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H.B. 158*
133rd General Assembly

Bill Analysis

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Version: As Reported by S. Local Gov't, Public Safety and Veterans Affairs

Primary Sponsor: Rep. Blessing

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SUMMARY

- Authorizes a court to grant limited driving privileges to an offender on a first offense for failure to maintain financial responsibility for a motor vehicle (e.g., motor vehicle insurance).
- Waives the filing fee for a petition for limited driving privileges for an individual (1) whose license is suspended as a result of failure to maintain proof of financial responsibility and (2) who qualifies as indigent.

DETAILED ANALYSIS

Proof of financial responsibility

Background

The Revised Code prohibits an individual from operating a motor vehicle in Ohio without maintaining proof of financial responsibility (e.g., motor vehicle insurance) continuously throughout the registration period with respect to that vehicle, or in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.¹ "Proof of financial responsibility" means "proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle" in specified amounts.²

* This analysis was prepared before the report of the Senate Local Government, Public Safety and Veterans Affairs Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

¹ R.C. 4509.101(A)(1).

² R.C. 4509.01(K).

Failure to produce proof of financial responsibility

A person is required to provide proof of financial responsibility in certain circumstances, such as when stopped for a traffic violation.³ The law imposes civil penalties for failure to maintain financial responsibility as required, which are explained as follows:

- On a first offense:
 - Suspension of driver's license until requirements are met (generally the requirement is to present proof of financial responsibility);
 - \$100 reinstatement fee.⁴
- On a second offense that occurs within five years of the first violation:
 - Suspension of driver's license for one year (the court may grant limited driving privileges, but not for the first 15 days of the suspension, and only if the person presents proof of financial responsibility);
 - \$300 reinstatement fee.⁵
- On a third (or more) offense that occurs within five years of the first violation:
 - Suspension of driver's license for two years (the court may grant limited driving privileges, but not for the first 30 days of the suspension, and only if the person presents proof of financial responsibility);
 - \$600 reinstatement fee.⁶

Indigency waiver and limited driving privileges

As implied above, a court may grant a person limited driving privileges on a second or third offense, but not on a first offense. That is, current law does not state that a person, who fails to maintain proof of financial responsibility once and is unable to pay reinstatement fees, may be granted limited driving privileges. The bill allows a court to grant limited driving privileges on a first offense, but only if the person presents proof of financial responsibility and is enrolled in a driver's license reinstatement fee payment plan (which allows an offender to pay the reinstatement fee in installments of \$50 per month or more).⁷

³ R.C. 4509.101(A)(3).

⁴ R.C. 4509.101(A)(2)(a) and (d) and (A)(5).

⁵ R.C. 4509.101(A)(2)(b) and (d) and (A)(5).

⁶ R.C. 4509.101(A)(5)(c) and (d).

⁷ R.C. 4509.101(A)(2)(a). Generally, unless expressly authorized by the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the Bureau of Motor Vehicles (BMV). The suspension at issue here is imposed by the BMV. R.C. 4510.021(B).

To apply for limited driving privileges, an individual generally has to file a petition for limited driving privileges, the cost of which varies in each court. The bill allows a clerk of court to waive the cost of filing a petition for limited driving privileges if the petitioner applies – by filing an affidavit of indigency – to be qualified as an indigent litigant and the court approves the application.⁸

HISTORY

Action	Date
Introduced	03-21-19
Reported, H. Transportation and Public Safety	06-26-19
Passed House (90-2)	10-02-19
Reported, S. Local Gov't, Public Safety & Veterans Affairs	---

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⁸ R.C. 4509.101(A)(2)(d).