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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 285  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Greenspan and Brent

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### SUMMARY

- Establishes a permanent Driver's License Reinstatement Fee Debt Reduction and Amnesty Program to replace the temporary "Reinstatement Fee Amnesty Initiative" enacted in the 132<sup>nd</sup> General Assembly.
- As compared to the temporary program, expands the number of people who qualify for a complete waiver of pending reinstatement fees.
- Requires the Registrar of Motor Vehicles to provide a written explanation when an application for reinstatement fee reduction or waiver is denied and creates an administrative hearing process for appealing a denial.

### DETAILED ANALYSIS

#### Driver's license reinstatement fees

##### Background

Generally, the Registrar of Motor Vehicles may not reinstate an offender's suspended driver's license or temporary instruction permit until the driver complies with all license reinstatement conditions, including paying reinstatement fees. If a municipal or county court determines that a person cannot pay all reinstatement fees at one time, the court may allow that person to pay the fees through either an installment payment plan or a payment extension plan.<sup>1</sup>

During the 132<sup>nd</sup> General Assembly, a temporary program was created, which was entitled the "Reinstatement Fee Amnesty Initiative" (Sub. H.B. 336). The program required the Registrar to reduce or waive license reinstatement fees for applicants whose driver's licenses or

<sup>1</sup> R.C. 4510.10(A) and (B), not in the bill.

permits were suspended for eligible offenses and who met certain conditions. The program expired on July 31, 2019. However, a provision in the main operating budget (Am. Sub. H.B. 166 of the 133<sup>rd</sup> General Assembly) extended the program, effective October 17, 2019, until December 31, 2019.

## **Permanent program**

The bill establishes a permanent program called the “Driver’s License Reinstatement Fee Debt Reduction and Amnesty Program.” Like the temporary program, the permanent program only applies to a regular driver’s license or permit suspension; it does not apply to a commercial driver’s license or permit suspension.<sup>2</sup>

### **Reduction**

Under the permanent program, a person may qualify for a reduction of pending reinstatement fees in the same manner as under the temporary program. Specifically, an applicant whose driver’s license or permit has been suspended because of a specific listed offense (see “**Eligible offenses**,” below) is eligible for a reduction of reinstatement fees if:

1. The applicant has completed all court-ordered sanctions, other than payment of reinstatement fees;
2. The offense did not involve alcohol, a drug of abuse, or a deadly weapon; and
3. At least 18 months have passed since the end of the court-ordered suspension.<sup>3</sup>

The Registrar must grant the reduction to an eligible applicant who applies for the reduction. If the applicant owes a reinstatement fee for one eligible offense, the applicant must pay 50% of the reinstatement fee owed. If the applicant owes reinstatement fees for multiple eligible offenses, the applicant must pay either the lowest reinstatement fee owed or 10% of the total amount owed – whichever amount is greater.<sup>4</sup>

### **Waiver**

The permanent program’s qualifications for a complete waiver of pending reinstatement fees are expanded from the temporary program’s qualifications. Specifically, the temporary program allowed a complete waiver only for participants in the Supplemental Nutrition Assistance Program. Under the bill, participants in other low-income assistance programs qualify as indigent, and such participants are thus eligible for a complete waiver, rather than just a reduction, of their pending reinstatement fees. An applicant is considered indigent if the person participates in one of the following programs:

1. The Supplemental Nutrition Assistance Program (SNAP);
2. The Medicaid Program;

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<sup>2</sup> R.C. 4510.101(A)(5).

<sup>3</sup> R.C. 4510.101(C)(1).

<sup>4</sup> R.C. 4510.101(D)(1).

3. The Ohio Works First Program;
4. The Supplemental Security Income Program; or
5. The U.S. Department of Veterans Affairs Pension Benefit Program.<sup>5</sup>

Under the permanent program, an applicant whose driver's license or permit has been suspended because of a specific listed offense is eligible for a full waiver of the reinstatement fees if:

1. The applicant has completed all related court-ordered sanctions, other than the payment of reinstatement fees;
2. The offense did not involve alcohol, a drug of abuse, or a deadly weapon; and
3. The applicant demonstrates proof of indigence by providing documentation in a form approved by the Registrar.<sup>6</sup>

The Registrar must grant the waiver to an eligible applicant who applies for the waiver.<sup>7</sup>

### **Denial and appeal**

The two other differences between the temporary program and the permanent program are that:

1. The permanent program requires the Registrar to provide a written explanation to any applicant whose application is denied stating the reason that the application was denied; and
2. The permanent program requires the Registrar to establish an administrative appeals process for denied applications.

Related to these requirements, an applicant whose application is denied may either request an administrative hearing to appeal the denial or may reapply for the program. Any decision made by the Registrar on appeal is final; and an applicant is not allowed to reapply for the program more than once a year.<sup>8</sup>

### **Other requirements**

The bill requires the Registrar to conduct a public service announcement about the program and its requirements, and make that information available on the Bureau of Motor Vehicle's website. Additionally, the bill authorizes the Registrar to adopt rules establishing any additional requirements and procedures necessary to administer and implement the program permanently.<sup>9</sup>

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<sup>5</sup> R.C. 4510.101(A)(6).

<sup>6</sup> R.C. 4510.101(C)(2).

<sup>7</sup> R.C. 4510.101(D)(2).

<sup>8</sup> R.C. 4510.101(E).

<sup>9</sup> R.C. 4510.101(F) and (G).

## Eligible offenses

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

- Unruly child (R.C. 2151.354);
- Delinquent child (R.C. 2152.19);
- Juvenile traffic offender (R.C. 2152.21);
- Solicitation with a motor vehicle (R.C. 2907.24);
- Theft of gasoline (R.C. 2913.02);
- Incompetence by examination (R.C. 4507.20);
- Operating vehicle without proof of insurance (R.C. 4509.101);
- Failure to pay security deposit, or failure to request a hearing after receiving notice regarding a motor vehicle accident (R.C. 4509.17);
- Default on a payment that was required by written agreement after a motor vehicle accident (R.C. 4509.24);
- Nonpayment of a judgment (R.C. 4509.40);
- Repeat traffic offender (R.C. 4510.037);
- Violation of a municipal ordinance that is substantially similar to a statutory violation that imposes a suspension (R.C. 4510.05);
- Suspension under the federal Assimilative Crimes Act (R.C. 4510.06);
- Reckless operation (R.C. 4510.15);
- Failure to appear or failure to pay a fine related to specific vehicle-related violations (R.C. 4510.22);
- Incompetency adjudication (R.C. 4510.23);
- Commission of specific motor vehicle offenses by a minor (R.C. 4510.31);
- Habitual absence from school (R.C. 4510.32);
- Wrongful entrustment of a motor vehicle (R.C. 4511.203);
- Use of an electronic wireless communication device by a minor while driving (R.C. 4511.205);
- Street racing (R.C. 4511.251);
- Failure to stop for a school bus (R.C. 4511.75);
- Failure to stop after an accident (R.C. 4549.02);
- Failure to stop after a nonpublic road accident (R.C. 4549.021); and

- Trafficking in cigarettes or tobacco products with intent to avoid tax, when a motor vehicle was used in the offense (R.C. 5743.99).<sup>10</sup>

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## HISTORY

Action	Date
Introduced	06-12-19

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H0285-I-133

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<sup>10</sup> R.C. 4510.101(A)(1).