

## **Summary & Frequently Asked Questions**

### **HB 0343 – Teen Driving Law Changes**

Signed into law Jan. 4, 2007, this legislation places certain restrictions on the operation of motor vehicles by probationary license holders and temporary instruction permit holders who are less than 18 years of age. **The law is effective April 6, 2007.**

#### **Changes include the following:**

- Probationary driver license holders 16 years of age will not be permitted to operate a motor vehicle with more than one person who is not a family member in the vehicle, unless accompanied by the license holder's parent, guardian, or legal custodian. Studies conducted by the Insurance Institute for Highway Safety have shown that one passenger doubles the risk of a crash among teen drivers, two passengers triple the risk, and three or more passengers increase the risk by more than six.
- Probationary driver license holders 17 years of age will be restricted from driving between the hours of 1 a.m. and 5 a.m. unless the holder is accompanied by a parent or guardian, with the following exceptions: an emergency situation, driving to or from a school activity, or driving to or from work. Travel to or from work is permitted provided the teen has written documentation from the employer.
- Probationary license holders 16 years of age are prohibited from driving between midnight and 6 a.m. unless accompanied by a parent or guardian with the same exceptions as above. This is a change to the previous restriction of 1 a.m. to 5 a.m.
- Permit holders under the age of 18 will be prohibited from driving between the hours of midnight and 6 a.m., unless accompanied by a parent, guardian or legal custodian who holds a valid license. This is a change to the previous restriction of 1a.m. to 5 a.m.
- If a probationary driver license holder who is 16 is convicted of having committed one moving violation during the first six months of having a driver's license, the person must be accompanied by a parent or guardian whenever operating a motor vehicle during the six-month period commencing on the date on which the person is convicted of or pleads guilty to the moving violation or until the person turns 17.

#### **Also included in the law is a change to the child restraint law, affecting drivers of all ages:**

- When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Ohio Revised

Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code. **This is still a secondary violation.**

Whoever violates this section will be found guilty of a minor misdemeanor and shall be fined not less than \$25.

If the offender previously has been convicted of or pleaded guilty to a violation of this section or of a municipal ordinance that is substantially similar, the offender is guilty of a misdemeanor of the fourth degree.

## **Common Questions**

### **What is the difference between a temporary permit and a probationary driver license?**

A **temporary permit** can be obtained at age 15 years 6 months. The permit is valid for one year. The permit holder must be accompanied by an eligible adult, which is defined as a parent, guardian, legal custodian, licensed driver age 21 or older acting *in loco parentis*, or licensed driving instructor. The eligible adult must hold a valid driver license and occupy the front passenger seat.

In order to be eligible for a **probationary driver license**, a temporary permit holder must be at least 16 years old and have completed the driver training certification requirement (complete 50 hours of driving with a parent or guardian, including 10 hours of nighttime driving, in addition to the driver education requirement of 24 hours of classroom instruction and 8 hours behind the wheel) and have held a temporary permit for at least six months. The permit holder must also complete the BMV driving and maneuverability test prior to issuance of a probationary license. The probationary license is valid until age 18, at which time the license becomes a full driver license.

### **Have the ages at which permits and driver licenses are issued been raised because of this new law?**

No, the ages remain the same: 15½ years old for a permit, and 16 years old for a driver license.

### **Are 18-year-old drivers affected by the new teen driving law?**

No, they are not. The law changes apply to permit holders and driver license holders under the age of 18.

**What is the definition of a “family member”?**

Family member of a probationary license holder includes any of the following: a parent, step-parent, grandparent, or parent-in-law, a sibling, whether of the whole or half blood or by adoption, a brother-in-law or sister-in-law, a spouse, a child or step-child, an aunt or uncle, a son or daughter of the probationary license holder’s step-parent if the step-parent has not adopted the probationary license holder.

**Two family members, both 16, are in the same vehicle. Both are probationary license holders. How many passengers may ride in the vehicle?**

Only 1 passenger, who is not a family member, would be allowed to ride in the vehicle. It is based upon who is operating the vehicle.

**If a 16-year-old probationary license holder is driving a vehicle with a passenger 18 years or older, can they have another passenger with them?**

No, the age of the passenger does not matter. If the passenger is not a family member, they can only have one passenger in the vehicle, unless the driver’s parent or guardian is in the vehicle.

**Would I need to present proof of relationship for additional passengers?**

Proof of relationship is not required by law, but it could be helpful to avoid being charged with a violation.

**Are there exceptions for 16-year-old drivers to take more than one unrelated passenger to school or school activities?**

No, 16-year-old licensed drivers are not permitted to transport more than one person who is not a family member at any time, unless the driver’s parent or guardian is in the vehicle as well.

**Students carpool to and from school and activities. Allowing fewer passengers in one vehicle increases the amount of vehicles operated, as well as increases emissions. Why increase the likelihood of more crashes?**

Statistics indicate a higher rate of accidents/fatalities to and from school when groups of teenagers are riding in one vehicle.

**Why were the restricted hours expanded from 1 a.m.-5 a.m. to midnight-6 a.m.?**

Statistics indicate more accidents/fatalities occur during these hours.

**How are these new laws going to be enforced?**

Whoever violates having more than one passenger in the vehicle, who is not a family member, is guilty of a minor misdemeanor. It is a primary violation, meaning law enforcement can pull over a vehicle solely for violating the passenger limit law; they do not have to see any other violations.

A restricted nighttime hours violation is secondary, so law enforcement would need another reason to pull the vehicle over.

**Is there a standard document used for verification of hours worked during restricted times?**

Yes, the BMV 2825 provided by the Registrar of Motor Vehicles, located on the Internet at [http://bmv.ohio.gov/misc/bmv\\_forms.htm](http://bmv.ohio.gov/misc/bmv_forms.htm). If you do not have this form, written documentation from the employer shall be accepted.

**Does the written documentation have to be carried with me while I am operating a vehicle?**

Yes, the written documentation must be in your immediate possession when driving during restricted hours.

**Will restrictions enforced as a result of a moving violation during the first six months after the person is issued the probationary license be from the date of offense or the date of conviction?**

The **offense** date must be within six months of the date the person received the probationary license, but the restriction runs six months from the date of **conviction**. Also, the law is not retro-active, so it only applies to a conviction date of April 6, 2007 or later.

**Why is the restriction enforced as a result of a moving violation during the first six months after the person is issued the probationary license, six months for some but less than six months for others?**

The restriction is only for individuals less than 17 years of age. Therefore, if the violation occurred less than six months from an individual's 17<sup>th</sup> birthday, the restriction would end on their 17<sup>th</sup> birthday, unless the restriction is a court-ordered restriction.

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