



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 293

132nd General Assembly
(As Introduced)

Reps. Scherer and Sheehy, Craig

BILL SUMMARY

- Changes the age at which a person is first eligible for a probationary driver's license from age 16 to age 16 $\frac{1}{2}$.
- Specifies that the new age of eligibility does not apply to a person issued a temporary instruction permit prior to the bill's effective date.
- Requires a person to hold a temporary instruction permit for one year (rather than six months as in current law) before being eligible for a probationary driver's license, maintains the current age of eligibility for the permit at age 15 $\frac{1}{2}$, and extends the term of validity of a permit from one year to 2 $\frac{1}{2}$ years.
- Revises the time period at night during which the holder of a temporary instruction permit or probationary license may not drive without being accompanied by a parent or guardian.
- Revises the fee structure for driver's licenses and renewals for persons under age 21.
- Eliminates a court's ability to order a parent or guardian to accompany a probationary license holder when the holder is under age 17 and commits a moving violation during the first six months of holding the probationary license.

CONTENT AND OPERATION

Probationary driver's licenses and temporary instruction permits

Introduction

A person under the age of 18 is only eligible to obtain a probationary driver's license, which is subject to curfews and restrictions on occupancy that do not apply to regular driver's licenses.¹ The process for obtaining a probationary driver's license is a two-step process that requires a minor applicant to first apply to obtain a temporary instruction permit and subsequently apply to obtain a probationary driver's license.

In order to obtain a temporary instruction permit, which may be issued to any person age 15½ or older, the minor applicant must submit an application for the temporary instruction permit signed by one of the following:

- (1) The minor applicant's parents;
- (2) The minor applicant's guardian;
- (3) Another person having custody of the minor applicant; or
- (4) A responsible person who is willing to assume liability for any negligence or willful or wanton misconduct by the minor applicant while driving.²

The minor applicant also must pass a written test of the minor applicant's knowledge of the motor vehicle laws³ and pass a vision screening test.⁴

In order to obtain a probationary driver's license, the minor applicant must hold the temporary instruction permit for at least six months,⁵ complete an approved driver's education or training course, which must include at least 24 hours of classroom instruction and eight hours of behind-the-wheel instruction,⁶ acquire at least 50 hours of

¹ R.C. 4507.071. The probationary license is valid until the age of 18, at which point it becomes a regular driver's license.

² R.C. 4507.07(A), not in the bill.

³ R.C. 4507.10(A) and 4507.11, not in the bill.

⁴ Ohio Administrative Code (O.A.C.) 4501:1-1-08(A), not in the bill.

⁵ R.C. 4507.071(A).

⁶ R.C. 4507.21(B)(1) and 4508.02(C), not in the bill.



driving experience including at least ten night hours,⁷ and pass a driving test that includes a maneuverability test and a road skills test.⁸ A minor applicant is first eligible to obtain a probationary driver's license at age 16.

Age of eligibility for probationary driver's license

The bill alters the age at which a person is first eligible to obtain a probationary driver's license from age 16 to age 16½. The bill does so by requiring a person to hold a temporary instruction permit for one year before the person may obtain a probationary driver's license rather than for six months as in current law.⁹ The diagrams below illustrate this change:

Current law



The bill



The requirement to hold a temporary instruction permit for one year prior to being eligible to obtain a probationary driver's license does not apply to a person issued a temporary instruction permit prior to the bill's effective date.¹⁰ In that circumstance, the holder of the permit need only hold the permit for six months prior to being eligible for a probationary driver's license.

⁷ R.C. 4507.21(B)(2), not in the bill.

⁸ R.C. 4507.10(A) and 4507.11; O.A.C. 4501:1-1-10, not in the bill.

⁹ R.C. 4507.071(A).

¹⁰ Section 4.

Term of validity for temporary instruction permit

The bill extends the time during which a temporary instruction permit is valid from one year to 2½ years.¹¹

Night time restrictions

The bill revises the night time driving restrictions applicable to temporary instruction permit holders and probationary driver's license holders as illustrated in the table below:

Type of permit or license	Current law	The bill
Temporary instruction permit	<p>The holder of a temporary instruction permit who is under age 18 is prohibited from operating a vehicle between the hours of 12:00 a.m. and 6:00 a.m., unless accompanied by a parent, guardian, or custodian who:</p> <ul style="list-style-type: none"> (1) Holds a current valid Ohio driver's or commercial driver's license; (2) Is actually occupying a seat beside the permit holder; and (3) Is not currently intoxicated in violation of the state OVI law. 	<p>Same, but changes the restricted time period to the hours between 9:00 p.m. and 6:00 a.m.¹²</p>
Probationary driver's license	<p>The holder of a probationary license who has held it for less than one year is prohibited from operating a vehicle between the hours of 12:00 a.m. and 6:00 a.m., unless accompanied by a parent or guardian.</p> <p>The holder of a probationary license who has held it for more than one year is prohibited from operating a vehicle between the hours of 1:00 a.m. and 5:00 a.m., unless accompanied by a parent or guardian.</p>	<p>The holder of a probationary license is prohibited from operating a vehicle between the hours of 9:00 p.m. and 6:00 a.m., unless accompanied by a parent or guardian regardless of how long the holder has held the license.¹³</p>

The bill retains a provision of law that specifies that the holder of a probationary license may drive during the hours described above without a parent or guardian for

¹¹ R.C. 4507.05(C).

¹² 4507.05(F)(2).

¹³ R.C. 4507.071(B).



work, school, or religious purposes if the holder has appropriate written documentation in the holder's immediate possession.¹⁴

Fee structure for persons under age 21

The bill revises the fee structure for driver's licenses and renewals for persons under age 21. Under the bill, the application fee for a driver's license or renewal for a person under age 21 is \$5.¹⁵ Current law delineates specific fees depending on the age of the license applicant, as indicated below:

Age	Fee
16-17	\$7.25
17-18	\$6.00
18-19	\$4.75
19-20	\$3.50
20-21	\$2.25

Moving violations for probationary license holders

The bill eliminates a court's authority to order a parent or guardian to accompany a probationary driver's license holder when the holder is under age 17 and pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the first six months of holding the probationary license.¹⁶ Because the bill changes the age at which a person is first eligible to hold a probationary license to age 16½, if the current restriction described above remained in place, the time period during which a court could order the parental accompaniment restriction would only exist for six months, from age 16½ to 17.

Conforming changes

The bill makes a variety of conforming changes throughout the Driver's License Law to accommodate the changes made by the bill, in particular, the change in age at which a person is first eligible for a probationary driver's license from age 16 to age 16½.¹⁷

¹⁴ R.C. 4507.071(B).

¹⁵ R.C. 4507.23(E).

¹⁶ R.C. 4507.071(D).

¹⁷ R.C. 4507.01, 4507.05(A)(1), 4510.17(C) and (D), 4510.31(A)(2), and 4511.043(B).



The bill eliminates a reference to age 16 in the law governing motorized bicycle licenses. In so doing, the bill inadvertently eliminates the requirement that the 16 year old holder of a valid probationary motorized bicycle license complete testing requirements to obtain a motorized bicycle license.¹⁸

HISTORY

ACTION	DATE
Introduced	06-27-17

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¹⁸ R.C. 4511.521.

