



Ohio Legislative Service Commission

Bill Analysis

Amanda M. Ferguson

H.B. 436

131st General Assembly
(As Passed by the House)

Reps. Cupp and Rogers, Amstutz, Arndt, Blessing, Celebrezze, Grossman, G. Johnson, Manning, S. O'Brien, Rezabek, Sheehy, Slaby, Sprague, Antonio, Ashford, Buchy, Dovilla, M. O'Brien, Patterson, Scherer, Sweeney

BILL SUMMARY

- Authorizes a judge who grants limited driving privileges to a second-time OVI offender to terminate the mandatory motor vehicle immobilization order at the time the judge grants the limited driving privileges.
- Authorizes the court to reinstate the immobilization order upon a showing of good cause that the offender violated a condition imposed on the offender by the court.

CONTENT AND OPERATION

Vehicle immobilization orders

Under current law, with regard to an offender who has committed two operating a vehicle while intoxicated ("OVI") offenses within six years, a judge must order a class four driver's license suspension (for a period of one to five years) and, if the vehicle used in the offense is registered in the offender's name, immobilization of the vehicle and impoundment of its license plates for 90 days.¹ The court is prohibited from granting limited driving privileges for the first 45 days of the suspension, but may grant limited driving privileges to the offender on or after the 46th day of the suspension.² Limited driving privileges may be granted to allow the offender to drive for purposes specified by the court, including for occupational, educational, vocational, or medical purposes.³

¹ R.C. 4510.02(A)(4) and 4511.19(G)(1)(b), not in the bill.

² R.C. 4510.13(A)(5)(e).

³ R.C. 4510.021, not in the bill.

The bill authorizes a judge that grants limited driving privileges to a second-time OVI offender to order the termination of the immobilization order to take effect concurrently with the granting of limited driving privileges. As a result, the bill eliminates the existing 45-day period during which an offender may be permitted to exercise limited driving privileges, but not be able to operate the offender's vehicle.

Under the bill, upon receiving information that the offender violated any condition imposed by the court at the time the immobilization order was terminated, the court may hold a hearing. Upon a showing of good cause that the offender violated a condition imposed by the court, the court may issue an order reinstating the immobilization order for the balance of the immobilization period that remained when the court originally ordered the termination of the order. The court must send notice of the termination or reinstatement of an order to the Registrar of Motor Vehicles.⁴

HISTORY

ACTION	DATE
Introduced	01-26-16
Reported, H. Judiciary	05-04-16
Passed House (96-0)	05-24-16

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⁴ R.C. 4510.13(A)(5)(e).

