

# AN ACT

To enact sections 4510.101, 4510.102, 4510.103, 4510.104, 4510.105, 4510.106, 4510.107, and 4510.108 of the Revised Code to establish a permanent Driver's License Reinstatement Fee Debt Reduction and Amnesty Program.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4510.101, 4510.102, 4510.103, 4510.104, 4510.105, 4510.106, 4510.107, and 4510.108 of the Revised Code be enacted to read as follows:

Sec. 4510.101. As used in sections 4510.101 to 4510.107 of the Revised Code:

(A) "Eligible offense" means an offense under any of the following Revised Code sections if the offense, an essential element of the offense, the basis of the charge, or any underlying offense did not involve alcohol, a drug of abuse, combination thereof, or a deadly weapon: 2151.354, 2152.19, 2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4510.32, 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4549.021, and 5743.99.

(B) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(C) "Drug of abuse" has the same meaning as in section 4511.181 of the Revised Code.

(D) "Complete amnesty" means a waiver of reinstatement fees.

(E) "Driver's license or permit" does not include a commercial driver's license or permit.

(F) "Indigent" means a person who is a participant in any of the following programs:

(1) The supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code;

(2) The medicaid program pursuant to Chapter 5163. of the Revised Code;

(3) The Ohio works first program administered by the department of job and family services pursuant to section 5107.10 of the Revised Code;

(4) The supplemental security income program pursuant to 20 C.F.R. 416.1100;

(5) The United States department of veterans affairs pension benefit program pursuant to 38 U.S.C. 1521.

(G) "Permanent driver's license reinstatement fee debt reduction and amnesty program" or "program" means the program established in section 4510.102 of the Revised Code and administered by the director of public safety.

Sec. 4510.102. Not later than ninety days after the effective date of this section, the director of public safety shall establish a permanent driver's license reinstatement fee debt reduction and amnesty program. The program shall have two phases. The eligibility for phase one is described in section 4510.103 of the Revised Code and the eligibility for phase two is described in section 4510.104 of the Revised Code.

Sec. 4510.103. (A) Under the first phase of the program, both of the following apply:

(1) A person whose driver's license or permit has been suspended as a result of one or more eligible offenses is eligible for driver's license reinstatement fee debt reduction if all of the following apply:

(a) The eligible offense or offenses occurred prior to the effective date of this section.

(b) At least eighteen months have expired since the end of the period of suspension ordered by the court for at least one suspension;

(c) The person is not indigent.

(2) A person whose driver's license or permit has been suspended as a result of one or more eligible offenses is eligible for complete amnesty if both of the following apply:

(a) The eligible offense or offenses occurred prior to the effective date of this section.

(b) The person is indigent and can demonstrate proof of indigence by providing documentation in a form approved by the director of public safety.

(B) The director shall grant reinstatement fee debt reduction in the first phase of the program to a person who is eligible under division (A)(1) of this section as follows:

(1) If the person owes reinstatement fees for multiple eligible offenses, the person shall pay either the lowest reinstatement fee owed for those offenses or ten per cent of the total amount owed for those offenses, whichever amount is greater.

(2) If the person owes reinstatement fees for one eligible offense, the person shall pay one-half of the reinstatement fee owed for that offense.

(C) The director shall grant complete amnesty in the first phase of the program to a person eligible under division (A)(2) of this section.

(D) A person who has received either a reduction or complete amnesty of reinstatement fees under the first phase of the program is not eligible for a subsequent reduction or complete amnesty of reinstatement fees through the second phase of the program.

(E)(1) Under the first phase of the program, the director shall include, as part of the reduction or complete amnesty for an eligible participant, the reinstatement fees for any suspension that is the result of an eligible offense that occurred prior to the effective date of this section, regardless of whether the person has completed the term of the suspension ordered by the court. The director shall not include, as part of the reduction or complete amnesty under the first phase of the program, the reinstatement fees for any suspension that is the result of an eligible offense that occurs after the effective date of this section.

(2) A participant in the first phase of the program who is granted a reduction or complete amnesty shall complete the term of the driver's license or permit suspension for any eligible offense, as required by the court.

Sec. 4510.104. (A) Under the second phase of the program, both of the following apply:

(1) A person whose driver's license or permit has been suspended as a result of one or more eligible offenses is eligible for driver's license reinstatement fee debt reduction, if all of the following apply:

(a) The person was not eligible for participation in the first phase of the program.

(b) The person did not participate in the first phase of the program and has not participated in the second phase of the program.

(c) The eligible offense or offenses occurred after the effective date of this section.

(d) At least eighteen months have expired since the end of the period of suspension ordered by the court for at least one of the suspensions.

(e) The person is not indigent.

(2) A person whose driver's license or permit has been suspended as a result of one or more eligible offenses is eligible for complete amnesty, if all of the following apply:

(a) The person was not eligible for participation in the first phase of the program.

(b) The person did not participate in the first phase of the program and has not participated in the second phase of the program.

(c) The eligible offense or offenses occurred after the effective date of this section.

(d) The person is indigent and can demonstrate proof of indigence by providing documentation in a form approved by the director of public safety.

(B) The director shall grant reinstatement fee debt reduction in the second phase of the program to a person who is eligible under division (A)(1) of this section as follows:

(1) If the person owes reinstatement fees for multiple eligible offenses, the person shall pay either the lowest reinstatement fee owed for those offenses or ten per cent of the total amount owed for those offenses, whichever amount is greater.

