



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

Amanda M. Ferguson

### H.B. 436

131st General Assembly  
(As Passed by the General Assembly)

**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

**Sens.** LaRose, Eklund, Hackett, Hite, Manning, Patton, Seitz, Tavares, Yuko

**Effective date:** April 6, 2017

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## ACT 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 by the court.

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## CONTENT AND OPERATION

### Vehicle immobilization orders

#### Background

Under continuing law, if an offender has committed a second OVI (operating a vehicle while under the influence of drugs or alcohol) offense within six years, a judge must impose a class four driver's license suspension equal to a period of one to five years. If the vehicle used in the offense is registered in the offender's name, the judge must order immobilization of the vehicle and impoundment of its license plates for 90 days.<sup>1</sup> The court is prohibited from granting limited driving privileges to the offender

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\* This version updates the effective date.

<sup>1</sup> R.C. 4510.02(A)(4) and 4511.19(G)(1)(b), not in the act. Other penalties also apply.

for the first 45 days of the driver's license suspension (the "hard period" of suspension), but may grant limited driving privileges to the offender on or after the 46th day.<sup>2</sup> Limited driving privileges allow the offender to drive for purposes specified by the court, including occupational, educational, vocational, or medical purposes.<sup>3</sup>

### **Termination of an immobilization order**

The act authorizes a judge who 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 act 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 act, 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. 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 immobilization order upon a showing of good cause that the offender violated a condition imposed by the court. The court must send notice of the termination or reinstatement of an immobilization order to the Registrar of Motor Vehicles.<sup>4</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	01-26-16
Reported, H. Judiciary	05-04-16
Passed House (96-0)	05-24-16
Reported, S. Transportation, Commerce & Labor	12-05-16
Passed Senate (32-0)	12-07-16

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<sup>2</sup> R.C. 4510.13(A)(5)(e).

<sup>3</sup> R.C. 4510.021, not in the act.

<sup>4</sup> R.C. 4510.13(A)(5)(e).

