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# OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

Legislative Budget  
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S.B. 152  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Huffman

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### SUMMARY

#### Financial responsibility changes

- Decreases the driver's license suspension time for drivers who fail to provide proof of financial responsibility (for example, automobile insurance) for repeat offenders.
- Changes the financial responsibility reinstatement fee paid to the Registrar of Motor Vehicles to \$100 for all violations of failure to provide proof of financial responsibility.
- Expressly makes a driver's license suspension for failure to provide proof of financial responsibility concurrent with any other license suspension imposed by a court or the Bureau of Motor Vehicles.

#### State-assisted Financial Compromise Program

- Requires the Lima Municipal Court, in conjunction with the Registrar, to establish the "State-assisted Financial Compromise Program" to waive a portion of an eligible applicant's driver's license reinstatement and court fees.
- Specifies the qualifications for an applicant to be eligible for the program, which include requirements that the applicant have a suspended driver's license as a result of a particular offense or offenses, that all other required sanctions have been completed, and that the applicant owes at least \$1,000 in reinstatement and court fees.
- Requires an applicant who is accepted into the program to pay \$500 towards the applicant's outstanding balance of reinstatement and court fees.
- Requires the Court to apply the \$500 towards the assignment of court costs and fees in the same manner that the clerk of the court currently is required to assign other costs and fees and issue an order reinstating the applicant's driver's license.
- Requires the Court to conduct a public service announcement about the program and submit a report detailing the program's effects to the Speaker of the House of

Representatives, the President of the Senate, and the Ohio Supreme Court after the completion of the program.

- Appropriates \$50,000 from the General Revenue Fund, and for every applicant that pays the required \$500 to the Court, allows the BMV to use \$500 of the appropriation to support the BMV's operations.

## DETAILED ANALYSIS

### Financial responsibility changes

The bill makes multiple changes to the Financial Responsibility Law, particularly with regard to the penalties imposed on repeat offenders. Under current law, if a person operates a motor vehicle without proof of financial responsibility (car insurance), the person is subject to a variety of civil penalties. Such penalties include an administrative driver's license suspension and suspension of a person's ability to register a motor vehicle.<sup>1</sup> A summary of the penalties under current law and how those penalties are changed under the bill is provided in the following table:

Financial Responsibility Law Changes in S.B. 152		
Penalty	Current Law	S.B. 152
<b>First-time offense<sup>2</sup></b>		
Length of time for suspension	Until person provides proof of having car insurance	Same as current law
Limited-driving privileges	No	Same as current law
Reinstatement fee amount	\$100	Same as current law
<b>Second-time offense within five years<sup>3</sup></b>		
Length of time for suspension	1 year	3 months
Limited-driving privileges	Yes, but none for the first 15 days of the suspension	Same as current law
Reinstatement fee amount	\$300	\$100
<b>Third-time or subsequent offense within five years<sup>4</sup></b>		
Length of time for suspension	2 years	6 months

<sup>1</sup> R.C. 4509.101(A)(2)(d).

<sup>2</sup> R.C. 4509.101(A)(2)(a) and (A)(5)(a); R.C. 4510.02(B)(6), not in the bill.

<sup>3</sup> R.C. 4509.101(A)(2)(b) and (A)(5)(a); R.C. 4510.02(B)(3) and (5), not in the bill.

<sup>4</sup> R.C. 4509.101(A)(2)(c) and (A)(5)(a); R.C. 4510.02(B)(2), not in the bill.

Financial Responsibility Law Changes in S.B. 152		
Penalty	Current Law	S.B. 152
Limited-driving privileges	Yes, but none for the first 30 days of the suspension	Same as current law
Reinstatement fee amount	\$600	\$100

Importantly, under current law unchanged by the bill, in order to obtain limited driving privileges or to have a driver's license reinstated after a license suspension, a person must provide proof of having car insurance. Thus, the ability to obtain limited driving privileges is conditional and the length of time of a suspension might go beyond the mandatory length of time if a person does not obtain car insurance.<sup>5</sup>

Additionally, under current law, also unchanged by the bill, all offenders are subject to a \$10 deputy registrar service fee and potentially a \$50 nonvoluntary compliance fee (if the person does not voluntarily surrender his or her driver's license, certificate of registration, or license plates in response to the suspension order).<sup>6</sup>

