



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. H.B. 300

131st General Assembly  
(As Reported by H. Judiciary)

**Reps.** Baker and Manning, Cupp, Schaffer, Butler, Conditt, Dever, Rezabek

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## BILL SUMMARY

- Modifies the procedures applicable to a person who seeks to modify or terminate a lifetime driver's license suspension or a suspension that exceeds 15 years as follows:
  - Specifies that a person whose suspension resulted from a felony may not apply for modification or termination of the suspension until 15 years have elapsed since the suspension began.
  - Specifies that a person whose suspension resulted from a misdemeanor may not apply for modification or termination of the suspension until five years have elapsed since the suspension began.
- Specifies that a person whose driver's license is suspended as a result of an OVI-related aggravated vehicular homicide offense may not apply for modification or termination of the required lifetime license suspension until 15 years have elapsed since the person was released from prison.

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## CONTENT AND OPERATION

### Modification or termination of a driver's license suspension that is greater than 15 years in duration

The bill amends the law that authorizes a person whose driver's license has been suspended for life pursuant to a class one suspension or for more than 15 years under a class two suspension to file a motion with the sentencing court to modify or terminate the suspension.<sup>1</sup> Under current law, the person must file a motion with the sentencing

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<sup>1</sup> R.C. 4510.54.

court that demonstrates that the person meets specified requirements. First, the person must demonstrate that one of the following applies:

(1) At least 15 years of the suspension have elapsed and, for the past 15 years, the person has not been found guilty of any felony, any moving violation, or any violation of a driver's license suspension; or

(2) At least five years of the suspension have elapsed and, for the past five years the person has not been found guilty of any moving violation, any violation of a driver's license suspension, or any vehicular homicide or assault offense.

The person then must demonstrate that:

--The person has proof of financial responsibility (e.g., motor vehicle liability insurance); and

--If the person's license was suspended because the person was under the influence of alcohol or a drug of abuse, the person has completed an alcohol, drug, or alcohol and drug treatment program; the person has not abused alcohol or other drugs for a period satisfactory to the court; and for the past 15 years, the person has not been found guilty of an alcohol-related or drug-related offense.<sup>2</sup>

Under current law, it is unclear under which circumstances (1) above would apply. Thus, the bill modifies both (1) and (2) by specifying that a person whose driver's license has been suspended for more than 15 years must demonstrate one of the following, as applicable:

(1) If the person's license was suspended *as a result of the person being convicted of a felony*, at least 15 years of the suspension have elapsed, or if the person's license was suspended as a result of an OVI-related aggravated vehicular homicide conviction (see "**Background**," below), at least 15 years have elapsed since the person was released from prison, and, for the past 15 years, the person has not been found guilty of a felony, a moving violation, or a violation of a driver's license suspension. The bill defines "released from prison" as a person's physical release from a jail or prison facility.<sup>3</sup>

(2) If the person's license was suspended *as a result of the person being convicted of a misdemeanor*, at least five years of the suspension have elapsed and, for the past five

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<sup>2</sup> R.C. 4510.54(A)(1) to (3).

<sup>3</sup> R.C. 4510.54(G).

years the person has not been found guilty of a moving violation, a violation of a driver's license suspension, or a vehicular homicide or assault offense.<sup>4</sup>

The bill retains the required demonstrations regarding proof of financial responsibility and the use and treatment of alcohol or drugs. The bill also clarifies that a person whose license was suspended as a result of a conviction of an OVI-related aggravated vehicular homicide offense must make the required demonstrations specified above.<sup>5</sup>

### **Background: OVI-related aggravated vehicular homicide**

Under current law, one circumstance in which a person commits aggravated vehicular homicide is when:

(1) The person causes the death of another or the termination of another's pregnancy while operating a motor vehicle, watercraft, or aircraft; and

(2) The death or termination of the pregnancy is the proximate result of the person committing a violation of the state OVI law<sup>6</sup> or a violation of the laws governing operating an aircraft or watercraft while under the influence of alcohol or drugs.<sup>7</sup>

Depending on whether the person has been convicted of or pleaded guilty to specified prior violations, aggravated vehicular homicide in this circumstance is either a first degree or second degree felony, both of which require a term of imprisonment. In addition to imprisonment and any other penalties a court may impose, the court must impose a class one suspension of the person's driver's license. A class one suspension is for a definite period for the life of the person subject to the suspension.<sup>8</sup>

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<sup>4</sup> R.C. 4510.54(A)(1).

<sup>5</sup> R.C. 2903.06(A)(1) and (B)(2)(d).

<sup>6</sup> The state OVI law generally applies to a person who operates a vehicle while under the influence of alcohol, drugs, or both, or operates a vehicle with a prohibited concentration of alcohol or drugs in the person's blood, breath, or urine. R.C. 4511.19, not in the bill.

<sup>7</sup> R.C. 2903.06(A)(1). This provision also applies with respect to any municipal ordinance governing OVI or operating a watercraft or aircraft while under the influence of alcohol or drugs.

<sup>8</sup> R.C. 4510.02.



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## HISTORY

### ACTION

### DATE

Introduced  
Reported, H. Judiciary

08-14-15  
11-02-15

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