

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 477

Representatives West, Kick

**Cosponsors: Representatives Lang, Lipps, Becker, Brent, Strahorn, Miranda,
Smith, K., Seitz, Denson, Ingram, Dean, Russo, Miller, J., Butler, Hambley,
Crossman**

A BILL

To amend sections 120.08, 2705.031, 3123.54, 1
3123.55, 3123.56, 3123.57, 3123.58, 3123.63, 2
4503.233, 4507.20, and 4509.101 and to enact 3
sections 3123.61 and 4510.023 of the Revised 4
Code to alter the procedures and requirements 5
governing the granting of limited driving 6
privileges in certain criminal cases and cases 7
involving failure to pay child support, to 8
authorize a court in any proceeding to submit a 9
report to the Registrar of Motor Vehicles 10
regarding whether the defendant is competent to 11
operate a motor vehicle, to alter the 12
reinstatement fees related to failure to provide 13
proof of financial responsibility and vehicle 14
immobilization, and to impose community service 15
sanctions on persons who are the subject of 16
child support order default determinations under 17
specified circumstances. 18

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

Section 1. That sections 120.08, 2705.031, 3123.54, 19
3123.55, 3123.56, 3123.57, 3123.58, 3123.63, 4503.233, 4507.20, 20
and 4509.101 be amended and sections 3123.61 and 4510.023 of the 21
Revised Code be enacted to read as follows: 22

Sec. 120.08. There is hereby created in the state treasury 23
the indigent defense support fund, consisting of money paid into 24
the fund pursuant to sections 4507.45, ~~4509.101~~, 4510.22, and 25
4511.19 of the Revised Code and pursuant to sections 2937.22, 26
2949.091, and 2949.094 of the Revised Code out of the additional 27
court costs imposed under those sections. The state public 28
defender shall use at least eighty-three per cent of the money 29
in the fund for the purposes of reimbursing county governments 30
for expenses incurred pursuant to sections 120.18, 120.28, and 31
120.33 of the Revised Code and operating its system pursuant to 32
division (C) (7) of section 120.04 of the Revised Code and 33
division (B) of section 120.33 of the Revised Code. 34
Disbursements from the fund to county governments shall be made 35
at least once per year and shall be allocated proportionately so 36
that each county receives an equal percentage of its total cost 37
for operating its county public defender system, its joint 38
county public defender system, its county appointed counsel 39
system, or its system operated under division (C) (7) of section 40
120.04 of the Revised Code and division (B) of section 120.33 of 41
the Revised Code. The state public defender may use not more 42
than seventeen per cent of the money in the fund for the 43
purposes of appointing assistant state public defenders, 44
providing other personnel, equipment, and facilities necessary 45
for the operation of the state public defender office, and 46
providing training, developing and implementing electronic 47
forms, or establishing and maintaining an information technology 48
system used for the uniform operation of this chapter. 49

Sec. 2705.031. (A) As used in this section, "Title IV-D case" has the same meaning as in section 3125.01 of the Revised Code.

(B) (1) Any party who has a legal claim to any support ordered for a child, spouse, or former spouse may initiate a contempt action for failure to pay the support. In Title IV-D cases, the contempt action for failure to pay support also may be initiated by an attorney retained by the party who has the legal claim, the prosecuting attorney, or an attorney of the department of job and family services or the child support enforcement agency.

(2) Any parent who is granted parenting time rights under a parenting time order or decree issued pursuant to section 3109.051 or 3109.12 of the Revised Code, any person who is granted visitation rights under a visitation order or decree issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or pursuant to any other provision of the Revised Code, or any other person who is subject to any parenting time or visitation order or decree, may initiate a contempt action for a failure to comply with, or an interference with, the order or decree.

(C) In any contempt action initiated pursuant to division (B) of this section, the accused shall appear upon the summons and order to appear that is issued by the court. The summons shall include all of the following:

(1) Notice that failure to appear may result in the issuance of an order of arrest, and in cases involving alleged failure to pay support, the issuance of an order for the payment of support by withholding an amount from the personal earnings of the accused or by withholding or deducting an amount from

some other asset of the accused; 80

(2) Notice that the accused has a right to counsel, and 81
that if indigent, the accused must apply for a public defender 82
or court appointed counsel within three business days after 83
receipt of the summons; 84

(3) Notice that the court may refuse to grant a 85
continuance at the time of the hearing for the purpose of the 86
accused obtaining counsel, if the accused fails to make a good 87
faith effort to retain counsel or to obtain a public defender; 88

(4) Notice of the potential penalties that could be 89
imposed upon the accused, if the accused is found guilty of 90
contempt for failure to pay support or for a failure to comply 91
with, or an interference with, a parenting time or visitation 92
order or decree; 93

(5) Notice that the court ~~may~~must grant limited driving 94
privileges ~~under~~for any of the purposes specified in division 95
(A) of section 4510.021 of the Revised Code pursuant to a 96
request made by the accused, if the driver's license was 97
suspended based on a notice issued pursuant to section 3123.54 98
of the Revised Code by the child support enforcement agency and 99
~~if the request is accompanied by a recent noncertified copy of a~~ 100
~~driver's abstract from the registrar of motor vehicles~~ provided 101
the license is not suspended for any other prior offense for 102
which the accused has not been granted limited driving 103
privileges. 104