Furthermore, the bill expressly makes a driver's license suspension for failure to provide proof of car insurance concurrent with any other license suspension imposed by a court or the Bureau of Motor Vehicles (BMV).<sup>7</sup>

## State-assisted Financial Compromise Program

The bill creates the State-assisted Financial Compromise Program, as a joint pilot program between the Lima Municipal Court and the Registrar of Motor Vehicles. Under the six-month program, eligible applicants pay \$500 towards their outstanding court fees and reinstatement fees owed to the Lima Municipal Court and the BMV respectively, and then have their remaining fees waived.<sup>8</sup>

### Eligibility requirements

In order to be eligible to participate in the program, an applicant must demonstrate all of the following:

1. That the applicant's driver's license or permit is currently suspended as a result of an eligible offense or offenses (see "**Eligible offenses**," below);
2. That the applicant has completed all other Court-ordered or Registrar-required sanctions related to the eligible offense(s) necessary for driver's license reinstatement, except for the complete payment of the court and reinstatement fees; and

<sup>5</sup> R.C. 4509.101(A)(2)(b) and (c) and (A)(5)(c).

<sup>6</sup> R.C. 4509.101(A)(5)(b) and (d).

<sup>7</sup> R.C. 4509.101(O).

<sup>8</sup> Section 3.

3. That the person owes at least \$1,000 in court and reinstatement fees related to the eligible offense(s).<sup>9</sup>

If accepted into the program by the Lima Municipal Court, a participant must pay \$500 towards that participant's outstanding balance of fees. The Court must assign or apportion that money towards the outstanding court fees in accordance with the assignment of fees specified under current law. If the payment involves more than one case for the participant, the Court must determine to which case or cases the payment applies. If a person does not make the \$500 payment in the time frame specified by the Court, the person is no longer considered a participant in the program, but is allowed to reapply once for readmittance into the program.<sup>10</sup>

### **Lima Municipal Court responsibilities**

After receiving each application for participation in the program, the Lima Municipal Court must request the applicant's motor vehicle abstract from the BMV. The BMV must provide each abstract within seven days, as well as a statement indicating any remaining Registrar-imposed requirements for driver's license reinstatement. If an abstract indicates that the applicant's license or permit is suspended by an additional court, the Lima Municipal Court must request the case abstract from the other court and any other necessary information to determine if there are any other remaining requirements from that other court.<sup>11</sup>

In reviewing all of the information provided by an applicant, the BMV, and any other court, the Lima Municipal Court must determine whether the applicant is eligible to participate in the program. Within 70 days of receiving all of the information, the Court must provide written notification to an applicant regarding whether the applicant is eligible or not. A letter of ineligibility does not prohibit an applicant from reapplying; however, the person can only reapply once.<sup>12</sup>

Once a participant in the program has paid the \$500, the Lima Municipal Court must issue an order reinstating that participant's driver's license and waiving any remaining court and reinstatement fees. The Court must establish any additional requirements, conditions, or procedures necessary in order to administer and implement the pilot program.<sup>13</sup>

Finally, the Lima Municipal Court must conduct a public service announcement about the program, including posting information on the Court's website; and the Court must submit a report detailing the program's effects to the Speaker of the House of Representatives, the

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<sup>9</sup> Section 3(C)(2).

<sup>10</sup> Section 3(E)(1) and (F).

<sup>11</sup> Section 3(D).

<sup>12</sup> Section 3(E).

<sup>13</sup> Section 3(G) and (I).

President of the Senate, and the Ohio Supreme Court within 90 days after the completion of the program.<sup>14</sup>

### **Registrar responsibilities**

Other than providing applicants' motor vehicle abstracts to the Lima Municipal Court when requested for the program, the Registrar and BMV are not actively involved in reviewing or making determinations regarding applications. However, the bill appropriates \$50,000 from the General Revenue Fund to assist in offsetting the cost of waived reinstatement fees from the program. For every \$500 paid to the Lima Municipal Court towards the court fees, the BMV is permitted to use \$500 from the appropriation to support the operations of the BMV. Thus, while the applicant's \$500 goes towards paying a portion of the outstanding court fees, the state appropriation goes towards paying a portion of the outstanding driver's license reinstatement fees.<sup>15</sup>

### **Eligible offenses**

Below is a list of the eligible offenses<sup>16</sup> and a brief description of each offense:

