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H.B. 29*
135th General Assembly

Bill Analysis

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Version: As Reported by Senate Judiciary

Primary Sponsors: Reps. Humphrey and Brewer

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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 offender used a vehicle to further the commission of the offense or, as retained from current law, the offense occurs under the same circumstances as an OVI-offense.

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.
- Authorizes the supplemental citation to be sent through electronic means to the offender.

* 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.

- 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 the 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., an 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 an 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.

Stopping for on-track equipment at a railroad crossing

- Requires a vehicle operator to stop for on-track equipment that may be approaching a railroad crossing.
- Requires school vehicle operators, hazardous materials transporters, and certain construction equipment operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing in the same manner as for trains.
- Applies existing penalties to the requirements specified above.
- Generally authorizes a court to order an offender to attend and successfully complete a remedial safety training or presentation regarding rail safety in lieu of a fine or jail term for failing to stop appropriately at a railroad crossing.

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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 removes the general authorization for a court to impose a driver's license suspension for these offenses, but continues to allow the court to impose a suspension in limited circumstances. 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 current law's mandatory driver's license suspension of up to five years.
2. If 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 that are impacted 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).

Drug offenses impacted by the bill	
Revised Code	Description
R.C. 2925.02	Corrupting another with drugs
R.C. 2925.03	Drug trafficking
R.C. 2925.04	Illegal manufacture of drugs or illegal cultivation of marijuana
R.C. 2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs
R.C. 2925.05	Funding of drug or marijuana trafficking
R.C. 2925.06	Illegal administration or distribution of anabolic steroids
R.C. 2925.11	Drug possession
R.C. 2925.12	Possessing drug abuse instruments
R.C. 2925.13	Permitting drug abuse
R.C. 2925.14	Illegal use or possession of drug paraphernalia (not for marijuana)
R.C. 2925.22	Deception to obtain a dangerous drug
R.C. 2925.23	Illegal processing of drug documents
R.C. 2925.31	Abusing harmful intoxicants
R.C. 2925.32	Trafficking in harmful intoxicants
R.C. 2925.36	Illegal dispensing of drug samples
R.C. 2925.37	Trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising
R.C. 4510.17	Commission of an out-of-state drug or OVI violation that is substantially similar to the Revised Code offenses

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.⁴ 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.⁵

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.⁶

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.⁷

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.⁸

⁴ 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.

⁵ R.C. 2935.26 and 2935.27.

⁶ R.C. 2935.26.

⁷ 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.

⁸ Section 5.

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.⁹

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 as part of his or her job). 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).¹⁰ If the agency moves forward with the driver's license suspension, the bill requires a 30-day grace period after sending the person notice of the impending suspension in which the person may cooperate with the agency in satisfying the default or making other payment arrangements.¹¹

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.¹² 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;

⁹ R.C. 3123.54, 3123.56, and 3123.58; R.C. 3123.55 and 3123.57, not in the bill.

¹⁰ R.C. 3123.56(C)(2).

¹¹ R.C. 3123.54.

¹² R.C. 3123.58.

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.¹³

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 its order granting the limited driving privileges any conditions with which the person must comply in order to retain the 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.¹⁴

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 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.¹⁵

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.¹⁶

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

¹³ R.C. 4510.021(A) and (B), not in the bill.

¹⁴ R.C. 3123.58(B)(1).

¹⁵ R.C. 3321.13, 3321.191, and 4510.32, repealed; conforming change in R.C. 4510.101.

¹⁶ Section 4.

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).¹⁷

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.¹⁸ 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 may present the Registrar proof of financial responsibility in order to avoid a driver's license suspension.¹⁹

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.²⁰

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.²¹

¹⁷ R.C. 4509.101(A).

¹⁸ 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.

¹⁹ R.C. 4509.101(D)(5).

²⁰ R.C. 4509.45(D); conforming changes in R.C. 4509.101.

²¹ R.C. 4510.16.

