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H.B. 106
133rd General Assembly

Bill Analysis

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Version: As Reported by House Transportation and Public Safety

Primary Sponsors: Reps. Scherer and Sheehy

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SUMMARY

- Changes the age at which a person is first eligible for a probationary driver's license (probationary license) from age 16 to age 16½.
- Specifies that the eligibility age change does not apply to a person issued a temporary instruction permit (permit) prior to the bill's effective date.
- Requires a person to hold a permit for one year (rather than six months as in current law) before being eligible for a probationary license, maintains the current age of eligibility for the permit at age 15½, and extends the permit's term of validity from one year to 2½ years.
- Revises the time period at night during which a permit holder or probationary license holder 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.

DETAILED ANALYSIS

Introduction

A person under 18 is eligible for a probationary driver's license (probationary license), which is subject to special curfews and occupancy restrictions.¹ There is a two-step process for obtaining a probationary license: (1) a minor applicant must first apply for a temporary instruction permit (permit), and (2) then apply for a probationary license.

To obtain a temporary instruction permit, which may be issued to any person 15½ or older, the minor applicant must submit an application 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 about motor vehicle laws,³ and pass a vision screening test.⁴

Then, to obtain a probationary license, the minor applicant must hold the 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), acquire at least 50 hours of driving experience (including at least ten night hours),⁶ and pass a driving test (maneuverability and road skills).⁷ A minor applicant must be 16 to be eligible for a probationary license.

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) and 4508.02(C), not in the bill.

⁷ R.C. 4507.10(A) and 4507.11; O.A.C. 4501:1-1-10, not in the bill.

Extended time to hold a permit: effect on probationary license

The bill requires a person to hold a temporary instruction **permit** for **one** year – instead of six months – before obtaining a probationary license.⁸ As a result, the bill also changes, from **16 to 16 ½**, the age at which a person is first eligible to obtain a **probationary license**. That is, even if a person receives a permit at the youngest age possible, 15½, because the person has to hold it for a year, the youngest possible age at which a person may receive a probationary license is 16½. The diagrams below illustrate this change:

Current law



The bill



The requirement to hold a permit for one year does not apply to a person issued a permit prior to the bill's effective date. In that circumstance, the permit holder only needs to hold the permit for six months to be eligible for a probationary driver's license.⁹

Additionally, the bill extends a permit's validity period from one year to 2½ years.¹⁰

Night time restrictions: permit and probationary license

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

⁸ R.C. 4507.071(A).

⁹ Section 4.

¹⁰ R.C. 4507.05(C).

Type of permit or license	Current law	The bill
Temporary instruction permit	<p>A permit holder who is under 18 is prohibited from operating a vehicle between 12:00 a.m. and 6:00 a.m., unless accompanied by a parent, guardian, or custodian who:</p> <ol style="list-style-type: none"> 1. Holds a current valid Ohio driver's or commercial driver's license; 2. Is occupying a seat beside the permit holder; and 3. Is not 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.¹¹</p>
Probationary driver's license	<p>A probationary license holder is prohibited from operating a vehicle between 12:00 a.m. and 6:00 a.m. during the first year of holding that license, unless accompanied by a parent or guardian.</p> <p>A probationary license holder who has held it for <i>more than one year</i> is prohibited from operating a vehicle between 1:00 a.m. and 5:00 a.m., unless accompanied by a parent or guardian.</p>	<p>A probationary license holder is prohibited from operating a vehicle between 10:00 p.m. and 6:00 a.m. during the first six months of holding that license, unless accompanied by a parent or guardian.¹²</p>

The bill retains a provision of law that specifies that a probationary license holder may drive during the hours described above without a parent or guardian for work, school, or religious purposes. However, the bill eliminates the 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.¹³

¹¹ R.C. 4507.05(F)(2).

¹² R.C. 4507.071(B).

¹³ R.C. 4507.071(B)(2) and (3).

Moving violations: probationary license

The bill eliminates a court's authority to order a parent or guardian to accompany a probationary license holder when the holder is: (1) under 17, (2) pleads guilty to, is convicted of, or is adjudicated in juvenile court of a moving violation, (3) 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. (Since the bill changes the probationary license eligibility age from 16 to 16½, the court's authority would only exist for six months, from 16½ to 17.)¹⁴

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 probationary license eligibility age from 16 to 16½.¹⁵

HISTORY

Action	Date
Introduced	02-26-19
Reported, H. Transportation and Public Safety	10-30-19

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¹⁴ R.C. 4507.071(D).

¹⁵ R.C. 4507.01, 4507.05(A)(1), 4507.23(E), 4510.17(C) and (D), 4510.31(A)(2), and 4511.043(B).