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SUMMARY

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 under continuing law, the offense occurs under the same circumstances as an OVI-offense.

Failure to pay a court fine or appear

- Eliminates the immediate 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.
- Makes it permissive, rather than mandatory as under prior law, for 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 it to those 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 reinstatement of a driver's license or motor vehicle registration associated with those lifted suspensions.

Failure to pay child support

- 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 to terminate a driver's license suspension on the person in default.
- 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.
- Authorizes a person whose driver's license is suspended for failure to pay child support to file a motion with a court with jurisdiction over the child support order for limited driving privileges in all circumstances, not just when the motion is made during contempt proceedings.

Truancy

- Removes an administrative 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 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 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 when 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 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 Verification Program

- Requires the Registrar to remove any remaining driver’s license suspensions associated with the Financial Responsibility Random Verification Program, which was repealed in 2019 through H.B. 62 of the 133rd General Assembly.
- Prohibits the Registrar from charging any reinstatement fees for 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 preexisting penalties to the requirements specified above.
- Generally authorizes a court to order an offender to 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.

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DETAILED ANALYSIS

Driver's license suspensions

Drug offenses

Formerly, many drug offenses carried either a discretionary driver's license suspension or, if the offense occurred under the same circumstances as an operating a vehicle under the influence offense (OVI-offense), a mandatory suspension.¹ The act removes the general authorization to impose a discretionary driver's license suspension for these drug offenses and, instead, limits when the court may impose a suspension as a possible penalty to the following circumstances:

1. If the drug offense occurs under the same circumstances as an OVI-offense, the act retains a mandatory driver's license suspension of up to five years.
2. If the offender used a vehicle to further the commission of the offense, the act retains a discretionary driver's license suspension of up to five years.
3. If (1) or (2) do not apply, the act removes the possible penalty of a driver's license suspension for the drug offense.²

An offender whose license is suspended, in accordance with parameters detailed above, may file a motion with the sentencing court to terminate the suspension two years after it was imposed or the offender is released from jail or prison, whichever is later. This early termination is consistent with the termination procedures for the drug offense suspensions prior to the act's changes.³

The following table details the drug offenses that are impacted.

Drug offenses impacted by the act	
Revised Code	Description
R.C. 2925.02	Corrupting another with drugs
R.C. 2925.03	Drug trafficking

¹ References to "driver's license suspension" throughout this analysis includes a suspension of a commercial driver's license, temporary instruction permit, commercial driver's temporary instruction permit, and motorcycle operator's license or endorsement.

² R.C. 2929.33; R.C. Chapter 2925.

³ R.C. 2925.03(G)(1) and 2929.33(C)(2).

Drug offenses impacted by the act	
Revised Code	Description
R.C. 2925.04	Illegal manufacture of drugs or illegal cultivation of marijuana
R.C. 2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs
R.C. 2925.05	Funding of drug or marijuana trafficking
R.C. 2925.06	Illegal administration or distribution of anabolic steroids
R.C. 2925.11	Drug possession
R.C. 2925.12	Possessing drug abuse instruments
R.C. 2925.13	Permitting drug abuse
R.C. 2925.14	Illegal use or possession of drug paraphernalia (not for marijuana)
R.C. 2925.22	Deception to obtain a dangerous drug
R.C. 2925.23	Illegal processing of drug documents
R.C. 2925.31	Abusing harmful intoxicants
R.C. 2925.32	Trafficking in harmful intoxicants
R.C. 2925.36	Illegal dispensing of drug samples
R.C. 2925.37	Trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising
R.C. 4510.17	Commission of an out-of-state drug or OVI violation that is substantially similar to the Revised Code offenses

Failure to pay a court fine or fee

The act eliminates the immediate driver's license suspension and motor vehicle registration suspension associated with failure to pay a court fine or fee. Under law changed in part by the act, a person charged with a minor misdemeanor traffic or vehicle equipment offense must either appear at the time and place stated on the citation or, within seven days of the citation's issuance, sign the guilty plea and waiver of trial and either in person or via mail pay the *total* of court fines and fees. Previously, a person who failed to do any of the above was subject to a driver's license and motor vehicle registration suspension imposed by either the court, the

Registrar of Motor Vehicles, or both.⁴ The act removes the immediate suspensions for failure to pay a court fine or fee, but retains the court and Registrar-imposed suspension for failure to appear.