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, 2019.²² 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.²³

Stopping for on-track equipment at a railroad crossing

The bill requires vehicle²⁴ operators to stop for on-track equipment at rail crossings in the same manner that operators are required to stop for trains. Thus, under the bill, a vehicle operator must stop between 15 and 50 feet away from the tracks of a railroad crossing under any of the following circumstances:

1. A clearly visible electric or mechanical signal device gives off its warning for approaching or passing on-track equipment;
2. A flag person gives off a warning for approaching on-track equipment;
3. There is insufficient space on the other side of the railroad crossing so that the vehicle would block the tracks and obstruct on-track equipment from passing; and
4. Approaching on-track equipment is emitting an audible signal or is plainly visible, thus, making it hazardous to cross.²⁵

Regarding (3) and (4) above, the vehicle operator must recklessly fail to stop under the given circumstances in order to be guilty of having violated the prohibition. The bill does not

²² See the LSC [Final Analysis for H.B. 62 \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov.

²³ Section 6.

²⁴ "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. R.C. 4511.01(A), not in the bill.

²⁵ R.C. 4511.62(A)(1). The bill retains current law requirements that vehicle operators stop when a crossing gate is lowered and when there is insufficient undercarriage clearance on a vehicle to safely negotiate the crossing.

specify a separate mens rea for (1) and (2) above. Presumably, these offenses would be strict liability offenses, as under current law.²⁶

On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads. This type of equipment is used for tasks such as repairing the tracks, clearing snow, additional construction, and other activities needed to keep railroad tracks clean, clear, and safe for trains. The equipment is often as big as a locomotive and, thus, can be as dangerous around railroad crossings as a train.

Vehicles required to stop every time

Under current law, certain motor vehicle operators are required to stop, watch, and listen for trains at railroad crossings every time they approach such a crossing, including an operator of a school bus, school vehicle, vehicle transporting hazardous material regulated under federal law, and a specified construction vehicle. Under the bill, such operators also are required to stop, watch, and listen for on-track equipment.²⁷

Penalties

The bill applies the penalties for failure to stop, watch, and listen for a train to the failure to stop, watch, and listen for on-track equipment. Those penalties are as follows:

1. Failure to stop under any of the circumstances listed in (1) to (4) above: fourth degree misdemeanor;
2. An operator of a school bus, school vehicle, or vehicle carrying hazardous material that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor for first offense and fourth degree misdemeanor if it is the second offense or the offender previously was convicted of or pled guilty to another specified school bus-related offense; and
3. An operator of a construction vehicle that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor/predicate motor vehicle offense on a first offense and a fourth degree misdemeanor if the offender has committed a predicate motor vehicle offense within one year.²⁸

²⁶ R.C. 4511.62(A)(2)(b).

²⁷ R.C. 4511.63 and 4511.64(A); 49 Code of Federal Regulations Parts 100-185. Examples of construction vehicles include a crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway.

²⁸ R.C. 4511.62(C), 4511.63(D), and 4511.64(C). A predicate motor vehicle offense is a specified group of traffic offenses in which an offender is guilty of a minor misdemeanor for the first violation of any of the offenses within one year, a fourth degree misdemeanor for the second violation of any of the offenses within one year, and a third degree misdemeanor for a third or subsequent violation of any of the offenses within one year. R.C. 4511.01(III), not in the bill.

Alternative rail safety course

The bill authorizes a court, in lieu of imposing a fine or a jail term on a vehicle operator who failed to stop for a train or on-track equipment (penalty (1) above), to require instead that the offender attend and successfully complete a remedial safety training or presentation regarding rail safety. The training or presentation must be offered by an authorized and qualified organization that is selected by the court and must be completed within 180 days (or less, if specified by the court). The offender must notify the court when the training or presentation is completed. The court then must waive the fine or jail term that it otherwise would have imposed.²⁹

HISTORY

Action	Date
Introduced	02-15-23
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Reported, S. Judiciary	---

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²⁹ R.C. 4511.62(C)(2).