

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 285

Representatives Greenspan, Brent

Cosponsors: Representatives Green, Sheehy, Howse, Abrams, Blair, Brown, Carfagna, Carruthers, Crawley, Crossman, Denson, Edwards, Galonski, Ginter, Hambley, Hicks-Hudson, Hillyer, Ingram, Jones, Kelly, Lanese, Lepore-Hagan, Lightbody, Liston, Manning, G., Miller, A., Miller, J., O'Brien, Patton, Perales, Robinson, Seitz, Smith, K., Sobecki, Swearingen, Sweeney, Upchurch, Weinstein, West

Senators Manning, Maharath, Hackett, Antonio, Blessing, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Huffman, S., Kunze, Lehner, O'Brien, Peterson, Schuring, Sykes, Thomas, Williams, Wilson

A BILL

To enact sections 4510.101, 4510.102, 4510.103, 1
4510.104, 4510.105, 4510.106, 4510.107, and 2
4510.108 of the Revised Code to establish a 3
permanent Driver's License Reinstatement Fee 4
Debt Reduction and Amnesty Program. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4510.101, 4510.102, 4510.103, 6
4510.104, 4510.105, 4510.106, 4510.107, and 4510.108 of the 7
Revised Code be enacted to read as follows: 8

Sec. 4510.101. As used in sections 4510.101 to 4510.107 of 9
the Revised Code: 10

(A) "Eligible offense" means an offense under any of the 11
following Revised Code sections if the offense, an essential 12

element of the offense, the basis of the charge, or any 13
underlying offense did not involve alcohol, a drug of abuse, 14
combination thereof, or a deadly weapon: 2151.354, 2152.19, 15
2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 16
4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 17
4510.32, 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 18
4549.021, and 5743.99. 19

(B) "Deadly weapon" has the same meaning as in section 20
2923.11 of the Revised Code. 21

(C) "Drug of abuse" has the same meaning as in section 22
4511.181 of the Revised Code. 23

(D) "Complete amnesty" means a waiver of reinstatement 24
fees. 25

(E) "Driver's license or permit" does not include a 26
commercial driver's license or permit. 27

(F) "Indigent" means a person who is a participant in any 28
of the following programs: 29

(1) The supplemental nutrition assistance program 30
administered by the department of job and family services 31
pursuant to section 5101.54 of the Revised Code; 32

(2) The medicaid program pursuant to Chapter 5163. of the 33
Revised Code; 34

(3) The Ohio works first program administered by the 35
department of job and family services pursuant to section 36
5107.10 of the Revised Code; 37

(4) The supplemental security income program pursuant to 38
20 C.F.R. 416.1100; 39

(5) The United States department of veterans affairs 40
pension benefit program pursuant to 38 U.S.C. 1521. 41

(G) "Permanent driver's license reinstatement fee debt 42
reduction and amnesty program" or "program" means the program 43
established in section 4510.102 of the Revised Code and 44
administered by the director of public safety. 45

Sec. 4510.102. Not later than ninety days after the 46
effective date of this section, the director of public safety 47
shall establish a permanent driver's license reinstatement fee 48
debt reduction and amnesty program. The program shall have two 49
phases. The eligibility for phase one is described in section 50
4510.103 of the Revised Code and the eligibility for phase two 51
is described in section 4510.104 of the Revised Code. 52

Sec. 4510.103. (A) Under the first phase of the program, 53
both of the following apply: 54

(1) A person whose driver's license or permit has been 55
suspended as a result of one or more eligible offenses is 56
eligible for driver's license reinstatement fee debt reduction 57
if all of the following apply: 58

(a) The eligible offense or offenses occurred prior to the 59
effective date of this section. 60

(b) At least eighteen months have expired since the end of 61
the period of suspension ordered by the court for at least one 62
suspension; 63

(c) The person is not indigent. 64

(2) A person whose driver's license or permit has been 65
suspended as a result of one or more eligible offenses is 66
eligible for complete amnesty if both of the following apply: 67

