

H. B. No. 260
As Introduced

Topic: BMV suspension for failure to pay child support 1

_____ moved to amend as follows:

In line 1 of the title, after "To" insert "amend sections 3123.58 2
and 4510.021 and to" 3

In line 2 of the title, after "court" insert "and the Registrar 4
of Motor Vehicles" 5

In line 5, after "That" insert "sections 3123.58 and 4510.021 be 6
amended and" 7

After line 6, insert: 8

"Sec. 3123.58. (A) On receipt of a notice pursuant to 9
section 3123.54 of the Revised Code, the registrar of motor 10
vehicles shall determine whether the individual named in the 11
notice holds or has applied for a driver's license or commercial 12
driver's license, motorcycle operator's license or endorsement, 13
or temporary instruction permit or commercial driver's temporary 14
instruction permit. If the registrar determines that the 15
individual holds or has applied for a license, permit, or 16



endorsement and the individual is the individual named in the 17
notice and does not receive a notice pursuant to section 3123.56 18
or 3123.57 of the Revised Code, the registrar immediately shall 19
provide notice of the determination to each deputy registrar. 20
The registrar or a deputy registrar may not issue to the 21
individual a driver's or commercial driver's license, motorcycle 22
operator's license or endorsement, or temporary instruction 23
permit or commercial driver's temporary instruction permit and 24
may not renew for the individual a driver's or commercial 25
driver's license, motorcycle operator's license or endorsement, 26
or commercial driver's temporary instruction permit. The 27
registrar or a deputy registrar also shall impose a class F 28
suspension of the license, permit, or endorsement held by the 29
individual under division (B) (6) of section 4510.02 of the 30
Revised Code. 31

(B) (1) ~~A court may grant an~~ An individual whose license, 32
permit, or endorsement is suspended under this section may apply 33
to the registrar for limited driving privileges ~~in accordance~~ 34
~~with~~ for any of the purposes identified in division ~~(B)~~ (A) of 35
section 4510.021 of the Revised Code ~~pursuant to a request made~~ 36
~~during an action for contempt initiated under section 2705.031~~ 37
~~of the Revised Code. Prior to granting privileges under this~~ 38
~~division, the court shall request the accused to provide the~~ 39
~~court with a recent noncertified copy of a driver's abstract~~ 40
~~from the registrar of motor vehicles and shall request the child~~ 41
~~support enforcement agency that issued the notice pursuant to~~ 42
~~section 3123.54 of the Revised Code relative to the individual~~ 43
~~to advise the court, either in person through a representative~~ 44
~~testifying at a hearing or through a written document, the~~ 45
~~position of the agency relative to the issue of the granting of~~ 46
~~privileges to the individual. The court, in determining whether~~ 47

~~to grant the individual privileges under this division, shall~~ 48
~~take into consideration the position of the agency, but the~~ 49
~~court is not bound by the position of the agency. The registrar~~ 50
~~shall create a form to be signed by the applicant, under penalty~~ 51
~~of perjury, specifying the purposes, the times, and the places~~ 52
~~for which the applicant wishes to have limited driving~~ 53
~~privileges.~~ 54

~~(2) A court that~~ (a) Except as provided in division (B) (2) 55
~~(b) of this section, the registrar shall grant limited driving~~ 56
~~privileges to a person whose license, permit, or endorsement is~~ 57
~~suspended under this section and who applies for such privileges~~ 58
~~under division (B) (1) of this section for any of the purposes~~ 59
~~identified in division (A) of section 4510.021 of the Revised~~ 60
~~Code.~~ 61

(b) The registrar shall not grant limited driving 62
~~privileges to a person under this section if the person's~~ 63
~~license, permit, or endorsement is suspended for any other prior~~ 64
~~offense and the person has not been granted limited driving~~ 65
~~privileges by the court for the other offense.~~ 66

(3) When the registrar grants limited driving privileges 67
to a person under division (B) ~~(1)~~ (2) of this section, the 68
registrar shall deliver to the person a permit card, in a form 69
to be prescribed by the ~~court~~ registrar, setting forth the date 70
on which the limited privileges will become effective, the 71
purposes for which the person may drive, the times and places at 72
which the person may drive, and any other conditions imposed 73
upon the person's use of a motor vehicle. 74

~~(3) The court immediately shall notify the registrar, in~~ 75
~~writing, of a grant of limited driving privileges under division~~ 76
~~(B) (1) of this section. The notification shall specify the date~~ 77

~~on which the limited driving privileges will become effective,~~ 78
~~the purposes for which the person may drive, and any other~~ 79
~~conditions imposed upon the person's use of a motor vehicle.~~ 80

