

## NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CHAPTER 436  
LICENSING; ACCIDENTS**

436.01	Driver's License Required	436.07	Driving Under Suspension or Revocation
436.011	Nonresident License and License Restriction	436.08	Operation or Sale Without Certificate of Title
436.02	Possession of More Than One License Prohibited	436.09	Display of License Plates, Registration, Obstructions
436.03	Driving with Temporary Instruction Permit without Licensed Driver	436.10	Use of Illegal License Plates
436.04	Certain Acts Prohibited	436.11	Stopping After Accident Upon Streets; Collision with Unattended Vehicle
436.05	Owner or Operator Allowing Another to Drive	436.12	Stopping After Accident Upon Property Other Than Streets
436.06	Display of License	436.13	Vehicle Accident Resulting in Damage to Realty

**CROSS REFERENCES**

See section histories for similar State law  
 Motor vehicle licensing law – see O.R.C. Ch. 4503  
 Driver's license law – see O.R.C. Ch. 4507  
 Power of trial court of record to suspend or revoke license for certain violations – see O.R.C. 4507.16, 4507.34  
 Employment of unlicensed chauffeur prohibited – see O.R.C. 4507.32  
 Employment of a minor to operate a taxicab prohibited – see O.R.C. 4507.321  
 State point system suspension – see O.R.C. 4507.40  
 State accident reports – see O.R.C. 4509.01(J), 4509.06, 4590.74, 5502.11  
 Glass removal from street after accident – see TRAF. 412.01  
 Licensing requirements of snowmobile and all purpose vehicle operator – see TRAF. 476.05  
 Snowmobile and all purpose vehicle accident reports – see TRAF. 476.06

**SECTION 436.01 DRIVER'S LICENSE REQUIRED**

- (a) (1) No person, except a person expressly exempted under Ohio R.C. Sections 4507.03, 4507.04, or 4507.05 shall operate any motor vehicle upon a public road or highway or any public or private property used

by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

- (2) No person, except a person expressly exempted under Ohio R.C. Sections 4507.03, 4507.04, or 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the registrar of motor vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's license or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. Section 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a)(1) or (a)(2) of this section may be admitted into evidence as prima facie evidence that the person did not have either a valid driver's license or commercial driver's license at the time of the alleged violation of division (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's license or commercial driver's license or a restricted license at the time of the alleged violation of division (a)(2) of this section. The person charged with a violation of division (a)(1) or (a)(2) of this section may offer evidence to rebut this prima facie evidence.

(c) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

- (1) If the offender has never held a valid driver's license or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's license or commercial driver's license or in the form of a restricted license, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to C.O. Section 698.02, Section 698.03, or Ohio R.C. Sections 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. Section 2929.26; the offender may be fined up

to \$1,000; and, notwithstanding Ohio R.C. Section 2929.27(A)(3), the offender may be ordered pursuant to Ohio R.C. Section 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. Section 2705.02(A) that may be filed in the underlying case.

- (2) If the offender's driver's license or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's license or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, the offense is a minor misdemeanor. (Ord. 4296-17. Passed 8-8-2017.)

#### SECTION 436.011 NONRESIDENT LICENSE AND LICENSE RESTRICTION

(a) No nonresident of Ohio shall drive any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the nonresident has in the nonresident's possession a valid and current driver's license or commercial driver's license issued to the nonresident by another jurisdiction recognized by the State of Ohio. No nonresident of Ohio, upon demand of any police officer at any time or place, shall fail to prove lawful possession or the nonresident's right to operate such motor vehicle, or fail to establish proper identity.

(b) No person shall operate any motor vehicle in violation of any restriction imposed on the person's driver's license or commercial driver's license by the registrar of motor vehicles pursuant to Ohio R.C. Sections 4506.12 or 4507.14.

(c) Whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to C.O. Section 698.02, Section 698.03, or Ohio R.C. Sections 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. Section 2929.26; the offender may be fined up to \$1,000; and, notwithstanding Ohio R.C. Section 2929.27(A)(3), the offender may be ordered pursuant to Ohio R.C. Section 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. Section 2705.02(A) that may be filed in the underlying case. (Ord. 4296-17. Passed 8-8-2017.)