The act also retains the authorization for the court to issue a summons or arrest warrant for a person who fails to appear or pay the court fines and fees. Ultimately, a person with an outstanding arrest warrant is unable to renew a driver's license or motor vehicle registration.⁵ However, the act makes paying the court fines, fees, and costs more accessible by adding an option for a person to enter an installment plan with the clerk of court. If the person enters into an installment plan, the court cannot issue and must cancel any previously issued summons or arrest warrant for the person.⁶

Relatedly, the act requires, rather than authorizes as under prior law, the court to send a supplemental citation to the person. The court must wait to issue a summons, arrest warrant, or license suspension for the failure to appear until 30 days after the supplemental citation is issued. The act further authorizes the court to send the supplemental citation through electronic means.⁷

License as bond

The act also 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. Under prior law, a person could post bond by depositing the driver's license with the arresting officer. Then, when the person appeared in court to answer the traffic charges and pay any court fines, fees, and costs, the court returned the license to the person.⁸

Registrar reinstatement

By May 9, 2025, the Registrar must remove any suspensions of a person's driver's license or motor vehicle registration that were imposed by the Registrar for failure to pay a court fine or fee. Additionally, the Registrar must create a list of any individuals whose license or registration was suspended by a court for failure to pay a court fine or fee. The Registrar must send that list to the respective courts, who must then order the Registrar to remove the suspensions. The Registrar may not charge any fees, including reinstatement fees, for the reinstatement of these driver's licenses. Impacted individuals may reinstate their licenses at their local deputy registrar offices. However, if an individual has additional license suspensions, that individual will need to

⁴ R.C. 1901.44, 1905.202, 1907.25, 2935.26, 2935.27, 2937.221, repealed, 2947.09, and 4510.22; conforming changes in R.C. 4501.06, 4503.10, 4503.102, 4503.12, and 4503.39.

⁵ R.C. 4503.13 and 4507.091, not in the act.

⁶ R.C. 2935.26.

⁷ R.C. 2935.26 and 2935.27.

⁸ R.C. 2935.27; R.C. 2937.221, repealed; conforming changes in R.C. 4501.06, 4503.10, 4503.102, 4503.12, and 4503.39.

wait until the other suspensions are eligible for reinstatement. The Registrar must notify any impacted individual about the terms of and process for the driver's license reinstatement.⁹

Failure to pay child support

Under continuing 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 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.¹⁰

The act authorizes a person in default 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 may 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).¹¹ If the agency moves forward with the driver's license suspension, the act requires a 30-day grace period after sending the person notice of the impending suspension, in which the person may cooperate with the agency in satisfying the default or making other payment arrangements.¹²

Additionally, the act authorizes a person whose driver's license is suspended for failure to pay child support to file a motion in the court with jurisdiction over the child support order for limited driving privileges at any point, not just during a contempt proceeding, as under prior law.¹³ 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;

⁹ Section 5.

¹⁰ R.C. 3123.54, 3123.56, and 3123.58; R.C. 3123.55 and 3123.57, not in the act.

¹¹ R.C. 3123.56.

¹² R.C. 3123.54.

¹³ R.C. 3123.58.

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 to receive child care; and
6. Any other purpose the court determines to be appropriate.¹⁴

Under continuing law, the court must request the person subject to the driver's license suspension to provide a current noncertified copy of the person's driver's abstract from the Registrar before granting limited driving privileges. (This ensures that the person does not have any other suspensions or traffic offenses that might affect the court's decision on whether to grant those privileges.) Additionally, the court must request the child support enforcement agency to provide an opinion on the agency's position (in person, through a representative, or through a written document) regarding the request for limited driving privileges. The act requires the court to include in its order granting the limited driving privileges any conditions with which the person must comply in order to retain the privileges. The court then must issue a permit card or, as added by the act, any other written document setting forth the date on which limited driving privileges will become effective, the purposes of the privileges, the times and places the person may drive, and any other conditions imposed.¹⁵

