



# Ohio Legislative Service Commission

## Final Analysis

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### Sub. S.B. 204

131st General Assembly  
(As Passed by the General Assembly)

**Sens.** Seitz, Eklund, Thomas, Uecker, Jordan, Brown, Skindell, Burke, Hackett, Hite, Jones, Lehner, Manning, Patton, Sawyer, Schiavoni, Tavares, Williams, Yuko

**Reps.** Manning, Sykes, Boyd, Brenner, Brown, Buchy, Celebrezze, Dovilla, Green, McColley, M. O'Brien, S. O'Brien, Ramos, Rezabek, Rogers, Schuring, Sheehy, Sweeney

**Effective date:** September 13, 2016

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## ACT SUMMARY

### Driver's license suspension for drug-related offenses

- Generally eliminates the mandatory driver's license suspension (equal to a period of six months to five years) for specified drug-related offenses and, instead, permits the court, at its discretion, to impose a suspension for a period of up to five years.
- Requires the court to impose a mandatory driver's license suspension for a period of not more than five years for specified drug-related offenses if the offender pleaded guilty to, or was convicted of, an OVI ("operating a vehicle while under the influence") offense arising out of the same set of circumstances as the drug offense.
- Allows an offender who received a driver's license suspension for a specified drug-related offense prior to the act's effective date to file a motion for the termination of the suspension, unless the offender also pleaded guilty to, or was convicted of, an OVI offense arising out of the same set of circumstances as the drug-related offense.
- Authorizes a sentencing court to impose a driver's license suspension for a period of up to five years on an offender for possessing nitrous oxide in a motor vehicle.

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\* This version updates the effective date.

## Limited driving privileges

- Expands the permissible purposes for which a court may grant limited driving privileges to an offender whose driver's license has been suspended to include any purpose the court determines to be appropriate.
- Standardizes the provisions governing the permissible purposes for which a court may grant limited driving privileges so that the authority of the court is uniform throughout the law.

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## CONTENT AND OPERATION

### Driver's license suspension for drug-related offenses

The act generally eliminates the mandatory six-month to five-year driver's license suspension for specified drug-related offenses established under prior law. Instead, the act permits the sentencing court, at its discretion, to impose a driver's license suspension. If the court imposes a suspension, it may do so for a period of not more than five years. However, if an offender plead guilty to, or was convicted of, a state, municipal, or federal OVI ("operating a vehicle while under the influence") offense arising out of the same set of circumstances as the drug-related offense, the act requires the court to impose a mandatory driver's license suspension for a period of not more than five years. The drug-related offenses included under the act are as follows:

- (1) Corrupting another with drugs;
- (2) Aggravated trafficking in drugs, trafficking in drugs, trafficking in marihuana, trafficking in cocaine, trafficking in L.S.D., trafficking in heroin, trafficking in hashish, or trafficking in a controlled substance analog;
- (3) Illegal manufacture of drugs or illegal cultivation of marihuana;
- (4) Illegal assembly or possession of chemicals for the manufacture of drugs;
- (5) Aggravated funding of drug trafficking, funding of drug trafficking, or funding of marihuana trafficking;
- (6) Illegal administration or distribution of anabolic steroids;
- (7) Aggravated possession of drugs, possession of drugs, possession of marihuana, possession of cocaine, possession of L.S.D., possession of heroin, possession of hashish, or possession of a controlled substance analog;
- (8) Possessing drug abuse instruments;



(9) Permitting drug abuse;

(10) Illegal use or possession of drug paraphernalia, dealing in drug paraphernalia, selling drug paraphernalia to juveniles, or illegal advertising of drug paraphernalia;

(11) Illegal use or possession of marihuana drug paraphernalia;

(12) Deception to obtain a dangerous drug;

(13) Illegal processing of drug documents;

(14) Abusing harmful intoxicants;

(15) Trafficking in harmful intoxicants;

(16) Illegal dispensing of drug samples; or

(17) Trafficking in counterfeit controlled substances, aggravated trafficking in controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising.<sup>1</sup>

### **Termination of suspensions for specified drug-related offenses**

Any offender who received a mandatory driver's license suspension for an aforementioned drug-related offense (as required under prior law) before the act's effective date may file a motion with the sentencing court requesting the termination of the suspension, unless the offender also pleaded guilty to, or was convicted of, a state, municipal, or federal OVI offense arising out of the same set of circumstances as the drug-related offense.<sup>2</sup>

Under continuing law, an offender whose driver's license is suspended for one of the drug-related offenses listed in (1) through (6) above may file a motion with the sentencing court requesting termination of the suspension at any time after the expiration of two years from the day the offender's sentence was imposed or the day the offender was released from a prison term under the sentence, whichever is later. If the

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<sup>1</sup> R.C. 2925.02(D); 2925.03(D); 2925.04(D); 2925.041(D); 2925.05(D); 2925.06(D)(1); 2925.11(E); 2925.12(D)(1); 2925.13(D)(1); 2925.14(G)(1); 2925.141(G)(1); 2925.22(C)(1); 2925.23(G)(1); 2925.31(C)(1); 2925.32(D)(1)(a); 2925.36(D)(1); and 2925.37(L)(1).

