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H.B. 285
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsors: Reps. Greenspan and Brent

Effective date: September 15, 2020

Margaret E. Marcy, Attorney

SUMMARY

- Establishes a permanent Driver's License Reinstatement Fee Debt Reduction and Amnesty Program as an expansion of the temporary reduction and amnesty initiative that operated in 2019.
- Specifies that, under the program, eligible persons may have their driver's licenses reinstated after a driver's license suspension by paying reduced reinstatement fees or by receiving a complete waiver of those fees.
- Requires the Director of Public Safety to administer the program.
- Separates the program into two phases:
 - First phase: for suspensions that occurred prior to the act's September 15, 2020, effective date;
 - Second phase: for suspensions that occur after that date.
- Establishes eligibility requirements for participation in the program (e.g., the underlying offense, when the offense occurred, and prior participation in the program).
- Establishes qualifications for a reduction or a complete waiver of fees, based on whether the person participates in specified government aid programs.
- Requires the Director to identify eligible participants and to send an eligible person an automatic notice that the person has been enrolled in the program.
- Allows a person to apply for the program if that person believes he or she is eligible, but did not receive the Director's notice.
- Specifies that any person who receives a reduction or complete waiver of reinstatement fees is not eligible for a subsequent reduction or complete waiver through the program.

- Generally specifies that a person's driver's license may be reinstated after the person receives a waiver or is placed on a payment plan under the program.
- Requires the Director to make information about the program available on the Department of Public Safety and Bureau of Motor Vehicle websites and to establish a toll-free telephone number for information about the program.

DETAILED ANALYSIS

Driver's license reinstatement fees: background

Generally, the Registrar of Motor Vehicles¹ may not reinstate a suspended driver's license or temporary instruction permit until the driver complies with all license reinstatement conditions, including paying all reinstatement fees. Under continuing law, unchanged by the act, if a municipal or county court determines that a person cannot pay all reinstatement fees at one time, the court may allow that person to pay the fees through either an installment payment plan or a payment extension plan. Additionally, the Registrar is authorized to create through rule a similar installment payment plan for reinstatement fees. However, under former law, neither the courts nor the Registrar were allowed to reduce or waive reinstatement fees.²

The 132nd General Assembly established a temporary program, entitled the "Reinstatement Fee Amnesty Initiative" (H.B. 336). Originally running for six months from January 31 to July 31, 2019, the program required the Registrar to reduce or waive license reinstatement fees for applicants whose driver's licenses or permits were suspended for eligible offenses and who met certain conditions. The 2019 main operating budget (H.B. 166 of the 133rd General Assembly) extended the program, effective October 17, 2019, until December 31, 2019.

Permanent program

The act establishes a permanent program called the "Driver's License Reinstatement Fee Debt Reduction and Amnesty Program," which is administered by the Department of Public Safety. The program only applies to a regular driver's license or permit suspension; it does not apply to a commercial driver's license or permit suspension.³

The Department must implement the program in two phases, one that applies to drivers whose offenses (see "**Eligible offenses**," below) occurred prior to September 15, 2020 (the act's effective date), and one that applies to drivers whose offenses occur after that date. A person may have reinstatement fees reduced or waived through the program only once. Further, a person who is eligible for the first phase is not eligible to participate in the second phase, regardless of whether the person actually participates in the first phase. A person who

¹ The Registrar is housed within the Department of Public Safety.

² R.C. 4510.10(A) and (B), not in the bill.

³ R.C. 4510.101(E) and 4510.102.

has reinstatement fees reduced or waived in the second phase of the program may not subsequently participate in the program. Thus, eligibility for phase one, and participation in phase two, results in a permanent bar for subsequent enrollment in the program.⁴

Automatic enrollment; optional application

Rather than requiring a person to apply for reinstatement fee reduction or amnesty, the Director of Public Safety must identify anyone eligible to participate and send an automatic notice (through regular mail or email) that enrolls each person in the program (see “**Enrollment procedures and administration,**” below).⁵ However, while not required, a person may apply for the program either by regular mail, online, or in-person at the BMV or a deputy registrar office.⁶

For both the first and second phases, the Director will not automatically enroll a person in the program until at least 18 months have elapsed since the completion of at least one of the person’s suspensions. The purpose of the program is to assist people who cannot afford to pay all of their pending reinstatement fees. Thus, the waiting period is designed to ensure that a person who can readily pay his or her reinstatement fees will still do so (i.e., a person is not going to wait 18 months after completing a suspension to reinstate driving privileges just to avoid a reinstatement fee that he or she can afford to pay).

