



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 293

132nd General Assembly

(As Reported by H. Transportation & Public Safety)

Reps. Scherer and Sheehy, Craig, Hughes, Lepore-Hagan

BILL SUMMARY

- Changes the age at which a person is first eligible for a probationary driver's license from age 16 to age 16¹/₂.
- 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 15¹/₂, and extends the term of validity of a permit from one year to 2¹/₂ 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.
- Eliminates the requirement that a probationary license holder have in the holder's immediate possession written documentation of a permissible excuse, such as work, school, or a religious activity, when driving without a parent or guardian during the restricted night-time hours.
- 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 10:00 p.m. and 6:00 a.m.¹²</p>
Probationary driver's license	<p>The holder of a probationary license is prohibited from operating a vehicle between the hours of 12:00 a.m. and 6:00 a.m. <i>during the first year of holding that license</i>, unless accompanied by a parent or guardian.</p> <p>The holder of a probationary license who has held it for <i>more than one year</i> 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 10:00 p.m. and 6:00 a.m. <i>during the first six months of holding that license</i>, unless accompanied by a parent or guardian.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 R.C. 4507.05(F)(2).

¹³ R.C. 4507.071(B).



work, school, or religious purposes. However, the bill eliminates part of that provision that requires the holder to have appropriate written documentation from an employer, school official, or religious official in the holder's immediate possession. Accordingly, the bill also eliminates a limitation on the liability of such an employer, school official, or religious official.¹⁴

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. Accordingly, the bill also eliminates the holder's ability to petition the court for driving privileges during the court ordered period of restriction.¹⁵ Because the bill changes the age at which a person is first eligible to hold a probationary license to age 16½, if the court's authority described above remained in place, the time period during which the court could actually order parental accompaniment 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 16½.¹⁶

HISTORY

ACTION	DATE
Introduced	06-27-17
Reported, H. Transportation & Public Safety	02-28-18

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¹⁴ R.C. 4507.071(B)(2) and (3).

¹⁵ R.C. 4507.071(D).

¹⁶ R.C. 4507.01, 4507.05(A)(1), 4507.23(E), 4510.17(C) and (D), 4510.31(A)(2), and 4511.043(B).