#### SECTION 436.02 POSSESSION OF MORE THAN ONE LICENSE PROHIBITED

(a) No person shall receive an operator's or chauffeur's license, or a motorcycle operator's endorsement of an operator's or chauffeur's license, unless and until he surrenders to the Registrar all valid licenses in his possession issued to him by another jurisdiction

recognized by the State of Ohio. No person shall be permitted to have in his possession more than one valid license at any time. (ORC 4507.02; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

#### **SECTION 436.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT WITHOUT LICENSED DRIVER**

(a) No person who is the holder of a temporary instruction permit issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 shall drive a motor vehicle upon a street or highway, except when having such permit in his immediate possession and when accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver. (ORC 4507.05. Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

#### **SECTION 436.04 CERTAIN ACTS PROHIBITED**

- (a) No person shall:
- (1) Display, or cause or permit to be displayed, or possess any operator's or chauffeur's license or temporary instruction permit knowing the same to be fictitious, or to have been canceled, revoked, suspended or altered;
  - (2) Lend to a person not entitled thereto, or knowingly permit him to use any operator's or chauffeur's license or temporary instruction permit issued to the person so lending or permitting the use thereof;
  - (3) Display or represent as one's own any operator's or chauffeur's license or temporary instruction permit not issued to the person so displaying the same;
  - (4) Fail to surrender to the Ohio Registrar of Motor Vehicles, upon his demand, any operator's or chauffeur's license or temporary instruction permit which has been suspended, canceled or revoked; or
  - (5) Use a false or fictitious name, or give a false or fictitious address, in any application for an operator's or chauffeur's license or temporary instruction permit, or any renewal or duplicate thereof, or knowingly make a false statement, or knowingly conceal a material fact or otherwise commit a fraud in any such application.

(ORC 4507.30; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

#### **SECTION 436.05 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE**

(a) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or whose act of driving such vehicle would violate Ohio R.C. 4507.01 to 4507.39, inclusive. (ORC 4507.33; Ord. 908-61. Passed 9-26-61.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

#### **SECTION 436.06 DISPLAY OF LICENSE**

(a) The operator or chauffeur of a motor vehicle shall display his license, or furnish satisfactory proof that he has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved. When a demand is properly made and the operator or chauffeur has his license on or about his person, he shall not refuse to display such license. Failure to furnish satisfactory evidence that such person is licensed under Ohio R.C. 4507.01 to 4507.30, inclusive, when such person does not have his license on or about his person shall be prima-facie evidence of his not having obtained such license. (ORC 4507.35; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

#### **SECTION 436.07 DRIVING UNDER SUSPENSION OR REVOCATION**

(a) No person, whose driver's license or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code or under any applicable law in any other jurisdiction in which the person's license or permit was issued, shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension, unless the person is granted limited driving privileges by a court and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's license or commercial driver's license or permit imposed under Ohio R.C. Sections 4506.10(D) or 4507.14.

(c) No person who is granted occupational driving privileges, limited driving privileges, or unlimited driving privileges by any court shall operate any motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality except in accordance with the terms of such privileges.

(d) It is an affirmative defense to any prosecution brought pursuant to this section that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.

(e) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a), (b), or (c) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (a) of this section, the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (b) of this section or an alleged violation of the driving privileges of division (c). The person charged with a violation of division (a), (b), or (c) of this section may offer evidence to rebut this prima facie evidence.

(f) Whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to C.O. Section 698.02, Section 698.03, or Ohio R.C. Sections 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. Section 2929.26; the offender may be fined up to \$1,000; and, notwithstanding Ohio R.C. Section 2929.27(A)(3), the offender may be ordered pursuant to Ohio R.C. Section 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. Section 2705.02(A) that may be filed in the underlying case.

(g) If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of this section, or any combination of two violations of this section or Ohio R.C. Sections 4510.11, 4510.111, 4510.14, 4510.16, 4510.21, or 4510.037, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with Ohio R.C. Sections 4503.233 and 4507.02.

(h) If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section, or any combination of three or more violations of this section or Ohio R.C. Sections 4510.11, 4510.111 or 4510.14, 4510.16, 4510.21, or 4510.037, or of a

substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(i) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. Sections 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(j) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. Section 4503.234. Upon receipt of the copy of the order from the court, neither the registrar of motor vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(k) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. Section 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. Section 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (Ord. 4296-17. Passed 8-8-2017.)