(D) If the accused is served as required by the Rules of 105
Civil Procedure or by any special statutory proceedings that are 106
relevant to the case, the court may order the attachment of the 107
person of the accused upon failure to appear as ordered by the 108

court. 109

(E) The imposition of any penalty for contempt under 110
section 2705.05 of the Revised Code shall not eliminate any 111
obligation of the accused to pay any past, present, or future 112
support obligation or any obligation of the accused to comply 113
with or refrain from interfering with the parenting time or 114
visitation order or decree. The court shall have jurisdiction to 115
make a finding of contempt for the failure to pay support and to 116
impose the penalties set forth in section 2705.05 of the Revised 117
Code in all cases in which past due support is at issue even if 118
the duty to pay support has terminated, and shall have 119
jurisdiction to make a finding of contempt for a failure to 120
comply with, or an interference with, a parenting time or 121
visitation order or decree and to impose the penalties set forth 122
in section 2705.05 of the Revised Code in all cases in which the 123
failure or interference is at issue even if the parenting time 124
or visitation order or decree no longer is in effect. 125

Sec. 3123.54. (A) If a child support enforcement agency, 126
pursuant to section 3123.53 of the Revised Code, determines that 127
an individual holds a license, endorsement, or permit or has 128
applied for, or is likely to apply for, a license, endorsement, 129
or permit, it shall send the notice described in section 3123.55 130
of the Revised Code to the individual. The notice shall include 131
the next reasonable hearing date and time set forth in the 132
schedule obtained under division (B) of this section at which 133
the individual may apply for and obtain limited driving 134
privileges. As required under section 3123.55 of the Revised 135
Code, the notice shall specify that the individual will be 136
granted limited driving privileges, provided the individual 137
appears at the date and time set for the hearing and the 138
individual's license is not suspended for any other prior 139

offense for which the individual has not been granted limited 140
driving privileges. 141

(B) Each juvenile or domestic relations court with 142
jurisdiction over child support orders shall schedule regular 143
dates and times, at least once every two weeks, for the court to 144
grant limited driving privileges to individuals whose license, 145
permit, or endorsement will be suspended under section 3123.58 146
of the Revised Code. The court shall provide the schedule to 147
each child support enforcement agency within its territorial 148
jurisdiction and to the registrar of motor vehicles. 149

(C) After sending the notice specified in division (A) of 150
this section, the agency ~~also may shall~~ send a notice to the 151
juvenile or domestic relations court with jurisdiction over the 152
child support order and the registrar of motor vehicles that 153
gives the name and social security number or other identifying 154
number of the individual and states that a court or agency has 155
determined that the individual is in default under a child 156
support order or has failed to comply with a warrant or subpoena 157
issued by a court or agency with respect to a proceeding to 158
enforce a child support order. The notice shall include the 159
court hearing date and time at which the individual may apply 160
for and obtain limited driving privileges. 161

Sec. 3123.55. (A) Notice shall be sent to the individual 162
described in section 3123.53 of the Revised Code in compliance 163
with section 3121.23 of the Revised Code. The notice shall 164
specify that a court or child support enforcement agency has 165
determined the individual to be in default under a child support 166
order or that the individual is an obligor under a child support 167
order who has failed to comply with a subpoena or warrant issued 168
by a court or agency with respect to a proceeding to enforce a 169

child support order, that a notice containing the individual's 170
name and social security number or other identification number 171
may be sent to the registrar of motor vehicles, and that, if the 172
registrar receives that notice and determines that the 173
individual is the individual named in that notice and the 174
registrar has not received notice under section 3123.56 or 175
3123.57 of the Revised Code, all of the following will occur as 176
of the date and time of the court hearing specified in the 177
notice: 178

(1) The registrar and all deputy registrars will be 179
prohibited from issuing to the individual a driver's or 180
commercial driver's license, motorcycle operator's license or 181
endorsement, or temporary instruction permit or commercial 182
driver's temporary instruction permit. 183

(2) The registrar and all deputy registrars will be 184
prohibited from renewing for the individual a driver's or 185
commercial driver's license, motorcycle operator's license or 186
endorsement, or commercial driver's temporary instruction 187
permit. 188

(3) If the individual holds a driver's or commercial 189
driver's license, motorcycle operator's license or endorsement, 190
or temporary instruction permit or commercial driver's temporary 191
instruction permit, the registrar will impose a class F 192
suspension under division (B)(6) of section 4510.02 of the 193
Revised Code if the registrar determines that the individual is 194
the individual named in the notice sent pursuant to section 195
3123.54 of the Revised Code. 196

(4) If the individual is the individual named in the 197
notice, the individual will not be issued or have renewed any 198
license, endorsement, or permit, and no suspension will be 199

lifted with respect to any license, endorsement, or permit 200
listed in this section until the registrar receives a notice 201
under section 3123.56 or 3123.57 of the Revised Code. 202

(5) (a) The individual will be granted limited driving 203
privileges, provided the individual appears at the date and time 204
set for the hearing at the juvenile or domestic relations court 205
with jurisdiction over the child support order. 206

