



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Helena Volzer

### **Sub. H.B. 336**

132nd General Assembly  
(As Reported by H. Insurance)

**Reps.** Barnes, Greenspan

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### **BILL SUMMARY**

- Requires the Registrar of Motor Vehicles to establish a temporary six-month driver's license reinstatement fee debt reduction and waiver program for offenders whose driver's licenses have been suspended for specified offenses.
- Establishes eligibility requirements for reinstatement fee reduction, which include a requirement that at least 18 months have expired since a suspension was imposed.
- Establishes eligibility requirements for reinstatement fee waiver, which include a requirement that the offender is indigent.
- Specifies that an offender must comply with all other court-ordered sanctions related to an offense to be eligible for a fee reduction or waiver.
- Specifies that an offender is not eligible for a reinstatement fee reduction or waiver if the offense that led to the driver's license suspension, an essential element of the offense, the basis of the charge, or any underlying offense involved alcohol, a drug of abuse, or a deadly weapon.
- Authorizes the Registrar to establish requirements and procedures necessary to administer and implement the program.
- Requires the Registrar to conduct a public service announcement regarding the program and its requirements and to make such information available on the Bureau of Motor Vehicle's website.
- Entitles the act the "Reinstatement Fee Amnesty Initiative."

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## CONTENT AND OPERATION

### Background

Under current law, the Registrar of Motor Vehicles may not reinstate the driver's license of a person whose license has been suspended until the person does both of the following:

- (1) Pays all reinstatement fees that apply; and
- (2) Complies with all other conditions for license reinstatement, which vary depending on the offense and the court's discretion.

When a municipal or county court determines that a person cannot reasonably pay reinstatement fees, the court may establish an installment payment plan or a payment extension plan for the person.<sup>1</sup>

### Reinstatement fee debt reduction and waiver program

The bill requires the Registrar to establish a temporary six-month driver's license reinstatement fee debt reduction and waiver program within 90 days of the bill's effective date. The program applies to reinstatement fees incurred as a result of the suspension of a driver's license or permit, but does not apply to commercial driver's licenses and permits.<sup>2</sup>

#### Eligibility for reinstatement fee reduction

An offender whose driver's license or permit has been suspended as a result of an eligible offense (see, "**Eligible offenses**," below) may apply to the Registrar for driver's license reinstatement fee debt reduction if all of the following apply:

- (1) The offender has completed all court-ordered sanctions related to the eligible offense other than the payment of reinstatement fees;
- (2) The offense that led to the suspension, an essential element of the offense, the basis of the charge, or any underlying offense did not involve alcohol, a drug of abuse, or a deadly weapon; and
- (3) At least 18 months have expired since the court imposed the suspension.

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<sup>1</sup> R.C. 4510.10(A) and (B).

<sup>2</sup> Section 1(B) and (A)(5).



The Registrar must grant the reinstatement fee debt reduction to an offender who is eligible for it as follows:

(1) If the offender owes reinstatement fees for multiple eligible offenses, the offender is required to pay only the lowest reinstatement fee owed for those offenses; or

(2) If the offender owes reinstatement fees for one eligible offense, the offender must pay one-half of the reinstatement fee owed for that offense.<sup>3</sup>

### **Eligibility for reinstatement fee waiver**

An offender whose driver's license or permit has been suspended as a result of an eligible offense may apply to the Registrar for a fee waiver if all of the following apply:

(1) The offender has completed all court-ordered sanctions related to the eligible offense other than the payment of reinstatement fees;

(2) The offense that led to the suspension, an essential element of the offense, the basis of the charge, or any underlying offense did not involve alcohol, a drug of abuse, or a deadly weapon; and

(3) The offender can demonstrate proof of indigence by providing documentation in a form approved by the Registrar.

The Registrar must grant the fee waiver to an offender who is eligible for it.<sup>4</sup>

### **Other requirements**

The bill requires the Registrar to conduct a public service announcement regarding the driver's license reinstatement fee debt reduction and waiver program that includes a description of the program and its requirements. The Registrar must make this information available on the Bureau of Motor Vehicle's website.<sup>5</sup> Finally, the bill authorizes the Registrar to establish any additional requirements and procedures necessary to administer and implement the program, and entitles the act the "Reinstatement Fee Amnesty Initiative."<sup>6</sup>

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<sup>3</sup> Section 1(A)(1), (C)(1), and (D)(1).

<sup>4</sup> Section 1(A)(1), (C)(2), and (D)(2).

<sup>5</sup> Section 1(E).

<sup>6</sup> Section 1(F) and Section 2.

## Eligible offenses

Below is a list of the eligible offenses and a brief description of each offense:

- R.C. 2151.354, Unruly child.
- R.C. 2152.19, Delinquent child.
- R.C. 2152.21, Juvenile traffic offender.
- R.C. 2907.24, Solicitation with a motor vehicle.
- R.C. 2913.02, Theft of gasoline.
- R.C. 4507.20, Incompetence by examination.
- R.C. 4509.101, Operating vehicle without proof of insurance.
- R.C. 4509.17, Failure to pay security deposit or request a hearing after receiving notice from the Registrar regarding a motor vehicle accident.
- R.C. 4509.24, Default on a payment that was required by written agreement after a motor vehicle accident.
- R.C. 4509.40, Nonpayment of a judgment.
- R.C. 4510.037, Repeat traffic offender (12-point suspension).
- R.C. 4510.05, Violation of a municipal ordinance that is substantially similar to a statutory violation for which suspension may be imposed.
- R.C. 4510.06, Suspension under federal Assimilative Crimes Act.
- R.C. 4510.15, Reckless operation.
- R.C. 4510.22, Failure to appear or pay a fine related to specific vehicle-related violations.
- R.C. 4510.23, If adjudicated incompetent.
- R.C. 4510.31, Commission of specified motor vehicle offenses under age 18.
- R.C. 4510.32, Habitual absence from school.
- R.C. 4511.203, Wrongful entrustment of a motor vehicle.



- R.C. 4511.205, Use of an electronic wireless communication device by a minor while driving.
- R.C. 4511.251, Street racing.
- R.C. 4511.75, Failure to stop for a school bus.
- R.C. 4549.02, Failure to stop after an accident.
- R.C. 4549.021, Failure to stop after a nonpublic road accident.
- R.C. 5743.99, Trafficking in cigarettes or tobacco products with an intent to avoid tax, when a motor vehicle was used in the offense.<sup>7</sup>

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## HISTORY

ACTION	DATE
Introduced	09-05-17
Reported, H. Insurance	11-29-17

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<sup>7</sup> Section 1(A).