Truancy

The act removes the possible administrative penalty of a driver's license suspension or denial of a driver's license for a habitually truant student. Additionally, any student who received either a driver's license suspension or the denial of the opportunity to obtain a permit or a license before the act's effective date because of habitual truancy may file a motion with the juvenile court to terminate the suspension or denial. The court, in its discretion, may order the Registrar to terminate the suspension or the denial, cancel the record related to it, and return or reissue a license to the student.¹⁶

Under prior law, a school district board of education could adopt a resolution that authorized, as one possible repercussion for habitual truancy, a driver's license suspension imposed by the Registrar. If the student did not yet have a driver's license (or temporary instruction permit), the opportunity to obtain the license or permit could also be denied.¹⁷

Proof of financial responsibility penalties

The act reduces the penalties for failing to provide proof of financial responsibility (e.g., motor vehicle insurance) when operating a motor vehicle. Under law unchanged by the act, a person must continuously maintain proof of financial responsibility throughout the registration period of a motor vehicle. A person who operates a motor vehicle without proof of financial

¹⁴ R.C. 4510.021(A) and (B), not in the act.

¹⁵ R.C. 3123.58(B)(1).

¹⁶ Section 4.

¹⁷ R.C. 3321.13, 3321.191, and 4510.32, repealed; conforming change in R.C. 4510.101.

responsibility is subject to a variety of penalties, including increased penalties for repeat violations.¹⁸

The act, however, reduces the penalties associated with this offense in several ways. Specifically, it decreases the five-year lookback period for repeat offenses to a one-year period. Thus, for a repeat offense to trigger increased penalties, it must occur within one year of the initial offense, rather than within five years. While the act retains a possible driver's license suspension and the associated reinstatement fees for the offense, it eliminates the following penalties:

- The suspension of a person's motor vehicle registration rights;
- Impoundment of the certificate of registration and license plates;
- The \$50 financial responsibility noncompliance fee when a person fails to voluntarily surrender the person's license, certificate of registration, or license plates.¹⁹

The act also increases from 15 days to 45 days the grace period, starting when the Registrar mails notice of the pending suspension order, during which a person may present the Registrar proof of financial responsibility to avoid a driver's license suspension.²⁰

SR-22 form

The act reduces the time from either three or five years down to one year that a person must file what is known as an SR-22 form with the Registrar. Under continuing law, if a person fails to provide proof of financial responsibility and the Registrar imposes the required administrative driver's license suspension, the person must regularly file proof with the Registrar that he or she is maintaining some form of proof of financial responsibility. This requirement is typically accomplished through an SR-22 form, issued by an insurance company. Prior to the act, the time during which a person had to file the proof varied, based on the suspension. If it was a Class A, B, or C suspension (one to three years), the person had to file and maintain such proof for five years, and if it was a Class D, E, or F suspension (until conditions are met to six months), the person had to file and maintain such proof for three years. The act reduces the time that the person must file the SR-22 form with the Registrar to only one year for all classes of suspensions.²¹

Additionally, the act removes the criminal penalties for operating a motor vehicle without proof of financial responsibility during the period that a person is required to continually file the SR-22 form with the Registrar. The offense under prior law was an unclassified misdemeanor with fines up to \$1,000 and up to 500 hours of community service. While the act removes the criminal penalties, a person who operates a motor vehicle without proof of financial responsibility during

¹⁸ R.C. 4509.101(A).

¹⁹ R.C. 4509.101(A); conforming changes in R.C. 4503.20(F), 4507.212(E), 4509.37, 4509.66, 4509.67, 4509.69, and 4509.77.

²⁰ R.C. 4509.101(D)(5).

²¹ R.C. 4509.45(D); conforming changes in R.C. 4509.101.

the one year of filing the SR-22 form will still face the civil penalties for failing to have the required proof.²²

Random Verification Program reinstatement

By May 9, 2025, the Registrar must remove any remaining driver's license suspensions that the Registrar imposed as the result of the Financial Responsibility Random Verification Program. H.B. 62 of the 133rd General Assembly eliminated that Program, effective July 3, 2019, but did not expressly lift any suspensions imposed under it.²³ The Registrar may not charge any fees, including reinstatement fees, for reinstatement of these driver's licenses. Impacted individuals may reinstate their licenses at their local deputy registrar offices. However, if an individual has additional license suspensions, that individual will need to wait until the other suspensions are eligible for reinstatement. The Registrar must notify any impacted individuals about the terms of and process for the driver's license reinstatement.²⁴