(b) The notice shall inform the individual of the date and 207
time of the hearing and the contact information of the court. 208

(c) The notice also shall specify that if the individual's 209
license is suspended for any other prior offense for which the 210
individual has not been granted limited driving privileges, then 211
the individual will not be able to obtain limited driving 212
privileges at the specified court date and time. 213

(d) The notice shall inform the individual that the 214
individual may request a different hearing date and time other 215
than the date and time specified in division (A) (5) (a) of this 216
section. The court shall not approve a different hearing date 217
and time unless the individual has a valid reason for the 218
request, as determined by the court. If the court approves the 219
request, the court shall notify the agency and the registrar of 220
the different hearing date and time. 221

(B) If an agency makes the determination described in 222
division (A) of section 3123.53 of the Revised Code, it shall 223
not send the notice described in division (A) of this section 224
unless both of the following are the case: 225

(1) At least ninety days have elapsed since the final and 226
enforceable determination of default; 227

(2) In the preceding ninety days, the obligor has failed 228

to pay at least fifty per cent of the total monthly obligation 229
due through means other than those described in sections 3123.81 230
to 3123.85 of the Revised Code. 231

(C) The department of job and family services shall adopt 232
rules pursuant to section 3123.63 of the Revised Code 233
establishing a uniform pre-suspension notice form that shall be 234
used by agencies that send notice as required by this section. 235

Sec. 3123.56. A child support enforcement agency that sent 236
a notice under section 3123.54 of the Revised Code of an 237
individual's default under a child support order shall send to 238
the juvenile or domestic relations court with jurisdiction over 239
the child support order and the registrar of motor vehicles a 240
notice that the individual is not in default if it determines 241
that the individual is not in default or any of the following 242
occurs: 243

(A) The individual makes full payment to the office of 244
child support or, pursuant to sections 3125.27 to 3125.30 of the 245
Revised Code, to the child support enforcement agency of the 246
arrearage as of the date the payment is made. 247

(B) If division (A) of this section is not possible, the 248
individual has presented to the agency sufficient evidence of 249
current employment or of an account in a financial institution, 250
the agency has confirmed the individual's employment or the 251
existence of the account, and an appropriate withholding or 252
deduction notice described in section 3121.03 of the Revised 253
Code has been issued to collect current support and any 254
arrearage due under the child support order that was in default. 255

(C) If divisions (A) and (B) of this section are not 256
possible, the individual presents evidence to the agency 257

sufficient to establish that the individual is unable to work 258
due to circumstances beyond the individual's control. 259

(D) If divisions (A), (B), and (C) of this section are not 260
possible, the individual enters into and complies with a written 261
agreement with the agency that requires the obligor to comply 262
with either of the following: 263

(1) A family support program administered or approved by 264
the agency; 265

(2) A program to establish compliance with a seek work 266
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 267
Code. 268

(E) If divisions (A), (B), (C), and (D) of this section 269
are not possible, the individual pays the balance of the total 270
monthly obligation due for the ninety-day period preceding the 271
date the agency sent the notice described in section 3123.55 of 272
the Revised Code. 273

The agency shall send the notice under this section not 274
later than seven days after it determines the individual is not 275
in default or that any of the circumstances specified in this 276
section has occurred. 277

Sec. 3123.57. A child support enforcement agency that sent 278
a notice under section 3123.54 of the Revised Code of an 279
individual's failure to comply with a warrant or subpoena shall 280
send to the juvenile or domestic relations court with 281
jurisdiction over the child support order and the registrar of 282
motor vehicles a notice that the individual is no longer out of 283
compliance if the court or agency that issued the warrant or 284
subpoena removes the warrant or determines that the individual 285
has complied with the subpoena. 286

The agency shall send the notice under this section not 287
later than seven days after the agency determines that either of 288
the circumstances specified in this section has occurred. 289

Sec. 3123.58. (A) (1) On receipt of a notice sent pursuant 290
to section 3123.54 of the Revised Code, the registrar of motor 291
vehicles shall determine whether the individual named in the 292
notice holds or has applied for a driver's license or commercial 293
driver's license, motorcycle operator's license or endorsement, 294
or temporary instruction permit or commercial driver's temporary 295
instruction permit. If the registrar determines that the 296
individual holds or has applied for a license, permit, or 297
endorsement and the individual is the individual named in the 298
notice and does not receive a notice pursuant to section 3123.56 299
or 3123.57 of the Revised Code, the registrar immediately shall 300
provide notice of the determination to each deputy registrar. 301
~~The~~ 302

(2) Effective on the date and at the time of the court 303
hearing specified in the notice sent pursuant to section 3123.54 304
of the Revised Code, the registrar or a deputy registrar may not 305
issue to the individual a driver's or commercial driver's 306
license, motorcycle operator's license or endorsement, or 307
temporary instruction permit or commercial driver's temporary 308
instruction permit and may not renew for the individual a 309
driver's or commercial driver's license, motorcycle operator's 310
license or endorsement, or commercial driver's temporary 311
instruction permit. The registrar or a deputy registrar also 312
shall impose a class F suspension of the license, permit, or 313
endorsement held by the individual under division (B) (6) of 314
section 4510.02 of the Revised Code, effective on the date and 315
at the time of the court hearing specified in the notice. 316

