



**Representative Bob Cupp**  
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**SPONSOR TESTIMONY – HB 436**

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Good afternoon Chair Butler and Vice Chair Manning. We appreciate the opportunity to offer sponsor testimony today in support of this bill, which merely allows two parts of the law to work together in a common sense manner.

Under current law, there is an inconsistency between OVI driver's license suspension time-frame requirements and the Vehicle Immobilization time-frame requirements. Specifically, the court *may* allow a second-time OVI offender restricted driving privileges after 45 days of the imposition of a driver's license suspension. ORC 4510.13(A)(5)(b).<sup>1</sup> However, a court may not release the offender's vehicle from the immobilized order until 90 days have elapsed. ORC 4511.19(G)(1)(b)(v).<sup>2</sup>

This lack of conformity creates obvious issues and leaves the offender with the hard choice of either not having a means of transportation or violating current law just to get to and from their place of employment.

This bill seeks to address this time inconsistency – or “underlap,” if you will – while still maintaining appropriate judicial authority with regard to OVI suspension.

First, we believe that the time periods for suspension and immobilization *should be congruent*, so that once a court permits driving privileges, the person is able to drive *their own car (if the court determines to permit it)*. Thus, this bill achieves congruency in these two provisions of the law.

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<sup>1</sup> After this 45 day period, the offender may request a reinstatement of his or her driving privileges *with the decision being left to the discretion of the Court*.

<sup>2</sup> The Court can authorize the reinstatement of limited driving privileges – thus enabling someone to drive to work - but it cannot allow them to use *their car* (“the vehicle involved in the offense”) until the immobilization order can be lifted.

Second, if the courts lift the immobilization order, and the offender later violates any condition imposed by the court the bill authorizes re-imposition of the immobilization for the duration of any time remaining on the original immobilization period.

In conclusion, the bill, if enacted, makes consistent the time-frame within which the court may permit driving privileges, but also permits the person subject to the order to use the person's own car.

Thank you for your time and consideration. We welcome any questions the committee might have.