<u>(a) The eligible offense or offenses occurred prior to the</u>	68
<u>effective date of this section.</u>	69
<u>(b) The person is indigent and can demonstrate proof of</u>	70
<u>indigence by providing documentation in a form approved by the</u>	71
<u>director of public safety.</u>	72
<u>(B) The director shall grant reinstatement fee debt</u>	73
<u>reduction in the first phase of the program to a person who is</u>	74
<u>eligible under division (A)(1) of this section as follows:</u>	75
<u>(1) If the person owes reinstatement fees for multiple</u>	76
<u>eligible offenses, the person shall pay either the lowest</u>	77
<u>reinstatement fee owed for those offenses or ten per cent of the</u>	78
<u>total amount owed for those offenses, whichever amount is</u>	79
<u>greater.</u>	80
<u>(2) If the person owes reinstatement fees for one eligible</u>	81
<u>offense, the person shall pay one-half of the reinstatement fee</u>	82
<u>owed for that offense.</u>	83
<u>(C) The director shall grant complete amnesty in the first</u>	84
<u>phase of the program to a person eligible under division (A)(2)</u>	85
<u>of this section.</u>	86
<u>(D) A person who has received either a reduction or</u>	87
<u>complete amnesty of reinstatement fees under the first phase of</u>	88
<u>the program is not eligible for a subsequent reduction or</u>	89
<u>complete amnesty of reinstatement fees through the second phase</u>	90
<u>of the program.</u>	91
<u>(E) (1) Under the first phase of the program, the director</u>	92
<u>shall include, as part of the reduction or complete amnesty for</u>	93
<u>an eligible participant, the reinstatement fees for any</u>	94
<u>suspension that is the result of an eligible offense that</u>	95
<u>occurred prior to the effective date of this section, regardless</u>	96

of whether the person has completed the term of the suspension 97
ordered by the court. The director shall not include, as part of 98
the reduction or complete amnesty under the first phase of the 99
program, the reinstatement fees for any suspension that is the 100
result of an eligible offense that occurs after the effective 101
date of this section. 102

(2) A participant in the first phase of the program who is 103
granted a reduction or complete amnesty shall complete the term 104
of the driver's license or permit suspension for any eligible 105
offense, as required by the court. 106

Sec. 4510.104. (A) Under the second phase of the program, 107
both of the following apply: 108

(1) A person whose driver's license or permit has been 109
suspended as a result of one or more eligible offenses is 110
eligible for driver's license reinstatement fee debt reduction, 111
if all of the following apply: 112

(a) The person was not eligible for participation in the 113
first phase of the program. 114

(b) The person did not participate in the first phase of 115
the program and has not participated in the second phase of the 116
program. 117

(c) The eligible offense or offenses occurred after the 118
effective date of this section. 119

(d) At least eighteen months have expired since the end of 120
the period of suspension ordered by the court for at least one 121
of the suspensions. 122

(e) The person is not indigent. 123

(2) A person whose driver's license or permit has been 124

suspended as a result of one or more eligible offenses is 125
eligible for complete amnesty, if all of the following apply: 126

(a) The person was not eligible for participation in the 127
first phase of the program. 128

(b) The person did not participate in the first phase of 129
the program and has not participated in the second phase of the 130
program. 131

(c) The eligible offense or offenses occurred after the 132
effective date of this section. 133

(d) The person is indigent and can demonstrate proof of 134
indigence by providing documentation in a form approved by the 135
director of public safety. 136

(B) The director shall grant reinstatement fee debt 137
reduction in the second phase of the program to a person who is 138
eligible under division (A)(1) of this section as follows: 139

(1) If the person owes reinstatement fees for multiple 140
eligible offenses, the person shall pay either the lowest 141
reinstatement fee owed for those offenses or ten per cent of the 142
total amount owed for those offenses, whichever amount is 143
greater. 144