(3) If the registrar is informed by the court that the individual has rescheduled the hearing date and time with the court, the registrar shall delay the suspension and all other actions described in division (A)(2) of this section until the new date and time of the hearing. 317
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(B)(1)-A-(a) On the court date and time specified in the notice sent pursuant to section 3123.54 of the Revised Code or at the rescheduled hearing arranged between the individual and the court, the juvenile or domestic relations court may with jurisdiction over the child support order shall grant an the individual whose license, permit, or endorsement is suspended under this section limited driving privileges in accordance with for any of the purposes specified in division (B)-(A) of section 4510.021 of the Revised Code pursuant to a request made during an action for contempt initiated under section 2705.031 of the Revised Code. Prior to granting privileges under this division, the court shall request the accused to provide the court with a recent noncertified copy of a driver's abstract from the registrar of motor vehicles and shall request the child support enforcement agency that issued the notice pursuant to section 3123.54 of the Revised Code relative to the individual to advise the court, either in person through a representative testifying at a hearing or through a written document, the position of the agency relative to the issue of the granting of privileges to the individual. The court, in determining whether to grant the individual privileges under this division, shall take into consideration the position of the agency, but the court is not bound by the position of the agency, provided that the individual appears before the court and the individual's license, permit, or endorsement is not suspended for any other prior offense for which the individual has not been granted 322
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limited driving privileges. 348

(b) If an individual does not appear at the court date and 349
time under division (B)(1)(a) of this section, the individual 350
whose license is suspended under this section may apply to the 351
juvenile or domestic relation court with jurisdiction over the 352
child support order for limited driving privileges after that 353
date. If the individual so applies, the court shall set a date 354
and time for a hearing at which the court shall grant limited 355
driving privileges for any of the purposes specified in division 356
(A) of section 4510.021 of the Revised Code, provided that the 357
individual appears before the court and the individual's 358
license, permit, or endorsement is not suspended for any other 359
prior offense for which the individual has not been granted 360
limited driving privileges. 361

(2) A court that grants limited driving privileges to a 362
person under division (B)(1) of this section shall deliver to 363
the person a permit card, in a form to be prescribed by the 364
court, setting forth the date on which the limited privileges 365
will become effective, the purposes for which the person may 366
drive, the times and places at which the person may drive, and 367
any other conditions imposed upon the person's use of a motor 368
vehicle. 369

(3) The court immediately shall notify the registrar, in 370
writing, of a grant of limited driving privileges under division 371
(B)(1) of this section. The notification shall specify the date 372
on which the limited driving privileges will become effective, 373
the purposes for which the person may drive, and any other 374
conditions imposed upon the person's use of a motor vehicle. 375

(C) If a person who has been granted limited driving 376
privileges under division (B)(1) of this section is convicted 377

of, pleads guilty to, or is adjudicated in juvenile court of 378
having committed a violation of Chapter 4510. of the Revised 379
Code or any similar municipal ordinance during the period of 380
which the person was granted limited driving privileges, the 381
person's limited driving privileges shall be suspended 382
immediately pending a reinstatement hearing. 383

Sec. 3123.61. (A) For purposes of this section, "default 384
determination" means a final and enforceable determination that 385
an individual is in default under a child support order pursuant 386
to sections 3123.01 to 3123.07 of the Revised Code. 387

(B) The court with jurisdiction over a child support order 388
that is the subject of a default determination may impose the 389
following community service terms on the individual in default: 390

(1) Up to five hours a week for up to six months for the 391
default determination, if the individual was subject to two 392
prior default determinations; 393

(2) Up to ten hours a week for up to six months for the 394
default determination, if the individual was subject to three 395
prior default determinations; 396

(3) Up to ten hours a week for up to one year for the 397
default determination, if the individual was subject to four or 398
more prior default determinations. 399

Sec. 3123.63. The director of job and family services 400
shall adopt rules in accordance with Chapter 119. of the Revised 401
Code to implement sections 3123.41 to 3123.50, 3123.53 to 402
3123.60, and 3123.62 of the Revised Code. The rules shall 403
include ~~both~~ all of the following: 404

(A) Requirements concerning the contents of, and the 405
conditions for issuance of, a notice required by section 3123.44 406

or 3123.55 of the Revised Code. The rules shall require the 407
contents of the notice to include information about the effect 408
of a license suspension and appropriate steps that an individual 409
can take to avoid license suspension. 410

(B) Requirements establishing standards for confirming an 411
individual's employment or the existence of an account pursuant 412
to sections 3123.45 and 3123.56 of the Revised Code. 413

(C) Requirements concerning the authority of a child 414
support enforcement agency to direct the registrar of motor 415
vehicles to eliminate from the abstract maintained by the bureau 416
of motor vehicles any reference to the suspension of an 417
individual's license, permit, or endorsement imposed under 418
section 3123.58 of the Revised Code. 419

(D) Procedures for communication regarding, and the 420
coordination of the date and time of, court hearings for 421
granting limited driving privileges under sections 3123.53 to 422
3123.60 of the Revised Code between the applicable child support 423
enforcement agency, court, and the registrar. 424