However, a person who is indigent is unlikely to be able to afford reinstatement fees at any time. Thus, while the Director will not automatically enroll a person until the 18-month waiting period has passed, a person may apply for participation in the program at any time. If the person qualifies for the program and the person is indigent, the qualifying reinstatement fees will be waived immediately, without waiting the additional 18 months after the completion of the suspension.⁷

Incomplete suspensions

As indicated above, a person may only participate in the program once, and eligibility for phase one or phase two is based on when the underlying eligible offense occurred. As a result, it is possible that an eligible participant will not have completed the suspension term for all of the offenses eligible for the reinstatement fee reduction or waiver. Rather than waiting until all suspensions are completed (and potentially adding additional suspensions during that time), once the Director identifies a person as eligible for the program, both of the following apply:

1. For both a reduction or waiver under the first phase, the Director must include the reinstatement fees for any additional eligible offense that occurred prior to

⁴ R.C. 4510.103(A) and (D) and 4510.104(A) and (D).

⁵ R.C. 4510.103, 4510.104, and 4510.106.

⁶ R.C. 4510.107(B).

⁷ R.C. 4510.103(A), 4510.104(A), 4510.106(A) and (C), and 4510.107(B).

September 15, 2020, regardless of whether the participant has completed the term of the suspension.

2. For both a reduction and waiver under the second phase, the Director must include the reinstatement fees for any additional eligible offense that occurs after September 15, 2020, but prior to the date of enrollment in the program, regardless of whether the participant has completed the term of the suspension.

For both phases, the participant must still complete the suspensions for any additional eligible offenses, as required by the court.⁸

Reduction amounts

If a person is eligible for a reinstatement fee reduction and owes a reinstatement fee for one eligible offense, the person must pay 50% of the reinstatement fee owed. If the person owes reinstatement fees for multiple eligible offenses, the person must pay either the lowest reinstatement fee owed or 10% of the total amount owed – whichever amount is greater.⁹

Any payment plan for a participant with reduced reinstatement fees must be at least \$25 per month. A participant may submit payments by regular mail, online, or in-person at the BMV or a deputy registrar office (but all in-person payments must be accompanied by the \$10 deputy registrar/BMV fee). Additionally, the Director may include reinstatement fees the participant owes for noneligible offenses in the payment plan, so that a participant has one, rather than multiple, monthly payments.¹⁰

Indigency determination

A person is considered indigent and is eligible for a complete waiver of pending reinstatement fees if the person participates in one of the following programs:

1. The Supplemental Nutrition Assistance Program (SNAP);
2. Medicaid;
3. Ohio Works First;
4. Supplemental Security Income; or
5. The U.S. Department of Veterans Affairs Pension Benefit Program.¹¹

The Director must grant the waiver to an eligible participant who submits the proper documentation for the waiver showing indigence.¹²

⁸ R.C. 4510.103(E) and 4510.104(E).

⁹ R.C. 4510.103(B) and 4510.104(B).

¹⁰ R.C. 4510.105 and 4510.10, not in the bill.

¹¹ R.C. 4510.101(F).

¹² R.C. 4510.103(C) and 4510.104(C).

Enrollment procedures and administration

The Director must automatically enroll any person who is eligible for the program and send the person a notice that he or she has been enrolled either through regular mail or email. As indicated above, a person must be enrolled into the program when all of the following apply:

1. The person's driver's license or permit has been suspended for one or more eligible offense(s);
2. At least 18 months have expired since the end of the suspension period for at least one of the person's eligible offenses;
3. The person owes reinstatement fees; and
4. The person was not enrolled previously in the program.¹³

After the initial notice, the Director may send additional notices regarding participation in the program as the Director determines appropriate. The Director may search the BMV records or the Office of Vital Statistics records to verify a person's last known address, residency, and whether the person is living or deceased before sending the enrollment notice. If the search reveals that the person is deceased, the Director may remove that person and that person's associated debts from the Department's records.¹⁴

The enrollment notice must include:

1. A statement that the person is enrolled in the program and may either begin making installment payments or submit proof of indigence;
2. A statement listing the total amount of reinstatement fees being reduced and their corresponding eligible offenses;
3. A statement that \$25 is the minimum monthly installment payment;
4. A statement explaining that the person may be eligible for a full waiver of the reinstatement fees if the person can demonstrate proof of indigence;
5. A statement that the person needs to complete any remaining term of suspension ordered by the court, if not already completed, before the person's driver's license may be reinstated;
6. Any other information necessary to explain the program and its requirements, including a list of the documents required to prove indigence.¹⁵

The Director must enroll an eligible person in the appropriate phase, initially under the presumption that the person qualifies for a reduction of pending reinstatement fees. If the person qualifies for a complete waiver, the person may submit the necessary documents to

¹³ R.C. 4510.106(A) and (C).

