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H.B. 29
135th General Assembly

Bill Analysis

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Version: As Reported by House Homeland Security

Primary Sponsors: Reps. Humphrey and Brewer

Margaret E. Marcy, Attorney

SUMMARY

- Authorizes a person who is in default on child support payments to present evidence that a driver's license suspension would effectively prevent that person from paying child support or the arrearage due under the child support order.
- Authorizes the child support enforcement agency to consider that evidence in determining whether to notify the Registrar of Motor Vehicles to terminate a driver's license suspension on the person in default.
- Authorizes a person whose driver's license is suspended for failure to pay child support to petition a court for limited driving privileges in all circumstances, not just when the petition is made during contempt proceedings as under current law.

DETAILED ANALYSIS

Failure to pay child support

Under current law, after a person defaults on his or her child support obligations and specified statutory warnings have been issued to that person, a child support enforcement agency may send a notice to the Registrar of Motor Vehicles to suspend the person's driver's license. The driver's license suspension is effective when the Registrar receives the notice. The suspension terminates only after the Registrar receives further notice from the child support enforcement agency that either:

1. The person is no longer in default;
2. The person has complied with any related court orders or subpoenas; or

3. The agency has made other specified arrangements with the person based on his or her current circumstances.¹

The bill authorizes a person in default of child support obligations to present evidence to the child support enforcement agency demonstrating that a driver's license suspension would effectively prevent that person from paying child support or any arrearage due under the child support order (e.g., a person who drives as part of his or her job). Additionally, the agency is authorized to consider that evidence in determining whether to request that the Registrar terminate the associated driver's license suspension (as part of the other arrangements made with the agency, see (3) above).²

Additionally, the bill authorizes a person whose driver's license is suspended for failure to pay child support to petition the court with jurisdiction over the child support order for limited driving privileges at any point, not just during a contempt proceeding, as under current law.³ Accordingly, the court, in its discretion, may grant those limited driving privileges for any of the following purposes:

1. Occupational, education, vocational, or medical purposes;
2. Taking the driver's or commercial driver's license examination;
3. Attending court-ordered treatment;
4. Attending any court proceeding related to the offense for which the offender's suspension was imposed;
5. Transporting a minor to a child care provider, daycare, preschool, school, or to any other location for purposes of receiving child care; and
6. Any other purpose the court determines to be appropriate.⁴

The bill retains current law that requires the court to request that the child support enforcement agency advise the court of the agency's position regarding the request for limited driving privileges. The court must consider that opinion when making a decision regarding the request for limited driving privileges.⁵

¹ R.C. 3123.56 and 3123.58; R.C. 3123.54, 3123.55, 3123.57, not in the bill.

² R.C. 3123.56(C)(2).

³ R.C. 3123.58.

⁴ R.C. 4510.021(A) and (B), not in the bill.

⁵ R.C. 3123.58(B)(1).

HISTORY

Action	Date
Introduced	02-15-23
Reported, H. Homeland Security	03-23-23