(E) Any other procedures and requirements necessary to 425
implement license suspensions and the granting of limited 426
driving privileges under sections 3123.53 to 3123.60 of the 427
Revised Code. 428

Sec. 4503.233. (A) (1) If a court is required to order the 429
immobilization of a vehicle for a specified period of time 430
pursuant to section 4510.11, 4510.14, 4510.161, 4510.41, 431
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 432
subject to section 4503.235 of the Revised Code, shall issue the 433
immobilization order in accordance with this division and for 434
the period of time specified in the particular section, and the 435

immobilization under the order shall be in accordance with this 436
section. The court, at the time of sentencing the offender for 437
the offense relative to which the immobilization order is issued 438
or as soon thereafter as is practicable, shall give a copy of 439
the order to the offender or the offender's counsel. The court 440
promptly shall send a copy of the order to the registrar on a 441
form prescribed by the registrar and to the person or agency it 442
designates to execute the order. 443

The order shall indicate the date on which it is issued, 444
shall identify the vehicle that is subject to the order, and 445
shall specify all of the following: 446

(a) The period of the immobilization; 447

(b) The place at which the court determines that the 448
immobilization shall be carried out, provided that the court 449
shall not determine and shall not specify that the 450
immobilization is to be carried out at any place other than a 451
commercially operated private storage lot, a place owned by a 452
law enforcement or other government agency, or a place to which 453
one of the following applies: 454

(i) The place is leased by or otherwise under the control 455
of a law enforcement or other government agency. 456

(ii) The place is owned by the offender, the offender's 457
spouse, or a parent or child of the offender. 458

(iii) The place is owned by a private person or entity, 459
and, prior to the issuance of the order, the private entity or 460
person that owns the place, or the authorized agent of that 461
private entity or person, has given express written consent for 462
the immobilization to be carried out at that place. 463

(iv) The place is a public street or highway on which the 464

vehicle is parked in accordance with the law. 465

(c) The person or agency designated by the court to 466
execute the order, which shall be either the law enforcement 467
agency that employs the law enforcement officer who seized the 468
vehicle, a bailiff of the court, another person the court 469
determines to be appropriate to execute the order, or the law 470
enforcement agency with jurisdiction over the place of residence 471
of the vehicle owner; 472

(d) That neither the registrar nor a deputy registrar will 473
be permitted to accept an application for the license plate 474
registration of any motor vehicle in the name of the vehicle 475
owner until the immobilization fee is paid. 476

(2) The person or agency the court designates to 477
immobilize the vehicle shall seize or retain that vehicle's 478
license plates and forward them to the bureau of motor vehicles. 479

(3) In all cases, the offender shall be assessed an 480
immobilization fee of ~~one hundred~~ twenty-five dollars, and the 481
immobilization fee shall be paid to the registrar before the 482
vehicle may be released to the offender. Neither the registrar 483
nor a deputy registrar shall accept an application for the 484
registration of any motor vehicle in the name of the offender 485
until the immobilization fee is paid. 486

(4) If the vehicle subject to the order is immobilized 487
pursuant to the order and is found being operated upon any 488
street or highway in this state during the immobilization 489
period, it shall be seized, removed from the street or highway, 490
and criminally forfeited and disposed of pursuant to section 491
4503.234 of the Revised Code. 492

(5) The registrar shall deposit the immobilization fee 493

into the public safety - highway purposes fund created by 494
section 4501.06 of the Revised Code to be expended only as 495
provided in division (A) (5) of this section. If the court 496
designated in the order a court bailiff or another appropriate 497
person other than a law enforcement officer to immobilize the 498
vehicle, the amount of the fee deposited into the public safety 499
- highway purposes fund shall be paid out to the county treasury 500
if the court that issued the order is a county court, to the 501
treasury of the municipal corporation served by the court if the 502
court that issued the order is a mayor's court, or to the city 503
treasury of the legislative authority of the court, both as 504
defined in section 1901.03 of the Revised Code, if the court 505
that issued the order is a municipal court. If the court 506
designated a law enforcement agency to immobilize the vehicle 507
and if the law enforcement agency immobilizes the vehicle, the 508
amount of the fee deposited into the public safety - highway 509
purposes fund shall be paid out to the law enforcement agency to 510
reimburse the agency for the costs it incurs in obtaining 511
immobilization equipment and, if required, in sending an officer 512
or other person to search for and locate the vehicle specified 513
in the immobilization order and to immobilize the vehicle. 514

In addition to the immobilization fee required to be paid 515
under division (A) (3) of this section, the offender may be 516
charged expenses or charges incurred in the removal and storage 517
of the immobilized vehicle. 518

(B) If a court issues an immobilization order under 519
division (A) (1) of this section, the person or agency designated 520
by the court to execute the immobilization order promptly shall 521
immobilize or continue the immobilization of the vehicle at the 522
place specified by the court in the order. The registrar shall 523
not authorize the release of the vehicle or authorize the 524

issuance of new identification license plates for the vehicle at 525
the end of the immobilization period until the immobilization 526
fee has been paid. 527

