



What You Need to Know About Your Child's First Driver's License

by James W. Millon and Denise A. Mueller

Your teenage daughter just got her new probationary license, and now she can finally toss her learner's permit. She is giddy with joy, and so are you. Her license means freedom both for you *and* for her. Or does it?

The answer is yes, but subject to certain fairly stringent restrictions. The Ohio General Assembly recently expanded Ohio driving restrictions impacting young drivers. The new law expands the hours when new drivers with probationary licenses can drive without a parent or guardian in the car. It also beefs up the consequences a driver under 17 faces for being *convicted of, adjudicated guilty of or pleading guilty to* a "moving violation." These and other concepts important to the teen driving laws are explained below.

Probationary Licenses: Under Ohio law, a new driver under the age of 18 is issued a "probationary license" once he or she passes his or her driver's test. The license remains probationary until the driver reaches 18, at which point he or she gets a full, unrestricted license (assuming, of course, that he or she has accumulated a good driving record during the probationary period). Probationary licenses are nothing new – but understanding what a probationary license is in the first place greatly helps to understand the new teen driving laws.

New Curfew Restrictions: New curfew laws will impact drivers under 18 by requiring parental accompaniment when they drive late at night. Drivers under 18 are now prohibited from driving without a

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parent or guardian in the car between the hours of 1:00 a.m. and 5:00 a.m. Additionally, drivers under 17 may not drive without a parent or guardian in the car between the hours of 12:00 a.m. and 6:00 a.m. These new provisions represent an expansion of previously existing provisions. (But note, if your child needs to drive to or from work during restricted hours, the new law will allow him or her to legally drive if your child carries written documentation of employment from his or her employer in route to work and back.)

Moving Violations: For a parent of a driver under 17, the most potentially distressing part of the new law is the impact a child’s moving violation will have on the parent. If your son or daughter under 17 is convicted of, adjudicated guilty of or pleads guilty to a moving violation (such as speeding), the new law requires you to once again ride around with him or her every time your child drives. Essentially, it is the equivalent of re-issuing the learner’s permit. This irritating turn of events will last from the date of conviction, date of adjudication or date of guilty plea until either (A) six months or (B) until your child’s 17th birthday, whichever comes first. Thankfully, if your child is convicted of a moving violation between the ages of 17 and 18, on its face, the law does not require this same result. However, the law *does* give judges discretion to order the same inconvenient result. Thus, you are still at risk of having to accompany your child everywhere he or she drives as long as his or her license remains probationary.

Conviction, Adjudication, and Pleading: “Conviction” occurs when your child is both found guilty of a moving violation and sentenced. An “adjudication” occurs when your child has been found guilty of the moving violation but has not been sentenced yet. “Pleading guilty” simply means your child formally admits to the court that he or she committed the violation. Restrictions on probationary drivers only take effect when one of these three things occurs. The new law *does not* permit a police officer who has cited your child for speeding to take his or her license away on the spot – your child *is* entitled to a judicial hearing on the matter before any of the consequences of the new law follow.

Bottom line: if your minor child finds himself or herself cited by a police officer for a traffic offense, you should consult an attorney. Despite the hard-line nature of these new driving rules, there may be legal strategies that could help avoid the “re-issuance” of your child’s learner’s permit for the next six months, or other similar consequences.

For information on Mr. Millon and Ms. Mueller, see page three. Daniel W. Everson, a summer associate, assisted with this article. Mr. Everson is a third year law student at Ohio State University.

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Background Check

featuring



**James W. Millon
and
Denise A. Mueller**



A life-long resident of Northwest Ohio, Firm member Jim Millon finds himself in a new position, practicing law in a large law firm. Prior to joining Eastman & Smith, Mr. Millon had his own practice in Maumee, Ohio, for over 20 years.

Mr. Millon and his wife of 30 years, Candy, have two adult children. Son Pete is studying law at the University of Toledo while daughter Dana lives in Florida where she teaches early childhood education.



Golfing is one of Mr. Millon's avocations. He is the founding trustee of the Toledo Golf Hall of Fame and, in October, he achieved the dream of many golfers, a hole-in-one on a 164 yard hole. In addition to golfing, Mr. Millon is an "elf." The Order of the Elves is a local organization that has raised over \$100,000 to purchase toys, food and clothing for adopted and foster-care children.

Mr. Millon obtained both his undergraduate and law degrees from the University of Toledo. His practice emphasizes providing service to small and medium size business entities in transactional matters, including purchases and sales, mergers, and private placement securities offerings. Mr. Millon can be reached at our Toledo office by calling 419-241-6000.

The photo of Mr. Millon with Santa originally appeared in the December 24, 2007, issue of The Blade. It has been reprinted with their permission.

Ms. Mueller, a native Toledoan, balances her time between work and family. Pete, her husband of eleven years, works as a review appraiser for The William Fall Group. They have two daughters, Jessica (age



six) and Grace (age three). Both girls enjoy swimming class. Jessica participates in cross-country, soccer and will begin ballet soon. While Grace has not yet found her passion, she has enjoyed her early endeavors in dance and gymnastics.

An associate of Eastman & Smith, Ms. Mueller earned her law and undergraduate degrees from the University of Toledo. She is part of the Firm's Litigation Section. Her practice includes general litigation, OVI (formerly called DUI), traffic/criminal misdemeanor defense and landlord/tenant real estate litigation. Ms. Mueller also offers support and advice to all practice areas in matters relating to criminal and family/juvenile law. Ms. Mueller worked for Student Legal Services before joining the Firm.

In addition to work and family activities, Ms. Mueller is active in the community. She is president-elect of the Toledo Women's Bar Association, vice-president of the Parkinson's Foundation of Northwest Ohio and a member of the Toledo Bar Association as well, serving on the Municipal Court Committee as its chairperson. Ms. Mueller can be reached at our Toledo office by calling 419-241-6000.