<sup>2</sup> R.C. 2925.02(D)(2) and (F); 2925.03(G); 2925.04(D)(2) and (H); 2925.041(D)(2) and (E); 2925.05(D)(2) and (F); 2925.06(D); 2925.11(I); 2925.12(D)(2); 2925.13(D)(2); 2925.14(G)(2); 2925.141(G)(2); 2925.22(C)(2); 2925.23(G)(2); 2925.31(C)(2); 2925.32(D)(1)(b); 2925.36(D)(2); and 2925.37(L)(2).

court finds good cause for the termination, the court may terminate the suspension.<sup>3</sup> With regard to the drug-related offenses listed in (7) through (17) above, there is no specified process for requesting termination of a suspension.

### **Federal or out-of-state drug-related offenses**

The act allows a person whose driver's license has been suspended for a violation of a federal law or a law of another state that is substantially similar to the drug-related offenses listed above to request the termination of the suspension imposed for that violation. The person must file a petition in the municipal, county, or juvenile court in whose jurisdiction the person resides (as appropriate) requesting the termination and agreeing to pay the cost of the proceedings. If the court, at its discretion, determines that termination is appropriate, the court must order the Registrar of Motor Vehicles to terminate the suspension. Upon receiving the order, the Registrar must reinstate the license.<sup>4</sup>

### **Possessing nitrous oxide in a motor vehicle**

The act authorizes a sentencing court to impose a driver's license suspension for a period of up to five years on an offender for possessing nitrous oxide in a motor vehicle. Prior law did not require or permit a driver's license suspension for that offense.<sup>5</sup>

## **Limited driving privileges**

### **Generally**

The act expands the permissible purposes for which a court may grant limited driving privileges, which allow an offender to drive during the period of suspension of the offender's driver's license. Under prior law, the statute that generally governs limited driving privileges specified that such privileges could only be granted for the following purposes:

- (1) Occupational, educational, vocational, or medical purposes;
- (2) Taking the driver's or commercial driver's license examination; or

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<sup>3</sup> R.C. 2925.02(D) and (F)(2); R.C. 2925.03(G)(1); 2925.04(D) and (H)(1); 2925.041(D) and (E)(1); 2925.05(D) and (F)(1); and 2925.06(D)(1).

<sup>4</sup> R.C. 4510.17(F).

<sup>5</sup> R.C. 2925.33(D).



(3) Attending court-ordered treatment.<sup>6</sup>

The act retains the authority of the court to grant limited driving privileges for those limited purposes. However, the act allows the court to grant limited driving privileges for any other purpose the court determines to be appropriate. Thus, under the act, there are no restrictions with regard to the purposes for which a court may grant limited driving privileges.

**Standardization of other provisions**

The act also standardizes the provisions governing the permissible purposes for which a court may grant limited driving privileges so that the authority of the court is uniform throughout the law. Under the act, the general statute above would also govern the granting of limited driving privileges with regard to the following persons:

(1) An offender whose license is suspended for committing a federal or out-of-state drug- or OVI-related offense;<sup>7</sup> and

(2) An offender whose probationary driver's license, restricted license, or temporary instruction permit has been suspended for the commission of a second or third specified traffic offense<sup>8</sup> prior to the offender's 18th birthday.<sup>9</sup>

Under prior law, a judge could only grant limited driving privileges to an offender described in (1) above upon presentation of satisfactory proof that there was reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment. Similarly, a judge could only grant limited driving privileges to an offender described in (2) above if the court found reasonable cause to believe that the suspension would seriously affect the person's ability to continue in employment, educational training, vocational training, or treatment.<sup>10</sup>

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<sup>6</sup> R.C. 4510.021(A).

<sup>7</sup> R.C. 4510.17(E)(1).

<sup>8</sup> A violation of R.C. 4511.12, 4511.13, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75, not in the act.

<sup>9</sup> R.C. 4510.31(C)(1)(a).

<sup>10</sup> R.C. 4510.17(E)(1) and 4510.31(C)(1)(a).



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## HISTORY

ACTION	DATE
Introduced	08-17-15
Reported, S. Gov't Oversight & Reform	04-07-16
Passed Senate (33-0)	04-12-16
Reported, H. Judiciary	05-18-16
Passed House (95-2)	05-24-16

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