(4) Before granting limited driving privileges under this 81
section, the registrar shall require the person to provide proof 82
of financial responsibility pursuant to section 4509.45 of the 83
Revised Code. 84

(5) The registrar shall adopt rules in accordance with 85
Chapter 119. of the Revised Code in order to implement division 86
(B) of this section. 87

(C) If a person who has been granted limited driving 88
privileges under division (B) ~~(1)~~ (2) of this section is 89
convicted of, pleads guilty to, or is adjudicated in juvenile 90
court of having committed a violation of Chapter 4510. of the 91
Revised Code or any similar municipal ordinance during the 92
period of which the person was granted limited driving 93
privileges, the person's limited driving privileges shall be 94
suspended immediately pending a reinstatement hearing. 95

Sec. 4510.021. (A) Unless expressly prohibited by section 96
2919.22, section 4510.13, or any other section of the Revised 97
Code, a court may grant limited driving privileges for any 98
purpose described in division (A) of this section during any 99
suspension imposed by the court. In granting the privileges, the 100
court shall specify the purposes, times, and places of the 101
privileges and may impose any other reasonable conditions on the 102
person's driving of a motor vehicle. The privileges shall be for 103
any of the following limited purposes: 104

(1) Occupational, educational, vocational, or medical 105
purposes; 106

(2) Taking the driver's or commercial driver's license examination;	107 108
(3) Attending court-ordered treatment;	109
(4) Any other purpose the court determines to be appropriate;	110 111
(5) Attending any court proceeding related to the offense for which the offender's suspension was imposed;	112 113
(6) Transporting a minor to a child care provider, day-care, preschool, school, or to any other location for purposes of receiving child care.	114 115 116
(B) Unless expressly authorized by a section of the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the bureau of motor vehicles. To <u>Except as provided in section 3123.58 of the Revised Code, to</u> obtain limited driving privileges during a suspension imposed by the bureau, the person under suspension may file a petition in a court of record in the county in which the person resides. A person who is not a resident of this state shall file any petition for privileges either in the Franklin county municipal court or in the municipal or county court located in the county where the offense occurred. If the person who is not a resident of this state is a minor, the person may file the petition either in the Franklin county juvenile court or in the juvenile court with jurisdiction over the offense. If a court grants limited driving privileges as described in this division, the privileges shall be for any of the limited purposes identified in division (A) of this section.	117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133
(C) When the use of an immobilizing or disabling device is not otherwise required by law, the court, as a condition of	134 135

granting limited driving privileges, may require that the 136
person's vehicle be equipped with an immobilizing or disabling 137
device, except as provided in division (C) of section 4510.43 of 138
the Revised Code. When the use of restricted license plates 139
issued under section 4503.231 of the Revised Code is not 140
otherwise required by law, the court, as a condition of granting 141
limited driving privileges, may require that the person's 142
vehicle be equipped with restricted license plates of that 143
nature, except as provided in division (B) of that section. 144

(D) When the court grants limited driving privileges under 145
section 4510.31 of the Revised Code or any other provision of 146
law during the suspension of the temporary instruction permit or 147
probationary driver's license of a person who is under eighteen 148
years of age, the court may include as a purpose of the 149
privilege the person's practicing of driving with the person's 150
parent, guardian, or other custodian during the period of the 151
suspension. If the court grants limited driving privileges for 152
this purpose, the court, in addition to all other conditions it 153
imposes, shall impose as a condition that the person exercise 154
the privilege only when a parent, guardian, or custodian of the 155
person who holds a current valid driver's or commercial driver's 156
license issued by this state actually occupies the seat beside 157
the person in the vehicle the person is operating. 158

(E) Before granting limited driving privileges under this 159
section, the court shall require the offender to provide proof 160
of financial responsibility pursuant to section 4509.45 of the 161
Revised Code. " 162

After line 22, insert: 163

"**Section 2.** That existing sections 3123.58 and 4510.021 of 164
the Revised Code are hereby repealed. 165

Section 3. Section 4510.021 of the Revised Code is 166
presented in this act as a composite of the section as amended 167
by both Sub. H.B. 300 and Sub. S.B. 204 of the 131st General 168
Assembly. The General Assembly, applying the principle stated in 169
division (B) of section 1.52 of the Revised Code that amendments 170
are to be harmonized if reasonably capable of simultaneous 171
operation, finds that the composite is the resulting version of 172
the section in effect prior to the effective date of the section 173
as presented in this act. " 174

The motion was _____ agreed to.