¹⁴ R.C. 4510.107(A).

¹⁵ R.C. 4510.106(B) and (D).

prove indigence. On acceptance of that documentation, the person will instead receive the complete waiver of the pending reinstatement fees.¹⁶ After either the waiver or placement on a payment plan, provided the person does not need to complete the term of suspension for any remaining offenses and provided the person presents proof of financial responsibility (automobile insurance), the BMV will reinstate the participant's driver's license.¹⁷

A person who believes he or she is eligible for the program, but who did not receive the Director's notice, may still apply to participate in the program either by regular mail, online, or in-person at the BMV or a deputy registrar office. Any person who applies in-person, however, must pay the \$5 deputy registrar fee.¹⁸

Other requirements

The act requires the Director to conduct a public service announcement about the program and its requirements, and make that information available on the Department and BMV's websites. The Director also must establish a toll-free telephone number that a person can call to find out more information about the program and whether the person is eligible for it. The Director must include the toll-free telephone number in the public service announcements. Additionally, the act authorizes the Director to adopt rules establishing any additional requirements and procedures necessary to administer and implement the program permanently.¹⁹

Eligible offenses

Below is a list of the eligible offenses and a brief description of each offense. The offense, however, cannot involve alcohol, a drug of abuse, a combination thereof, or a deadly weapon.²⁰

- Unruly child (R.C. 2151.354);
- Delinquent child (R.C. 2152.19);
- Juvenile traffic offender (R.C. 2152.21);
- Theft of gasoline (R.C. 2913.02);
- Incompetence by examination (R.C. 4507.20);
- Operating vehicle without proof of insurance (R.C. 4509.101);

¹⁶ R.C. 4510.106(B)(1) and (D)(1).

¹⁷ R.C. 4510.105(A).

¹⁸ R.C. 4510.107(B) and 4503.038, not in the bill.

¹⁹ R.C. 4510.108.

²⁰ R.C. 4510.101(A).

- Failure to pay security deposit, or failure to request a hearing after receiving notice regarding a motor vehicle accident (R.C. 4509.17);
- Default on a payment that was required by written agreement after a motor vehicle accident (R.C. 4509.24);
- Nonpayment of a judgment (R.C. 4509.40);
- Repeat traffic offender (R.C. 4510.037);
- Violation of a municipal ordinance that is substantially similar to a statutory violation that imposes a suspension (R.C. 4510.05);
- Suspension under the federal Assimilative Crimes Act (R.C. 4510.06);
- Reckless operation (R.C. 4510.15);
- Failure to appear or failure to pay a fine related to specific vehicle-related violations (R.C. 4510.22);
- Incompetency adjudication (R.C. 4510.23);
- Commission of specific motor vehicle offenses by a minor (R.C. 4510.31);
- Habitual absence from school (R.C. 4510.32);
- Wrongful entrustment of a motor vehicle (R.C. 4511.203);
- Use of an electronic wireless communication device by a minor while driving (R.C. 4511.205);
- Street racing (R.C. 4511.251);
- Failure to stop for a school bus (R.C. 4511.75);
- Failure to stop after an accident (R.C. 4549.02);
- Failure to stop after a nonpublic road accident (R.C. 4549.021); and
- Trafficking in cigarettes or tobacco products with intent to avoid tax, when a motor vehicle was used in the offense (R.C. 5743.99).²¹

HISTORY

Action	Date
Introduced	06-12-19
Reported, H. Transportation & Public Safety	10-30-19
Passed House (91-1)	11-06-19

²¹ R.C. 4510.101(A).

Action	Date
Reported, S. Local Gov't, Public Safety & Veterans Affairs	05-15-20
Passed Senate (32-0)	05-20-20
House concurred in Senate amendments (93-0)	05-28-20