	Description of Offense
<b>R.C. 2907.24</b>	Solicitation (if the person was in, on, or used a motor vehicle)
<b>R.C. 2913.02</b>	Theft of gasoline
<b>R.C. 2919.22</b>	Endangering children (by committing an OVI offense with a child in the vehicle)
<b>R.C. 2923.01</b>	Conspiracy to commit a felony drug trafficking, manufacturing, processing, or possession offense
<b>R.C. 2925.03</b>	Drug trafficking
<b>R.C. 2925.04</b>	Illegal manufacture of drugs or illegal cultivation of marijuana
<b>R.C. 2925.11</b>	Drug possession
<b>R.C. 2925.12</b>	Possessing drug abuse instruments
<b>R.C. 2925.13</b>	Permitting drug abuse
<b>R.C. 2925.14</b>	Illegal use or possession of drug paraphernalia (not for marijuana)
<b>R.C. 2925.141</b>	Illegal use or possession of drug paraphernalia (for marijuana)
<b>R.C. 2925.31</b>	Abusing harmful intoxicants

<sup>14</sup> Section 3(H) and (J).

<sup>15</sup> Section 4.

<sup>16</sup> Section 3(A)(1). The offense is only eligible when the offense is a misdemeanor and if the offense, an essential element of the offense, the basis of the charge, or any underlying offense, did not involve a deadly weapon.

	Description of Offense
<b>R.C. 2925.32</b>	Trafficking in harmful intoxicants
<b>R.C. 2925.36</b>	Illegal dispensing of drug samples
<b>R.C. 2925.37</b>	Trafficking in counterfeit controlled substances, aggravated trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising
<b>R.C. 2935.27</b>	Failure to appear or plead guilty (with regard to a traffic ticket)
<b>R.C. 4507.16</b>	Perjury or the making of a false affidavit under the driver's license law, or any other law requiring the registration of motor vehicles or regulating the operation of motor vehicles on the highway
<b>R.C. 4507.20</b>	If found incompetent by a physician after the Registrar's referral
<b>R.C. 4509.101</b>	Failure to maintain proof of financial responsibility
<b>R.C. 4509.17</b>	Failure to pay a security deposit or request a hearing after receiving notice from the Registrar of Motor Vehicles regarding a motor vehicle accident
<b>R.C. 4509.24</b>	Default on a payment that was required by a written agreement after a motor vehicle accident
<b>R.C. 4509.40</b>	Nonpayment of a judgment related to a motor vehicle accident
<b>R.C. 4510.037</b>	Repeat traffic offender (i.e., twelve-point suspension)
<b>R.C. 4510.05</b>	Violation of a municipal ordinance that is substantially similar to a statutory violation for which a suspension may be imposed
<b>R.C. 4510.06</b>	Suspension under the federal Assimilative Crimes Act
<b>R.C. 4510.11</b>	Driving under a suspended license (general provision) or driving in violation of medical restrictions on the person's license
<b>R.C. 4510.12</b>	Operating a motor vehicle or motorcycle without a valid license (if the person has committed such an offense within the previous 3 years and the license has been expired for more than 6 months)
<b>R.C. 4510.14</b>	Driving under an OVI suspension
<b>R.C. 4510.15</b>	Reckless operation
<b>R.C. 4510.21</b>	Failure to reinstate license (after expiration of a suspension)
<b>R.C. 4510.22</b>	Failure to appear or pay a fine related to specified vehicle-related violations
<b>R.C. 4510.23</b>	If adjudicated incompetent
<b>R.C. 4511.19</b>	OVI or underage OVI
<b>R.C. 4511.194</b>	Physical control of a vehicle while under the influence
<b>R.C. 4511.203</b>	Wrongful entrustment of a motor vehicle
<b>R.C. 4511.205</b>	Use of an electronic wireless communication device by a minor while driving

	Description of Offense
<b>R.C. 4511.251</b>	Street racing
<b>R.C. 4511.75</b>	Failure to stop for a school bus
<b>R.C. 4549.02</b>	Failure to stop after an accident
<b>R.C. 4549.021</b>	Failure to stop after a nonpublic road accident
<b>R.C. 5743.99</b>	Trafficking in cigarettes or tobacco products with intent to avoid a tax (if a motor vehicle was used in the offense)

## HISTORY

Action	Date
Introduced	05-14-19