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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 29 of the 135th General Assembly

Senate Judiciary

Margaret E. Marcy, Attorney

Failure to pay child support

- Authorizes a person whose driver's license is suspended due to failure to pay child support to submit a motion (rather than a petition as stated in the House-passed version of the bill) to the court for limited driving privileges.
- Clarifies that the court may not grant those limited driving privileges if the person's driver's license is also suspended for an offense that prevents granting limited driving privileges.
- Delays the implementation of a driver's license suspension on a person who is in default on child support payments for 30 days after the child support enforcement agency sends notice to the person.

Other driver's license suspensions

Drug offenses

- Removes the possible penalty of a driver's license suspension for a drug abuse offense unless the offender used a vehicle to further the commission of the offense or, as retained from current law, the offense occurs under the same circumstances as an OVI-offense.

Failure to pay a court fine or appear

- Eliminates the driver's license suspension for failure to pay a court fine or fee.
- Eliminates the option of submitting a valid and unexpired driver's license, in lieu of bail or another form of security, as a guarantee that the licensee will appear in court.
- Specifies that a person can enter into a payment plan with the clerk of court in order to avoid an arrest warrant for failure to appear or failure to pay a fine.
- Requires, rather than authorizes as under current law, a court to issue a supplemental citation to a person who fails to appear in court, and delays issuance of a summons or

arrest warrant by the court for failure to appear until 30 days after the supplemental citation is issued.

- Authorizes the supplemental citation to be sent through electronic means to the offender.
- Requires the Registrar of Motor Vehicles to automatically remove any driver's license suspensions or motor vehicle registration suspensions imposed by the Registrar for failure to pay a court fine or fee and to create a list of individuals whose license was suspended by a court for that offense and send the list to the applicable courts.
- Requires those courts to lift any driver's license suspensions previously imposed for failure to pay a court fine or fee.
- Prohibits the Registrar from charging any reinstatement fees for the reinstatement of a driver's license or motor vehicle registration associated with those suspensions.

Truancy

- Removes a driver's license suspension or a denial of the opportunity to obtain a driver's license as possible penalties for a student who is habitually truant from school.
- Authorizes a student whose license currently is suspended or who currently is denied the opportunity to obtain a license because of the student's habitual truancy to apply to have the suspension or denial removed.

Proof of financial responsibility penalties

- Regarding the imposition of increased penalties for multiple violations of the offense of operating a motor vehicle without proof of financial responsibility, reduces the lookback period from five years to one year within which repeat violations must occur.
- Eliminates the suspension of motor vehicle registration rights and impoundment of a motor vehicle's certificate of registration and license plates as penalties for operating a motor vehicle without proof of financial responsibility, but retains a driver's license suspension as a penalty.
- Eliminates the \$50 financial responsibility noncompliance fee when a person fails to voluntarily surrender the person's license, certificate of registration, or license plates.
- Increases from 15 days to 45 days the grace period, starting at the date the Registrar mails notification of the pending suspension order, during which a person may present the Registrar proof of financial responsibility in order to avoid a driver's license suspension.
- Reduces the amount of time from either three or five years down to one year that a person whose license was suspended for failure to provide proof of financial responsibility must continually file such proof after the offense (a.k.a., an SR-22 form).
- Eliminates the additional criminal penalties and license suspension imposed on a person who operates a motor vehicle without proof of financial responsibility while the person is within the period of continually filing an SR-22 form.

Random Selection Verification Program

- Requires the Registrar to remove any remaining driver's license suspensions associated with the Financial Responsibility Random Verification Program (which was repealed through H.B. 62 of the 133rd General Assembly).
- Prohibits the Registrar from charging any reinstatement fees for the reinstatement of a driver's license associated with the program.

Stopping for on-track equipment at a railroad crossing

- Requires a vehicle operator to stop for on-track equipment that may be approaching a railroad crossing.
- Requires school vehicle operators, hazardous materials transporters, and certain construction equipment operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing in the same manner as for trains.
- Applies existing penalties to the requirements specified above.
- Generally, authorizes a court to order an offender to attend and successfully complete a remedial safety training or presentation regarding rail safety in lieu of a fine or jail term for failing to stop appropriately at a railroad crossing.