(C) Upon receipt of the license plates for a vehicle under 528
this section, the registrar shall destroy the license plates. At 529
the end of the immobilization period and upon the payment of the 530
immobilization fee that must be paid under this section, the 531
registrar shall authorize the release of the vehicle and 532
authorize the issuance, upon the payment of the same fee as is 533
required for the replacement of lost, mutilated, or destroyed 534
license plates and certificates of registration, of new license 535
plates and, if necessary, a new certificate of registration to 536
the offender for the vehicle in question. 537

(D) (1) If a court issues an immobilization order under 538
division (A) of this section, the immobilization period 539
commences on the day on which the vehicle in question is 540
immobilized. If the vehicle in question had been seized under 541
section 4510.41 or 4511.195 of the Revised Code, the time 542
between the seizure and the beginning of the immobilization 543
period shall be credited against the immobilization period 544
specified in the immobilization order issued under division (A) 545
of this section. No vehicle that is immobilized under this 546
section is eligible to have restricted license plates under 547
section 4503.231 of the Revised Code issued for that vehicle. 548

(2) If a court issues an immobilization order under 549
division (A) of this section, if the vehicle subject to the 550
order is immobilized under the order, and if the vehicle is 551
found being operated upon any street or highway of this state 552
during the immobilization period, it shall be seized, removed 553
from the street or highway, and criminally forfeited, and 554

disposed of pursuant to section 4503.234 of the Revised Code. No 555
vehicle that is forfeited under this provision shall be 556
considered contraband for purposes of Chapter 2981. of the 557
Revised Code, but shall be held by the law enforcement agency 558
that employs the officer who seized it for disposal in 559
accordance with section 4503.234 of the Revised Code. 560

(3) If a court issues an immobilization order under 561
division (A) of this section, and if the vehicle is not claimed 562
within seven days after the end of the period of immobilization 563
or if the offender has not paid the immobilization fee, the 564
person or agency that immobilized the vehicle shall send a 565
written notice to the offender at the offender's last known 566
address informing the offender of the date on which the period 567
of immobilization ended, that the offender has twenty days after 568
the date of the notice to pay the immobilization fee and obtain 569
the release of the vehicle, and that if the offender does not 570
pay the fee and obtain the release of the vehicle within that 571
twenty-day period, the vehicle will be forfeited under section 572
4503.234 of the Revised Code to the entity that is entitled to 573
the immobilization fee. 574

(4) An offender whose motor vehicle is subject to an 575
immobilization order issued under division (A) of this section 576
shall not sell the motor vehicle without approval of the court 577
that issued the order. If such an offender wishes to sell the 578
motor vehicle during the immobilization period, the offender 579
shall apply to the court that issued the immobilization order 580
for permission to assign the title to the vehicle. If the court 581
is satisfied that the sale will be in good faith and not for the 582
purpose of circumventing the provisions of division (A)(1) of 583
this section, it may certify its consent to the offender and to 584
the registrar. Upon receipt of the court's consent, the 585

registrar shall enter the court's notice in the offender's 586
vehicle license plate registration record. 587

If, during a period of immobilization under an 588
immobilization order issued under division (A) of this section, 589
the title to the immobilized motor vehicle is transferred by the 590
foreclosure of a chattel mortgage, a sale upon execution, the 591
cancellation of a conditional sales contract, or an order of a 592
court, the involved court shall notify the registrar of the 593
action, and the registrar shall enter the court's notice in the 594
offender's vehicle license plate registration record. 595

Nothing in this section shall be construed as requiring 596
the registrar or the clerk of the court of common pleas to note 597
upon the certificate of title records any prohibition regarding 598
the sale of a motor vehicle. 599

(5) If the title to a motor vehicle that is subject to an 600
immobilization order under division (A) of this section is 601
assigned or transferred without court approval between the time 602
of arrest of the offender who committed the offense for which 603
such an order is to be issued and the time of the actual 604
immobilization of the vehicle, the court shall order that, for a 605
period of two years from the date of the order, neither the 606
registrar nor any deputy registrar shall accept an application 607
for the registration of any motor vehicle in the name of the 608
offender whose vehicle was assigned or transferred without court 609
approval. The court shall notify the registrar of the order on a 610
form prescribed by the registrar for that purpose. 611

(6) If the title to a motor vehicle that is subject to an 612
immobilization order under division (A) of this section is 613
assigned or transferred without court approval in violation of 614
division (D)(4) of this section, then, in addition to or 615

independent of any other penalty established by law, the court 616
may fine the offender the value of the vehicle as determined by 617
publications of the national auto dealers association. The 618
proceeds from any fine so imposed shall be distributed in the 619
same manner as the proceeds of the sale of a forfeited vehicle 620
are distributed pursuant to division (C) (2) of section 4503.234 621
of the Revised Code. 622

(E) (1) The court with jurisdiction over the case, after 623
notice to all interested parties including lienholders, and 624
after an opportunity for them to be heard, if the offender fails 625
to appear in person, without good cause, or if the court finds 626
that the offender does not intend to seek release of the vehicle 627
at the end of the period of immobilization or that the offender 628
is not or will not be able to pay the expenses and charges 629
incurred in its removal and storage, may order that title to the 630
vehicle be transferred, in order of priority, first into the 631
name of the entity entitled to the immobilization fee under 632
division (A) (5) of this section, next into the name of a 633
lienholder, or lastly, into the name of the owner of the place 634
of storage. 635