(2) If the person owes reinstatement fees for one eligible 145
offense, the person shall pay one-half of the reinstatement fee 146
owed for that offense. 147

(C) The director shall grant complete amnesty in the 148
second phase of the program to a person eligible under division 149
(A)(2) of this section. 150

(D) A person who has received either a reduction or 151
complete amnesty of reinstatement fees under the second phase of 152

the program is not eligible for a subsequent reduction or 153
complete amnesty of reinstatement fees through the program. 154

(E)(1) Under the second phase of the program, the director 155
shall include, as part of the reduction or complete amnesty for 156
an eligible participant, the reinstatement fees for any 157
suspension that is the result of an eligible offense that 158
occurred after the effective date of this section but prior to 159
the date the person becomes enrolled in the program, regardless 160
of whether the person has completed the term of the suspension 161
ordered by the court. The director shall not include, as part of 162
the reduction or complete amnesty under the second phase of the 163
program, the reinstatement fees for any suspension that is the 164
result of an eligible offense that occurred prior to the 165
effective date of this section. 166

(2) A participant in the second phase of the program who 167
is granted a reduction or complete amnesty shall complete the 168
term of the driver's license or permit suspension for any 169
eligible offense, as required by the court. 170

(3) No driver's license or permit suspension that is 171
imposed as a result of an otherwise eligible offense that is 172
committed on or after the date a person becomes enrolled in the 173
program is eligible for a reduction or complete amnesty through 174
the program. 175

Sec. 4510.105. (A) When a participant in the program is 176
eligible for driver's license reinstatement, the participant 177
shall provide proof of financial responsibility in accordance 178
with section 4509.45 of the Revised Code prior to such 179
reinstatement. 180

(B) If a person is eligible for reinstatement fee debt 181

reduction under either section 4510.103 or 4510.104 of the 182
Revised Code and the person does not or is unable to pay the 183
remaining reinstatement fees in full, the director of public 184
safety shall place the person on a payment plan for the 185
repayment of the remaining reinstatement fees. The director also 186
may include in the payment plan any reinstatement fees owed by 187
the person that are the result of offenses that are not eligible 188
for the program. Any person who is placed on a payment plan 189
under this section shall pay not less than twenty-five dollars 190
per month in all succeeding months until all the reinstatement 191
fees required under the program or otherwise are paid in full. 192

(C) Payments may be made by regular mail, online, or in 193
person at the bureau of motor vehicles or any deputy registrar 194
office. If a person makes a payment in person, the person also 195
shall pay the deputy registrar service fee or the bureau of 196
motor vehicles service fee equal to the amount established under 197
section 4510.10 of the Revised Code. 198

Sec. 4510.106. (A) The director of public safety shall 199
send an automatic notice either by regular mail or by electronic 200
mail, if an electronic mail address is available, enrolling a 201
person into the first phase of the program when all of the 202
following apply: 203

(1) The person's driver's license has been suspended for 204
at least one eligible offense that occurred prior to the 205
effective date of this section. 206

(2) At least eighteen months have expired since the end of 207
the period of suspension ordered by the court for at least one 208
eligible offense. 209

(3) The person owes reinstatement fees. 210

(4) The person has not previously received notice under 211
this division. 212

After the initial notice, the director may send additional 213
notices regarding participation in the program as the director 214
determines appropriate. 215

(B) The notice required under division (A) of this section 216
shall contain all of the following: 217

(1) A statement that the person has been enrolled into the 218
program and may either begin making installment payments or may 219
submit proof of indigency. 220

(2) A statement listing what outstanding reinstatement 221
fees are being reduced with the corresponding eligible offenses 222
under the program. 223

(3) A statement that twenty-five dollars is the minimum 224
installment payment. 225

(4) A statement explaining that the person may be eligible 226
for a full waiver of the reinstatement fees if the person can 227
demonstrate proof of indigence. 228

