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H.B. 285
133rd General Assembly

Bill Analysis

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Version: As Reported by Senate Local Gov't, Public Safety and Veterans Affairs

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.
- Separates the program into two phases, establishes eligibility requirements for participation in each phase, and establishes qualifications for a reduction or a complete waiver of pending reinstatement fees.
- Expands the number of people who qualify for a complete waiver of pending reinstatement fees as compared to the temporary program.
- Requires the Director to identify eligible participants and to send an eligible person an automatic notice that the person has been enrolled into the program.
- 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.

DETAILED ANALYSIS

Driver's license reinstatement fees

Background

Generally, the Registrar of Motor Vehicles may not reinstate a 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 Department of Public Safety, rather than the Registrar through the Bureau of Motor Vehicles (BMV), which is a branch of the Department.³

Additionally, the permanent program must be implemented in two phases, one that applies to drivers whose offenses occurred prior to the bill's effective date, and one that applies to drivers whose offenses occurred after the bill's effective date. Also, rather than having all participants go through an application process, as was required under the temporary program, the Director of Public Safety must identify eligible participants and send an automatic notice (through regular mail or email) that enrolls a person into the program. The Director must enroll a person when all of the following apply:

1. The person's driver's license or permit has been suspended for one or more eligible offense(s).
2. At least 18 months have expired since the end of the suspension period for at least one of the person's eligible offenses.

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

² R.C. 4510.101(E).

³ R.C. 4510.102.

3. The person owes reinstatement fees.
4. The person was not enrolled previously in the program.⁴

After the initial notice, the Director may send additional notices regarding participation in the program as the Director determines appropriate. 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 enrollment notice.⁵ (See "**Enrollment notice**," below for more information about the notice.) If the search reveals that the person is deceased, the Director may also remove that person and that person's associated debts from the Department's records.⁶

Phases

As indicated above, the permanent program is broken into two phases. Eligibility for participation in phase one or phase two is dependent on when the eligible offense(s) occurred, either prior to or after the bill's effective date. Qualification for a reduction of pending reinstatement fees versus a complete waiver of pending reinstatement fees is dependent on whether the participant is indigent, as defined by the bill. (See "**Reduction**," and "**Waiver**," below for more information.)⁷ The Director must enroll an eligible participant in the appropriate phase, initially under the presumption that the person qualifies for a reduction of pending reinstatement fees. If the person qualifies for a complete waiver, the person may submit the necessary documents to prove indigency. On acceptance of that documentation, the person will instead receive the complete waiver of the pending reinstatement fees.⁸

Phase 1

Under the first phase of the permanent program, 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 eligible offense or offenses occurred prior to the bill's effective date;
2. At least 18 months have expired since the end of the suspension period for at least one of the person's eligible offenses; and
3. The person owes reinstatement fees and is not indigent.⁹

⁴ R.C. 4510.106(A) and (C).

⁵ R.C. 4510.106(A) and 4510.107(A)(1).

⁶ R.C. 4510.107(A)(2).

⁷ R.C. 4510.103 and 4510.104.

⁸ R.C. 4510.106.

⁹ R.C. 4510.103(A)(1).

Similarly, a person whose driver's license or permit has been suspended because of an eligible offense is eligible for a complete waiver of reinstatement fees if:

1. The eligible offense or offenses occurred prior to the bill's effective date; and
2. The person owes reinstatement fees and is indigent.¹⁰

For both a reduction or waiver, the Director must include the reinstatement fees for any eligible offense that occurred prior to the effective date of the bill, regardless of whether the participant has completed the term of the suspension. The participant, however, must still complete any suspensions, as required by the court.¹¹ Any person who receives a reduction or complete waiver of reinstatement fees under the first phase of the program is not eligible to receive a reduction or waiver of reinstatement fees under the second phase of the program.¹²

Phase 2

Under the second phase of the permanent program, a person whose driver's license or permit has been suspended because of an eligible offense is eligible for a reduction of reinstatement fees if:

1. The person was not eligible to participate in the first phase of the program;
2. The person did not participate in the first phase and has not participated in the second phase of the program;
3. The eligible offense or offenses occurred after the bill's effective date;
4. At least 18 months have expired since the end of the suspension period for at least one of the person's eligible offenses; and
5. The person owes reinstatement fees and is not indigent.¹³

Similarly, a person whose driver's license or permit has been suspended because of an eligible offense is eligible for a complete waiver of reinstatement fees if:

1. The person was not eligible to participate in the first phase of the program;
2. The person did not participate in the first phase and has not participated in the second phase of the program;
3. The eligible offense or offenses occurred after the bill's effective date; and
4. The person owes reinstatement fees and is indigent.¹⁴

¹⁰ R.C. 4510.103(A)(2).

¹¹ R.C. 4510.103(E).

¹² R.C. 4510.103(D).

¹³ R.C. 4510.104(A)(1).

¹⁴ R.C. 4510.104(A)(2).

For both a reduction or waiver, the Director must include the reinstatement fees for any eligible offense that occurred after the effective date of the bill but prior to the date of enrollment in the program, regardless of whether the participant has completed the term of the suspension. The participant, however, must still complete any suspensions, as required by the court.¹⁵ Additionally, after enrollment in the program, the reinstatement fees imposed for eligible offenses committed after that date are not eligible for a reduction or waiver.¹⁶

Reduction

Under the permanent program, if a person is eligible for a reinstatement fee reduction and 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.¹⁷

The bill specifies that any 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 \$10 deputy registrar/BMV fee). Additionally, the Director may include reinstatement fees the person owes for noneligible offenses in the payment plan, so that a person has one, rather than multiple, monthly payments.¹⁸

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 are eligible for a complete waiver. 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;
4. The Supplemental Security Income Program; or
5. The U.S. Department of Veterans Affairs Pension Benefit Program.¹⁹

¹⁵ R.C. 4510.104(E).

¹⁶ R.C. 4510.104(E)(3).

¹⁷ R.C. 4510.103(B) and 4510.104(B).

¹⁸ R.C. 4510.105 and 4510.10, not in the bill.

¹⁹ R.C. 4510.101(F).

The Director must grant the waiver to an eligible participant who submits the proper documentation for the waiver.²⁰

Enrollment notice

The enrollment notice sent by the Director to eligible participants must include all of the following:

1. A statement that the person is enrolled into the program and may either begin making installment payments or may submit proof of indigency.
2. A statement listing the total amount of reinstatement fees that are being reduced and their corresponding eligible offenses.
3. A statement that \$25 is the minimum monthly installment payment.
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.
5. A statement that the person needs to complete any remaining term of suspension ordered by the court, if not already completed, before the person's driver's license may be reinstated.
6. Any other information necessary to explain the program and its requirements, including a list of the documents required to prove indigence.²¹

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.²²

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.²³

²⁰ R.C. 4510.103(C) and 4510.104(C).

²¹ R.C. 4510.106(B) and (D).

²² R.C. 4510.107(B) and 4503.038, not in the bill.

²³ R.C. 4510.108.

Eligible offenses

Below is a list of the eligible offenses and a brief description of each offense. The offense, however, cannot involve alcohol, a drug of abuse, a combination thereof, or a deadly weapon.²⁴

- Unruly child (R.C. 2151.354);
- Delinquent child (R.C. 2152.19);
- Juvenile traffic offender (R.C. 2152.21);
- 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);

²⁴ R.C. 4510.101(A).

- 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).²⁵

HISTORY

Action	Date
Introduced	06-12-19
Reported, H. Transportation & Public Safety	10-30-19
Passed House (91-1)	11-06-19
Reported, S. Local Gov't, Public Safety & Veterans Affairs	05-15-20

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²⁵ R.C. 4510.101(A).