A lienholder that receives title under a court order shall 636
do so on the condition that it pay any expenses or charges 637
incurred in the vehicle's removal and storage. If the entity 638
that receives title to the vehicle is the entity that is 639
entitled to the immobilization fee under division (A) (5) of this 640
section, it shall receive title on the condition that it pay any 641
lien on the vehicle. The court shall not order that title be 642
transferred to any person or entity other than the owner of the 643
place of storage if the person or entity refuses to receive the 644
title. Any person or entity that receives title may either keep 645
title to the vehicle or may dispose of the vehicle in any legal 646

manner that it considers appropriate, including assignment of 647
the certificate of title to the motor vehicle to a salvage 648
dealer or a scrap metal processing facility. The person or 649
entity shall not transfer the vehicle to the person who is the 650
vehicle's immediate previous owner. 651

If the person or entity assigns the motor vehicle to a 652
salvage dealer or scrap metal processing facility, the person or 653
entity shall send the assigned certificate of title to the motor 654
vehicle to the clerk of the court of common pleas of the county 655
in which the salvage dealer or scrap metal processing facility 656
is located. The person or entity shall mark the face of the 657
certificate of title with the words "FOR DESTRUCTION" and shall 658
deliver a photocopy of the certificate of title to the salvage 659
dealer or scrap metal processing facility for its records. 660

(2) Whenever a court issues an order under division (E) (1) 661
of this section, the court also shall order removal of the 662
license plates from the vehicle and cause them to be sent to the 663
registrar if they have not already been sent to the registrar. 664
Thereafter, no further proceedings shall take place under this 665
section, but the offender remains liable for payment of the 666
immobilization fee described in division (A) (3) of this section 667
if an immobilization order previously had been issued by the 668
court. 669

(3) Prior to initiating a proceeding under division (E) (1) 670
of this section, and upon payment of the fee under division (B) 671
of section 4505.14 of the Revised Code, any interested party may 672
cause a search to be made of the public records of the bureau of 673
motor vehicles or the clerk of the court of common pleas, to 674
ascertain the identity of any lienholder of the vehicle. The 675
initiating party shall furnish this information to the clerk of 676

the court with jurisdiction over the case, and the clerk shall 677
provide notice to the vehicle owner, the defendant, any 678
lienholder, and any other interested parties listed by the 679
initiating party, at the last known address supplied by the 680
initiating party, by certified mail or, at the option of the 681
initiating party, by personal service or ordinary mail. 682

As used in this section, "interested party" includes the 683
offender, all lienholders, the owner of the place of storage, 684
the person or entity that caused the vehicle to be removed, and 685
the person or entity, if any, entitled to the immobilization fee 686
under division (A) (5) of this section. 687

Sec. 4507.20. (A) The registrar of motor vehicles, when 688
the registrar has good cause to believe that the holder of a 689
driver's or commercial driver's license is incompetent or 690
otherwise not qualified to be licensed, shall send a written 691
notice to the licensee's last known address, requiring the 692
licensee to submit to a driver's license examination, a physical 693
examination, or both, or a commercial driver's license 694
examination within the time indicated on the notice. The 695
physical examination may be conducted by any individual 696
authorized by the Revised Code to do so, including a physician 697
assistant, a clinical nurse specialist, a certified nurse 698
practitioner, or a certified nurse-midwife. Any written 699
documentation of the physical examination shall be completed by 700
the individual who conducted the examination. 701

Upon the conclusion of the examination, the registrar may 702
suspend the license of the person, may permit the licensee to 703
retain the license, or may issue the licensee a restricted 704
license. Refusal or neglect of the licensee to submit to the 705
examination is ground for suspension of the licensee's license. 706

(B) A physician licensed under Chapter 4731. of the 707
Revised Code may submit a report to the registrar stating that 708
in the physician's professional opinion the holder of a driver's 709
or commercial driver's license may be incompetent or otherwise 710
not qualified to operate safely a motor vehicle due to medical 711
reasons. Any such report submitted to the registrar is 712
confidential, is not a public record, and is not subject to 713
disclosure under section 149.43 of the Revised Code. 714

(C) A judge during any proceeding who has good cause to 715
believe that a defendant who holds a driver's or commercial 716
driver's license is incompetent or otherwise not qualified to be 717
licensed may submit a report to that effect to the registrar. 718
Upon receipt of the report, the registrar may require the 719
defendant to submit to an examination in accordance with 720
division (A) of this section. 721

Sec. 4509.101. (A) (1) No person shall operate, or permit 722
the operation of, a motor vehicle in this state, unless proof of 723
financial responsibility is maintained continuously throughout 724
the registration period with respect to that vehicle, or, in the 725
case of a driver who is not the owner, with respect to that 726
driver's operation of that vehicle. 727

(2) Whoever violates division (A) (1) of this section shall 728
be subject to the following civil penalties: 729

