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H.B. 285
133rd General Assembly

Bill Analysis

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Version: As Passed by the House

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 132nd General Assembly.
- As compared to the temporary program, requires the Director of Public Safety to establish and administer the program, rather than the Registrar of Motor Vehicles.
- Expands the number of people who qualify for a complete waiver of pending reinstatement fees.
- Requires the Director to identify eligible participants and to send an eligible person an automatic notice that the person is accepted into the program.
- Specifies that a person is considered a full program participant after completing the first installment payment or acceptance of proof of indigency.
- Retains an option for a person to apply for the program if that person believes he or she is eligible, but did not receive the Director's notice.
- Specifies that any person who receives a reduction or complete waiver of reinstatement fees is not eligible for a subsequent reduction or complete waiver through the program.
- Requires the Director to make information about the program available on the Department of Public Safety and Bureau of Motor Vehicle websites and to establish a toll-free telephone number that a person can call to receive information about the program and the person's eligibility for it.

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.¹

During the 132nd 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 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 133rd 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.² Unlike the temporary program, the permanent program is established and administered by the full Department of Public Safety, rather than the Registrar through the Bureau of Motor Vehicles (BMV), which is a branch of the Department.³

Additionally, rather than having all participants in the permanent program go through an application process, the Director of Public Safety must identify eligible participants and send an automatic notice (through regular mail or email) that accepts a person into the program when all of the following apply:

1. The person's driver's license or permit has been suspended for an eligible offense.
2. At least 18 months have expired since the end of the suspension period.
3. The person owes reinstatement fees.⁴

¹ R.C. 4510.10(A) and (B), not in the bill.

² R.C. 4510.101(A)(5).

³ R.C. 4510.101(B).

⁴ R.C. 4510.101(F)(1).

The Director may search the BMV records or the Office of Vital Statistics records to verify a person's last known address, residency, and whether the person is living or deceased before sending the acceptance notice.⁵ (See "**Acceptance notice**," below for more information about the notice.)

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, a person 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 person 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.⁶

If the person owes a reinstatement fee for one eligible offense, the person must pay 50% of the reinstatement fee owed. If the person owes reinstatement fees for multiple eligible offenses, the person must pay either the lowest reinstatement fee owed or 10% of the total amount owed – whichever amount is greater.⁷

The bill specifies that the payment plan for a person with reduced reinstatement fees must be at least \$25 per month. A person may submit payments by regular mail, online, or in-person at the BMV or a deputy registrar office (but all in-person payments must be accompanied by the \$5 deputy registrar fee).⁸

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. A person is considered indigent if the person participates in one of the following programs:

1. The Supplemental Nutrition Assistance Program (SNAP);
2. The Medicaid Program;
3. The Ohio Works First Program;

⁵ R.C. 4510.101(F)(3).

⁶ R.C. 4510.101(C)(1).

⁷ R.C. 4510.101(D)(1).

⁸ R.C. 4510.101(E) and 4503.038, not in the bill.

4. The Supplemental Security Income Program; or
5. The U.S. Department of Veterans Affairs Pension Benefit Program.⁹

Under the permanent program, a person 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 person 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 person demonstrates proof of indigence by providing documentation in a form approved by the Director.¹⁰

The Director must grant the waiver to an eligible participant who submits the proper documentation for the waiver.¹¹

Limitation on participation

The bill specifies that any person who has received either a reduction or a complete waiver of reinstatement fees under the program is not eligible for a subsequent reduction or waiver through the program.¹²

Acceptance notice

While the notice sent by the Director automatically accepts a person into the program, the person is not considered a full participant in the program until the person either makes the first installment payment or the Director accepts the person's proof of indigence. The acceptance notice must include all of the following:

1. A statement that the person is accepted into the program and how the person can become a full participant in the program.
2. A statement listing the total amount of reinstatement fees that are being reduced and their corresponding eligible offenses.
3. A statement regarding the total amount of reinstatement fees the person owes under the program, the amount of each installment payment, and the total number of installment payments.
4. A statement explaining that the person may be eligible for a full waiver of the reinstatement fees if the person can demonstrate proof of indigence.

⁹ R.C. 4510.101(A)(6).

¹⁰ R.C. 4510.101(C)(2).

¹¹ R.C. 4510.101(D)(2).

¹² R.C. 4510.101(D)(3).

5. Any other information necessary to explain the program and its requirements, including a list of the documents required to prove indigence.¹³

A person who believes he or she is eligible for the program, but who did not receive the Director's notice, may still apply to participate in the program either by regular mail, online, or in-person at the BMV or a deputy registrar office. Any person who applies in-person, however, must pay the \$5 deputy registrar fee.¹⁴

Other requirements

The bill requires the Director to conduct a public service announcement about the program and its requirements, and make that information available on the Department and BMV's websites. The Director also must establish a toll-free telephone number that a person can call in order to find out more information about the program and whether the person is eligible for it. The Director must include the toll-free telephone number in the public service announcements. Additionally, the bill authorizes the Director to adopt rules establishing any additional requirements and procedures necessary to administer and implement the program permanently.¹⁵

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);

¹³ R.C. 4510.101(F)(2).

¹⁴ R.C. 4510.101(G) and 4503.038, not in the bill.

¹⁵ R.C. 4510.101(H) and (I).

- 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).¹⁶

HISTORY

Action	Date
Introduced	06-12-19
Reported, H. Transportation & Public Safety	10-30-19
Passed House (91-1)	11-06-19

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¹⁶ R.C. 4510.101(A)(1).