(5) A statement explaining that the person needs to 229
complete any term of suspension ordered by the court, if not 230
already completed, before the person's driver's license may be 231
reinstated. 232

(6) Any other information necessary to explain the program 233
and its requirements, including a list of the documents required 234
to prove indigence. 235

(C) The director shall send an automatic notice either by 236
regular mail or by electronic mail, if an electronic mail 237
address is available, enrolling a person into the second phase 238

<u>of the program when all of the following apply:</u>	239
<u>(1) The person's driver's license has been suspended for</u>	240
<u>at least one eligible offense that occurred after the effective</u>	241
<u>date of this section.</u>	242
<u>(2) At least eighteen months have expired since the end of</u>	243
<u>the period of suspension ordered by the court for at least one</u>	244
<u>eligible offense.</u>	245
<u>(3) The person was not eligible for participation in the</u>	246
<u>first phase of the program and has not participated in the</u>	247
<u>second phase of the program.</u>	248
<u>(4) The person owes reinstatement fees.</u>	249
<u>(5) The person has not previously received notice under</u>	250
<u>this division.</u>	251
<u>After the initial notice, the director may send additional</u>	252
<u>notices regarding participation in the program as the director</u>	253
<u>determines appropriate.</u>	254
<u>(D) The notice required under division (C) of this section</u>	255
<u>shall contain all of the following:</u>	256
<u>(1) A statement that the person has been enrolled into the</u>	257
<u>program and may either begin making installment payments or may</u>	258
<u>submit proof of indigency.</u>	259
<u>(2) A statement listing what outstanding reinstatement</u>	260
<u>fees are being reduced with the corresponding eligible offenses</u>	261
<u>under the program.</u>	262
<u>(3) A statement that twenty-five dollars is the minimum</u>	263
<u>installment payment.</u>	264
<u>(4) A statement explaining that the person may be eligible</u>	265

for a full waiver of the reinstatement fees if the person can 266
demonstrate proof of indigence. 267

(5) A statement explaining that the person needs to 268
complete any term of suspension ordered by the court, if not 269
already completed, before the person's driver's license may be 270
reinstated. 271

(6) Any other information necessary to explain the program 272
and its requirements, including a list of the documents required 273
to prove indigence. 274

Sec. 4510.107. (A) (1) Prior to sending the notification 275
under division (A) or (C) of section 4510.106 of the Revised 276
Code, the director of public safety may search the bureau of 277
motor vehicle records or the office of vital statistics records 278
to verify the person's last known address, whether the person is 279
still a resident of this state, and whether the person is still 280
living or deceased. 281

(2) If the director discovers that the person is deceased, 282
the director may remove the person's name and any associated 283
debts owed to the department of public safety from the records 284
kept by the department regarding such debts. 285

(B) Any person who believes that the person is eligible 286
for the program but who has not received a notice from the 287
director may submit an application for the program by regular 288
mail, online, or in person at the bureau of motor vehicles or 289
any deputy registrar office. The director shall determine the 290
eligibility of the applicant. If a person applies in person, the 291
person shall pay the deputy registrar service fee or the bureau 292
of motor vehicles service fee equal to the amount established 293
under section 4503.038 of the Revised Code. 294

Sec. 4510.108. (A) The director of public safety shall 295
conduct public service announcements regarding the permanent 296
driver's license reinstatement fee debt reduction and amnesty 297
program that includes a description of the program and its 298
requirements. In addition, the director shall make such 299
information available on the department of public safety's and 300
the bureau of motor vehicle's web sites. 301

(B) The director shall establish a toll-free telephone 302
number by which a person may receive information about the 303
program and the person's eligibility for the program. The toll- 304
free telephone number shall be listed as part of the public 305
service announcements and on the department and bureau web 306
sites. 307

(C) The director shall adopt rules in accordance with 308
Chapter 119. of the Revised Code in order to establish any 309
requirements and procedures necessary to administer and 310
implement the program. 311