Stopping for on-track equipment at a railroad crossing

The act requires vehicle²⁵ operators to stop for on-track equipment at rail crossings in the same manner that operators are required to stop for trains. Thus, a vehicle operator must stop between 15 and 50 feet away from the tracks of a railroad crossing under any of the following circumstances:

1. A clearly visible electric or mechanical signal device gives off its warning for approaching or passing on-track equipment;
2. A flag person gives off a warning for approaching on-track equipment;
3. There is insufficient space on the other side of the railroad crossing so that the vehicle would block the tracks and obstruct on-track equipment from passing; and
4. Approaching on-track equipment is emitting an audible signal or is plainly visible, thus, making it hazardous to cross.²⁶

²² R.C. 4510.16.

²³ See the LSC [Final Analysis for H.B. 62 \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov.

²⁴ Section 6.

²⁵ "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, on, or by which any person or property may be transported or drawn along a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively on stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. R.C. 4511.01(A), not in the act.

²⁶ R.C. 4511.62(A)(1). The act retains requirements that vehicle operators stop when a crossing gate is lowered and when there is insufficient undercarriage clearance on a vehicle to safely negotiate the crossing.

Regarding (3) and (4) above, the vehicle operator must recklessly fail to stop under the given circumstances in order to violate the prohibition. The act does not specify a separate mens rea for (1) and (2) above. Presumably, these offenses would be strict liability offenses, as under preexisting law.²⁷

On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads. This type of equipment is used for tasks such as repairing the tracks, clearing snow, additional construction, and other activities needed to keep railroad tracks clean, clear, and safe for trains. The equipment is often as big as a locomotive and, thus, can be as dangerous around railroad crossings as a train.

Vehicles required to stop every time

Under continuing law, certain motor vehicle operators are required to stop, watch, and listen for trains at railroad crossings every time they approach such a crossing, including an operator of a school bus, school vehicle, vehicle transporting hazardous material regulated under federal law, and a specified construction vehicle. The act likewise requires those operators also to stop, watch, and listen for on-track equipment.²⁸

Penalties

The act applies the penalties for failure to stop, watch, and listen for a train to the failure to stop, watch, and listen for on-track equipment. Those penalties are as follows:

1. Failure to stop under any of the circumstances listed in (1) to (4) above: fourth degree misdemeanor;
2. An operator of a school bus, school vehicle, or vehicle carrying hazardous material that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor for first offense and fourth degree misdemeanor if it is the second offense or the offender previously was convicted of or pled guilty to another specified school bus-related offense; and
3. An operator of a construction vehicle that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor/predicate motor vehicle offense on a first offense and, a fourth degree misdemeanor if the offender has committed one predicate motor vehicle offense within one year, and a third degree

²⁷ R.C. 4511.62(A)(2)(b).

²⁸ R.C. 4511.63 and 4511.64(A); 49 Code of Federal Regulations Parts 100-185. Examples of construction vehicles include a crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway.

misdemeanor if the offender has committed two or more predicate motor vehicle offenses within one year.²⁹

Alternative rail safety course

The act authorizes a court, in lieu of imposing a fine or a jail term on a vehicle operator who failed to stop for a train or on-track equipment (penalty (1) above), to require instead that the offender successfully complete a remedial safety training or presentation regarding rail safety. The training or presentation must be offered by an authorized and qualified organization that is selected by the court and must be completed within 180 days (or less, if specified by the court). The offender must notify the court when the training or presentation is completed. The court then must waive the fine or jail term that it otherwise would have imposed.³⁰

HISTORY

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²⁹ R.C. 4511.62(C), 4511.63(D), and 4511.64(C). A predicate motor vehicle offense is a specified group of traffic offenses in which an offender is guilty of a minor misdemeanor for the first violation of any of the offenses within one year, a fourth degree misdemeanor for the second violation of any of the offenses within one year, and a third degree misdemeanor for a third or subsequent violation of any of the offenses within one year. R.C. 4511.01(III), not in the act.

³⁰ R.C. 4511.62(C)(2).