3) A personal digital assistant;</u>	318
<u>(4) A computer;</u>	319
<u>(5) Any other substantially similar wireless device that is designed or used to communicate text or data.</u>	320 321
(J) Whoever violates division (B)(1) or (4), <u>or (5)</u> , (D)(3), or (E) of this section is guilty of a minor misdemeanor.	322 323
Section 2. That existing sections 4507.05 and 4507.071 of the Revised Code are hereby repealed.	324 325