#### **SECTION 436.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE**

- (a) No person shall:
- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having such certificate in accordance with Ohio R.C. 4505.01 to 4505.19, inclusive, or upon which the certificate of title has been canceled;
  - (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title therefor as provided in Ohio R.C. 4505.01 to 4505.19, inclusive;
  - (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Ohio Registrar



of Motor Vehicles and notice thereof as prescribed in Ohio R.C. 4505.01 to 4505.19, inclusive;

- (4) Fail to surrender the certificate of title to the Clerk of the Court of Common Pleas as provided in Ohio R.C. 4505.01 to 4505.19, inclusive, in case of destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title; or
- (5) Violate Ohio R.C. 4505.01 to 4505.19, inclusive, for which no penalty is otherwise provided, or any lawful rules or regulations promulgated pursuant to such sections.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition. (ORC 4505.18; Ord. 2437-72. Passed 12-12-72.)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01.

#### **SECTION 436.09 DISPLAY OF LICENSE PLATES; REGISTRATION; OBSTRUCTIONS**

(a) No person who is the owner or operator of a motor vehicle shall fail to display on the front and rear of such motor vehicle the distinctive number and registration mark, including any validation sticker issued under Ohio R.C. 4503.191, furnished by the Ohio Director of Highway Safety, except those persons expressly exempted by Ohio R.C. Chapter 4503 (Motor Vehicle Licensing Law) and except that a manufacturer of motor vehicles or dealer therein, the holder of an in-transit permit, and the owner or operator of a house trailer, trailer or semitrailer shall display on the rear only. Such number plates shall be securely fastened so as not to swing. (ORC 4503.21; Ord. 2542-74. Passed 1-22-74.)

(b) No person who is the owner or chauffeur of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(c) No person shall park or operate upon the public streets or highways a motor vehicle acquired from a former owner who has registered the same in Ohio, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(d) No person who is the owner of a motor vehicle and a resident of Ohio shall park or operate such motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state,

without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12; Ord. 2437-72. Passed 12-12-72.)

(e) No person shall park or operate any vehicle upon which are displayed any license plates for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(f) No person shall park or operate any vehicle upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant. (Ord. 617-58. Passed 10-28-58.)

(g) No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for such vehicle shall be fastened in such a manner, and not covered, obscured or concealed by any part or accessory of such vehicle or by any foreign substance or material, to be readable in its entirety from left to right. (Ord. 2437-72. Passed 12-12-72.)

Penalty – see Sections 408.01 and 408.02

#### **SECTION 436.10 USE OF ILLEGAL LICENSE PLATES**

(a) No person shall operate or drive a motor vehicle upon the streets of this Municipality if it displays a distinctive number or identification mark which:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number of identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a person who fails to comply with the transfer of registration provisions of Ohio R.C. 4503.12. (ORC 4549.08; Ord. 2437-72. Passed 12-12-72.)
- (4) Is assigned to such vehicle upon its registration by a former owner, in the event that the original owner fails to remove the plates as required by Ohio R.C. 4503.12. (Ord. 617-58. Passed 10-28-58.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (ORC 4549.99(D))

#### **SECTION 436.11 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE**

(a) In case of accident to or collision with persons or property upon any of the public streets or highways, due to the driving or operation thereon of any motor vehicle, the

person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall immediately stop his motor vehicle at the scene of the accident or collision and shall remain at the scene of such accident or collision until he has given his name and address and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, to any person injured in such accident or collision or to the operator, occupant, owner of attendant of any motor vehicle damaged in such accident or collision, or to any police officer at the scene of such accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and his name, address and the registered number of the motor vehicle he was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. (ORC 4549.02; Ord. 1907-68. Passed 12-17-68.)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01. (ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)

#### **SECTION 436.12 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREETS**

(a) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public streets or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall stop and, upon request of the person injured or damaged, or any other person, shall give such person his name and address, and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and, if available, exhibit his operator's or chauffeur's license.

If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall, within twenty-four hours after such accident or collision, forward to the Police Department the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of the accident or collision.

If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. (ORC 4549.021; Ord. 1907-68. Passed 12-17-68.)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01. (ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)

### **SECTION 436.13 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY**

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public street or highway, shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of his name and address, and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license.

If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within twenty-four hours after such accident, forward to the Police Department the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known. (ORC 4549.03; Ord. 1907-68. Passed 12-17-68.)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01. (ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)