(2) If the person owes reinstatement fees for one eligible offense, the person shall pay one-half of the reinstatement fee owed for that offense.

(C) The director shall grant complete amnesty in the second phase of the program to a person eligible under division (A)(2) of this section.

(D) A person who has received either a reduction or complete amnesty of reinstatement fees under the second phase of the program is not eligible for a subsequent reduction or complete amnesty of reinstatement fees through the program.

(E)(1) Under the second phase of the program, the director shall include, as part of the reduction or complete amnesty for an eligible participant, the reinstatement fees for any suspension that is the result of an eligible offense that occurred after the effective date of this section but prior to the date the person becomes enrolled in the program, regardless of whether the person has completed the term of the suspension ordered by the court. The director shall not include, as part of the reduction or complete amnesty under the second phase of the program, the reinstatement fees for any suspension that is the result of an eligible offense that occurred prior to the effective date of this section.

(2) A participant in the second phase of the program who is granted a reduction or complete amnesty shall complete the term of the driver's license or permit suspension for any eligible offense, as required by the court.

(3) No driver's license or permit suspension that is imposed as a result of an otherwise eligible offense that is committed on or after the date a person becomes enrolled in the program is eligible for a reduction or complete amnesty through the program.

Sec. 4510.105. (A) When a participant in the program is eligible for driver's license reinstatement, the participant shall provide proof of financial responsibility in accordance with section 4509.45 of the Revised Code prior to such reinstatement.

(B) If a person is eligible for reinstatement fee debt reduction under either section 4510.103

or 4510.104 of the Revised Code and the person does not or is unable to pay the remaining reinstatement fees in full, the director of public safety shall place the person on a payment plan for the repayment of the remaining reinstatement fees. The director also may include in the payment plan any reinstatement fees owed by the person that are the result of offenses that are not eligible for the program. Any person who is placed on a payment plan under this section shall pay not less than twenty-five dollars per month in all succeeding months until all the reinstatement fees required under the program or otherwise are paid in full.

(C) Payments may be made by regular mail, online, or in person at the bureau of motor vehicles or any deputy registrar office. If a person makes a payment in person, the person also shall pay the deputy registrar service fee or the bureau of motor vehicles service fee equal to the amount established under section 4510.10 of the Revised Code.

Sec. 4510.106. (A) The director of public safety shall send an automatic notice either by regular mail or by electronic mail, if an electronic mail address is available, enrolling a person into the first phase of the program when all of the following apply:

(1) The person's driver's license has been suspended for at least one eligible offense that occurred prior to the effective date of this section.

(2) At least eighteen months have expired since the end of the period of suspension ordered by the court for at least one eligible offense.

(3) The person owes reinstatement fees.

(4) The person has not previously received notice under this division.

After the initial notice, the director may send additional notices regarding participation in the program as the director determines appropriate.

(B) The notice required under division (A) of this section shall contain all of the following:

(1) A statement that the person has been enrolled into the program and may either begin making installment payments or may submit proof of indigency.

(2) A statement listing what outstanding reinstatement fees are being reduced with the corresponding eligible offenses under the program.

(3) A statement that twenty-five dollars is the minimum 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 explaining that the person needs to complete any 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.

(C) The director shall send an automatic notice either by regular mail or by electronic mail, if an electronic mail address is available, enrolling a person into the second phase of the program when all of the following apply:

(1) The person's driver's license has been suspended for at least one eligible offense that occurred after the effective date of this section.

(2) At least eighteen months have expired since the end of the period of suspension ordered by the court for at least one eligible offense.

(3) The person was not eligible for participation in the first phase of the program and has not

participated in the second phase of the program.

(4) The person owes reinstatement fees.

(5) The person has not previously received notice under this division.

After the initial notice, the director may send additional notices regarding participation in the program as the director determines appropriate.

(D) The notice required under division (C) of this section shall contain all of the following:

(1) A statement that the person has been enrolled into the program and may either begin making installment payments or may submit proof of indigency.

(2) A statement listing what outstanding reinstatement fees are being reduced with the corresponding eligible offenses under the program.

(3) A statement that twenty-five dollars is the minimum 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 explaining that the person needs to complete any 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.

Sec. 4510.107. (A)(1) Prior to sending the notification under division (A) or (C) of section 4510.106 of the Revised Code, the director of public safety may search the bureau of motor vehicle records or the office of vital statistics records to verify the person's last known address, whether the person is still a resident of this state, and whether the person is still living or deceased.

(2) If the director discovers that the person is deceased, the director may remove the person's name and any associated debts owed to the department of public safety from the records kept by the department regarding such debts.

(B) Any person who believes that the person is eligible for the program but who has not received a notice from the director may submit an application for the program by regular mail, online, or in person at the bureau of motor vehicles or any deputy registrar office. The director shall determine the eligibility of the applicant. If a person applies in person, the person shall pay the deputy registrar service fee or the bureau of motor vehicles service fee equal to the amount established under section 4503.038 of the Revised Code.

Sec. 4510.108. (A) The director of public safety shall conduct public service announcements regarding the permanent driver's license reinstatement fee debt reduction and amnesty program that includes a description of the program and its requirements. In addition, the director shall make such information available on the department of public safety's and the bureau of motor vehicle's web sites.

(B) The director shall establish a toll-free telephone number by which a person may receive information about the program and the person's eligibility for the program. The toll-free telephone number shall be listed as part of the public service announcements and on the department and bureau web sites.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code in order to establish any requirements and procedures necessary to administer and implement the program.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_