



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

Amanda M. Ferguson

### Sub. H.B. 300

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

**Reps.** Baker and Manning, Cupp, Schaffer, Butler, Conditt, Dever, Rezabek, Anielski, Arndt, Boose, Brown, Buchy, Burkley, Hackett, Hayes, Hill, Huffman, Koehler, Lepore-Hagan, Maag, McClain, M. O'Brien, S. O'Brien, Patterson, Perales, Rogers, Sweeney, Rosenberger

**Sens.** Coley, Eklund, Hite, Hughes, Manning, Patton, Seitz, Uecker

**Effective date:** March 14, 2017

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## ACT SUMMARY

- Modifies the waiting period during which a person cannot file a motion to modify or terminate a driver's license suspension that exceeds 15 years, as follows:
  - A person whose suspension resulted from a felony may not apply for the modification or termination until 15 years have elapsed since the suspension began.
  - A person whose suspension resulted from a misdemeanor may not apply for the modification or termination until five years have elapsed since the suspension began.
  - A person whose suspension resulted from an OVI-related aggravated vehicular homicide offense may not apply for the modification or termination until 15 years have elapsed since the person was released from prison.
- Modifies the conditions that a person must meet to be eligible for the modification or termination of a driver's license suspension that exceeds 15 years.
- Authorizes a court to grant limited driving privileges during a driver's license suspension to allow a person to:

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\* This version updates the effective date.

--Attend any court proceeding related to the offense for which the person's suspension was imposed; or

--Transport a minor to a child care provider, day-care, preschool, school, or to any other location for purposes of receiving child care.

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## CONTENT AND OPERATION

### Modification or termination of a suspension exceeding 15 years

The act alters the waiting period and other conditions that apply before a person who has received a driver's license suspension for more than 15 years may apply for modification or termination of the suspension. The following table illustrates the period of time that the person must wait to apply for modification or termination and the other conditions that must be met:<sup>1</sup>

	If the license was suspended for a felony offense	If the license was suspended for an OVI-related aggravated vehicular homicide	If the license was suspended for a misdemeanor offense
Length of waiting period	At least 15 years must have elapsed since <i>the suspension began</i> .	At least 15 years must have elapsed since the person was <i>released from prison</i> .	At least five years must have elapsed since <i>the suspension began</i> (however, see " <b>Other conditions: alcohol-related crime</b> ," below).
Conditions related to criminal activity	For the past 15 years, the person must not have been found guilty of any felony, any moving violation, or any violation of a driver's license suspension.	Same as felony.	For the past five years, the person must not have been found guilty of any moving violation, any violation of a driver's license suspension, vehicular homicide, or vehicular assault.

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<sup>1</sup> R.C. 4510.54(A).



	<b>If the license was suspended for a felony offense</b>	<b>If the license was suspended for an OVI-related aggravated vehicular homicide</b>	<b>If the license was suspended for a misdemeanor offense</b>
<b>Other conditions: financial responsibility</b>	Retains the existing requirement that the person must have proof of financial responsibility (auto insurance).	Same.	Same.
<b>Other conditions: alcohol-related crime</b>	Retains the existing requirement that if the suspension was imposed because the person was under the influence of alcohol or a drug of abuse, the person must have completed a treatment program, must not have abused alcohol or other drugs for a period satisfactory to the court, and for the past 15 years, must not have been found guilty of an alcohol- or drug-related offense.	Same.	Same. Note, however, if the offender is subject to this condition, it appears that the waiting period for the misdemeanor effectively becomes a 15-year waiting period.

The waiting periods and other conditions specified by the act replace ambiguous provisions of prior law that permitted a person to file a motion for modification or termination either five or 15 years after the suspension began. Prior law did not clearly state which waiting period and which conditions related to criminal activity applied to which kind of suspension.

As the table indicates, the waiting period for persons who plead guilty to or are convicted of an OVI-related aggravated vehicular homicide does not begin until after the person is released from prison. Under prior law, the waiting period began when the person's driver's license suspension was imposed. Thus, depending on the term of imprisonment and other circumstances, the waiting period may have expired while the person served the prison term.



## **OVI-related aggravated vehicular homicide**

Under continuing law, a person commits an OVI-related aggravated vehicular homicide when:

- (1) The person causes the death of another or the termination of another's pregnancy while operating a motor vehicle, watercraft, or aircraft; and
- (2) The death or the termination of the pregnancy is the proximate result of the person committing a violation of the state OVI law<sup>2</sup> or a violation of the laws governing operating an aircraft or watercraft while under the influence of alcohol or drugs.<sup>3</sup>

Depending on whether the person has been convicted of or pleaded guilty to specified prior violations, aggravated vehicular homicide in this circumstance is either a first degree or second degree felony, both of which require a term of imprisonment. In addition to imprisonment and any other penalties a court may impose, the court must impose a class one (lifetime) suspension of the person's driver's license.<sup>4</sup>

## **Limited driving privileges**

The act authorizes a court to grant limited driving privileges during a driver's license suspension for either of the following purposes:

- (1) Attending any court proceeding related to the offense for which the offender's suspension was imposed; or
- (2) Transporting a minor to a child care provider, day-care, preschool, school, or to any other location for purposes of receiving child care.<sup>5</sup>

Under continuing law, unless otherwise prohibited, a court may grant limited driving privileges to an offender who has had a driver's license suspension imposed by the court. When granting the privileges, the court must specify the purposes, times, and places of the privileges and may impose any other reasonable conditions related to

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<sup>2</sup> The state OVI law applies to a person who operates a vehicle while under the influence of alcohol or drugs or operates a vehicle with a prohibited concentration of alcohol or drugs in the person's blood, breath, or urine. R.C. 4511.19, not in the act.

<sup>3</sup> R.C. 2903.06(A)(1). This provision also applies with respect to any municipal ordinance governing OVI or operating a watercraft or aircraft while under the influence of alcohol or drugs.

<sup>4</sup> R.C. 2903.06(B)(1) and (2) and 4510.02(A)(1), not in the act.

<sup>5</sup> R.C. 4510.021(A)(4) and (5).



driving. Continuing law allows limited driving privileges to be granted for the following purposes, in addition to those specified above:

- (1) Occupational, educational, vocational, or medical purposes;
- (2) Taking the driver's or commercial driver's license examination;
- (3) Attending court-ordered treatment; or
- (4) Any other purpose the court determines to be appropriate.<sup>6</sup>

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## HISTORY

ACTION	DATE
Introduced	08-14-15
Reported, H. Judiciary	11-02-15
Passed House (92-0)	12-08-15
Reported, S. Criminal Justice	05-19-16
Passed Senate (30-0)	09-28-16
House concurred in Senate amendments (93-0)	11-16-16

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

