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H.B. 158
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Rep. Blessing

Effective date: June 10, 2020

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UPDATED VERSION*

SUMMARY

- Authorizes a court to grant limited driving privileges, under certain circumstances, to an individual on a first offense for failure to maintain financial responsibility for a motor vehicle (for example, motor vehicle insurance).
- Waives the filing fee for a petition for limited driving privileges for an individual (1) whose license is suspended as a result of failure to maintain proof of financial responsibility and (2) who qualifies as indigent.

DETAILED ANALYSIS

Proof of financial responsibility

Background

The Revised Code generally prohibits an individual from operating a motor vehicle in Ohio without continuously maintaining proof of financial responsibility¹ (for example, motor vehicle insurance).² A person is required to provide proof of financial responsibility in certain circumstances, such as when stopped for a traffic violation.³ The law imposes the following civil penalties for a violation of the prohibition:

- On a first offense:

* This version updates the effective date.

¹ "Proof of financial responsibility" generally means proof that a person is able to pay a certain amount for damages arising from a motor vehicle accident. R.C. 4509.01(K).

² R.C. 4509.101(A)(1).

³ R.C. 4509.101(A)(3).

- Driver's license suspension until requirements are met (generally the requirement is to present proof of financial responsibility); and
- \$100 license reinstatement fee.⁴
- On a second offense that occurs within five years of the first violation:
 - Driver's license suspension for one year (if the person presents proof of financial responsibility, the court may grant limited driving privileges – but not for the first 15 days of the suspension); and
 - \$300 reinstatement fee.⁵
- On a third (or more) offense that occurs within five years of the first violation:
 - Driver's license suspension for two years (if the person presents proof of financial responsibility, the court may grant limited driving privileges – but not for the first 30 days of the suspension); and
 - \$600 reinstatement fee.⁶

Limited driving privileges

As implied above, a court may grant a person limited driving privileges on a second or third offense within five years. But, prior law did not allow a court to grant limited driving privileges on a first offense of failure to maintain financial responsibility. Thus, if a person was unable to pay reinstatement fees, the person could not drive for any reason.

The act allows a court to grant limited driving privileges on a **first offense**, but only if the person presents proof of financial responsibility and is enrolled in a driver's license reinstatement fee payment plan (which allows an offender to pay the reinstatement fee in installments of \$50 or more per month).⁷

Indigency waiver

To apply for limited driving privileges, an individual generally must file a petition for limited driving privileges, the cost of which varies in each court. Regarding a suspension for failure to maintain proof of financial responsibility, the act allows a clerk of court to **waive the cost of filing a petition for limited driving privileges** if both of the following apply:

⁴ R.C. 4509.101(A)(2)(a) and (d) and (A)(5).

⁵ R.C. 4509.101(A)(2)(b) and (d) and (A)(5).

⁶ R.C. 4509.101(A)(5)(c) and (d) and (A)(5).

⁷ R.C. 4509.101(A)(2)(a) and 4510.10, not in the act. Generally, unless expressly authorized by the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the Bureau of Motor Vehicles (BMV). The suspension at issue here is imposed by the BMV, and prior law did not expressly authorize a court to grant limited driving privileges. R.C. 4510.021(B).

- The petitioner applies – by filing an affidavit of indigency – to be qualified as an indigent litigant; and
- The court approves the application.⁸

HISTORY

Action	Date
Introduced	03-21-19
Reported, H. Transportation and Public Safety	06-26-19
Passed House (90-2)	10-02-19
Reported, S. Local Gov't, Public Safety & Veterans Affairs	02-12-20
Passed Senate (33-0)	02-12-20

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⁸ R.C. 4509.101(A)(2)(d) and 2323.311, not in the bill.