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S.B. 37
135th General Assembly*

Bill Analysis

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Version: As Reported by Senate Judiciary

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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 offense occurs under the same circumstances as an OVI-offense or the offense relates to causing others to use, manufacture, or traffic a drug of abuse and the offender used a vehicle to further the commission of the offense.
- Authorizes any person whose license currently is suspended for a drug offense that no longer carries a driver's license suspension to apply to have the suspension removed.

Failure to pay a court fine or appear

- Eliminates the 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.
- Requires, rather than authorizes as under current law, 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.

* This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- 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 the list to the applicable 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 the reinstatement of a driver's license or motor vehicle registration associated with those 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 a 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 as under current law.

Truancy

- Removes a 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 the student's 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 motor 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 at the date 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 amount of 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. a 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 a SR-22 form.

Random Selection Verification Program

- Requires the Registrar to remove any remaining driver's license suspensions associated with the Financial Responsibility Random Verification Program (which was repealed through H.B. 62 of the 133rd General Assembly).
- Prohibits the Registrar from charging any reinstatement fees for the reinstatement of a driver's license associated with the program.

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DETAILED ANALYSIS

Driver's license suspensions

Drug offenses

Under current law, many drug offenses carry a possible penalty of a driver's license suspension.¹ The bill partially removes that possible penalty, depending on the circumstances surrounding the offense. Specifically:

1. If the drug offense occurs under the same circumstances as an operating a vehicle under the influence offense (OVI-offense), the bill retains the mandatory driver's license suspension of up to five years.
2. If the drug offense relates to causing others to use the drug of abuse, manufacturing the drug of abuse, or trafficking the drug of abuse **and** the offender used a vehicle to further the commission of the offense, the bill retains a discretionary driver's license suspension of up to five years.
3. If (1) or (2) do not apply, the bill 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 for the sentencing court to terminate the suspension two years after the suspension was imposed or the offender is released from jail or prison, whichever date is later. This early termination is consistent with current law for such suspensions.³

The following table details the drug offenses and the circumstances under which a court may impose a driver's license suspension on the offender under the bill. Under current law, for all of the offenses listed below, a court may impose a driver's license suspension for any commission of the offense and must impose a suspension if the offense occurs under the same circumstances as an OVI-offense.

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).

Driver's license suspension changes under the bill		
Revised Code	Description	Court-imposed driver's license suspension
R.C. 2925.02	Corrupting another with drugs	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.03	Drug trafficking	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.04	Illegal manufacture of drugs or illegal cultivation of marijuana	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.05	Funding of drug or marijuana trafficking	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.

Driver's license suspension changes under the bill		
Revised Code	Description	Court-imposed driver's license suspension
R.C. 2925.06	Illegal administration or distribution of anabolic steroids	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.11	Drug possession	<ul style="list-style-type: none"> ▪ Discretionary suspension for a first degree, second degree, or third degree felony offense if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.12	Possessing drug abuse instruments	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.13	Permitting drug abuse	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.14	Illegal use or possession of drug paraphernalia (not for marijuana)	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.141*	Illegal use or possession of drug paraphernalia (for marijuana)	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.

* R.C. 2925.141 is not in the bill because these parameters for a driver's license suspension are already part of current law.

Driver's license suspension changes under the bill		
Revised Code	Description	Court-imposed driver's license suspension
R.C. 2925.22	Deception to obtain a dangerous drug	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.23	Illegal processing of drug documents	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.31	Abusing harmful intoxicants	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.32	Trafficking in harmful intoxicants	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.36	Illegal dispensing of drug samples	<ul style="list-style-type: none"> ▪ Discretionary suspension if a vehicle was used to further the commission of the offense; ▪ Mandatory suspension if the offense occurs in conjunction with an OVI-offense.
R.C. 2925.37	Trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising	Mandatory suspension only if the offense occurs in conjunction with an OVI-offense.
R.C. 4510.17	Commission of an out-of-state drug or OVI violation that is substantially similar to the Revised Code offenses	For the drug offenses, only when the offender's license, permit, or privilege is required to be suspended, had the offense occurred in Ohio.

Termination of current suspension

The bill authorizes a person whose driver's license was suspended, prior to the effective date of the bill's changes, to apply to the court to have the suspension terminated if the person's license would not be subject to a license suspension based on the bill's changes.

However, a person who either pled guilty to or was convicted of an OVI offense arising out of the same set of circumstances as the drug offense may not request the termination of the suspension. A court has discretion over whether to terminate the suspension for any applicant so requesting the termination under the bill.⁴

Failure to pay a court fine or fee

The bill eliminates the driver's license suspension and motor vehicle registration suspension associated with failure to pay a court fine or fee. Under current law, a person who either fails to appear in court or fails to pay a court fine or fee associated with a minor misdemeanor traffic or vehicle equipment offense is subject to a driver's license and motor vehicle registration suspension imposed by either the court, the Registrar, or both.⁵ The bill removes the suspensions for failure to pay a court fine or fee, but retains the suspension for failure to appear. However, the bill requires, rather than authorizes as under current 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 bill authorizes the court to send the supplemental citation through electronic means.⁶

Additionally, the bill adds an option for a person to enter into an installment payment plan for all court fines, fees, and costs with the clerk of the court. If the person enters into a payment plan, the court cannot issue and must cancel a previously issued summons or arrest warrant for the person.⁷

License as bond

Relatedly, the bill 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 current law, a person may post bond by depositing the driver's license with the arresting officer. Then, when the person appears in court to answer the traffic charges and pays any court fines, fees, and costs, the court returns the license to the person.⁸

⁴ R.C. Chapter 2925. Technical change also made in R.C. 4510.111 to remove a reference to a driver's license suspension for a minor who possesses, uses, purchases, or receives tobacco products (R.C. 2151.87). H.B. 166 of the 133rd General Assembly removed the suspension.

⁵ 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.

⁶ R.C. 2935.26 and 2935.27.

⁷ R.C. 2935.26.

⁸ R.C. 2935.27, 2937.221, repealed, and 2937.40; conforming changes in R.C. 4501.06, 4503.10, 4503.102, 4503.12, and 4503.39.

Registrar reinstatement

Within 30 days of the bill's effective date, the bill requires the Registrar to 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 then send that list to the respective courts, who must then order the Registrar to remove the applicable 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 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 current 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 bill authorizes a person in default of child support obligations 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 a commercial motor vehicle for a living). Additionally, the agency is authorized to 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 bill requires a 30-day grace period after sending the person

⁹ Section 5.

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

¹¹ R.C. 3123.56(C)(2).

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 bill 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 current 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;
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 for purposes of receiving child care; and
6. Any other purpose the court determines to be appropriate.¹⁴

Under current 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 bill requires the court to include in the order granting limited driving privileges any conditions the person must comply with in order to retain the limited driving privileges. The court then must issue a permit card or, as added by the bill, 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 bill removes the possible administrative penalty of a driver's license suspension or denial or a driver's license for a habitually truant student. Under current law, a board of education of a school district may adopt a resolution that authorizes, as one possible

¹² R.C. 3123.54.

¹³ R.C. 3123.58.

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

¹⁵ R.C. 3123.58(B)(1) and (2).

repercussion for habitual truancy, a driver's license suspension imposed by the Registrar. If the student does not yet have a driver's license (or temporary instruction permit), the opportunity to obtain the license or permit may also be denied. Similar repercussions may also be imposed on a student who is suspended or expelled from school. The bill removes this potential driver's license suspension or denial.¹⁶

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 bill's effective date because of habitual truancy may file a motion with the juvenile court to have that suspension or denial terminated. The court, in its discretion, may order the Registrar to terminate the suspension or the denial, cancel the record related to the suspension or denial, and return or reissue a license to the student.¹⁷

Proof of financial responsibility penalties

The bill reduces the penalties for failing to provide proof of financial responsibility (e.g., motor vehicle insurance) when operating a motor vehicle. Under current law, 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 responsibility is subject to a variety of penalties, including a driver's license suspension, suspension of motor vehicle registration rights, impoundment of the certificate of registration and license plates of the subject motor vehicle, and reinstatement fees. If, within five years of the offense, a person commits additional violations of the prohibition, the person is subject to increasing penalties (primarily a longer driver's license suspension and higher reinstatement fees).¹⁸

The bill reduces the penalties associated with this offense in two 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 has to occur within one year of the initial offense. Additionally, the bill eliminates the suspension of a person's motor vehicle registration rights and impoundment of the certificate of registration and license plates as penalties for the offense. Furthermore, the bill eliminates 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 bill also increases from 15 days to 45 days the grace period, starting at the date the Registrar mails notification of the pending suspension order, during which a person

¹⁶ R.C. 3321.13, 3321.191, and 4510.32, repealed; conforming change in R.C. 4510.101.

¹⁷ Section 4.

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.

may present the Registrar proof of financial responsibility in order to avoid a driver's license suspension.²⁰

SR-22 form

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

Additionally, the bill removes the current law 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 current law is an unclassified misdemeanor with fines up to \$1,000 and up to 500 hours of community service. While the bill removes the criminal penalties, a person who operates a motor vehicle without proof of financial responsibility during the one year of filing the SR-22 form would still face all applicable civil penalties for failing to have the required proof.²²

Random Verification Program reinstatement

Within 30 days of the bill's effective date, the bill requires the Registrar to 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, 2019.²³ 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 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.²⁴

²⁰ R.C. 4509.101(D)(5).

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

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.

HISTORY

Action	Date
Introduced	01-31-23
Reported, S. Judiciary	---