(a) Subject to divisions (A) (2) (b) and (c) of this 730
section, a class (F) suspension of the person's driver's 731
license, commercial driver's license, temporary instruction 732
permit, probationary license, or nonresident operating privilege 733
for the period of time specified in division (B) (6) of section 734
4510.02 of the Revised Code and impoundment of the person's 735
license. 736

(b) If, within five years of the violation, the person's 737
operating privileges are again suspended and the person's 738
license again is impounded for a violation of division (A) (1) of 739
this section, a class C suspension of the person's driver's 740
license, commercial driver's license, temporary instruction 741
permit, probationary license, or nonresident operating privilege 742
for the period of time specified in division (B) (3) of section 743
4510.02 of the Revised Code. The court may grant limited driving 744
privileges to the person only if the person presents proof of 745
financial responsibility and has complied with division (A) (5) 746
of this section, and no court may grant limited driving 747
privileges for the first fifteen days of the suspension. 748

(c) If, within five years of the violation, the person's 749
operating privileges are suspended and the person's license is 750
impounded two or more times for a violation of division (A) (1) 751
of this section, a class B suspension of the person's driver's 752
license, commercial driver's license, temporary instruction 753
permit, probationary license, or nonresident operating privilege 754
for the period of time specified in division (B) (2) of section 755
4510.02 of the Revised Code. The court may grant limited driving 756
privileges to the person only if the person presents proof of 757
financial responsibility and has complied with division (A) (5) 758
of this section, except that no court may grant limited driving 759
privileges for the first thirty days of the suspension. 760

(d) In addition to the suspension of an owner's license 761
under division (A) (2) (a), (b), or (c) of this section, the 762
suspension of the rights of the owner to register the motor 763
vehicle and the impoundment of the owner's certificate of 764
registration and license plates until the owner complies with 765
division (A) (5) of this section. 766

(3) A person to whom this state has issued a certificate 767
of registration for a motor vehicle or a license to operate a 768
motor vehicle or who is determined to have operated any motor 769
vehicle or permitted the operation in this state of a motor 770
vehicle owned by the person shall be required to verify the 771
existence of proof of financial responsibility covering the 772
operation of the motor vehicle or the person's operation of the 773
motor vehicle under any of the following circumstances: 774

(a) The person or a motor vehicle owned by the person is 775
involved in a traffic accident that requires the filing of an 776
accident report under section 4509.06 of the Revised Code. 777

(b) The person receives a traffic ticket indicating that 778
proof of the maintenance of financial responsibility was not 779
produced upon the request of a peace officer or state highway 780
patrol trooper made in accordance with division (D) (2) of this 781
section. 782

(c) Whenever, in accordance with rules adopted by the 783
registrar, the person is randomly selected by the registrar and 784
requested to provide such verification. 785

(4) An order of the registrar that suspends and impounds a 786
license or registration, or both, shall state the date on or 787
before which the person is required to surrender the person's 788
license or certificate of registration and license plates. The 789
person is deemed to have surrendered the license or certificate 790
of registration and license plates, in compliance with the 791
order, if the person does either of the following: 792

(a) On or before the date specified in the order, 793
personally delivers the license or certificate of registration 794
and license plates, or causes the delivery of the items, to the 795

registrar; 796

(b) Mails the license or certificate of registration and 797
license plates to the registrar in an envelope or container 798
bearing a postmark showing a date no later than the date 799
specified in the order. 800

(5) Except as provided in division (A) (6) or (L) of this 801
section, the registrar shall not restore any operating 802
privileges or registration rights suspended under this section, 803
return any license, certificate of registration, or license 804
plates impounded under this section, or reissue license plates 805
under section 4503.232 of the Revised Code, if the registrar 806
destroyed the impounded license plates under that section, or 807
reissue a license under section 4510.52 of the Revised Code, if 808
the registrar destroyed the suspended license under that 809
section, unless the rights are not subject to suspension or 810
revocation under any other law and unless the person, in 811
addition to complying with all other conditions required by law 812
for reinstatement of the operating privileges or registration 813
rights, complies with all of the following: 814

(a) Pays to the registrar or an eligible deputy registrar 815
a financial responsibility reinstatement fee of ~~one hundred-~~ 816
~~twenty-five~~ dollars ~~for the first violation of division (A) (1)~~ 817
~~of this section, three hundred dollars for a second violation of~~ 818
~~that division, and six hundred dollars for a third or subsequent~~ 819
~~violation of that division;~~ 820

(b) If the person has not voluntarily surrendered the 821
license, certificate, or license plates in compliance with the 822
order, pays to the registrar or an eligible deputy registrar a 823
financial responsibility nonvoluntary compliance fee in an 824
amount, not to exceed fifty dollars, determined by the 825

registrar; 826

(c) Files and continuously maintains proof of financial 827
responsibility under sections 4509.44 to 4509.65 of the Revised 828
Code; 829

(d) Pays a deputy registrar a service fee of ten dollars 830
to compensate the deputy registrar for services performed under 831
this section. The deputy registrar shall retain eight dollars of 832
the service fee and shall transmit the reinstatement fee, any 833
nonvoluntary compliance fee, and two dollars of the service fee 834
to the registrar in the manner the registrar shall determine. 835

(6) If the registrar issues an order under division (A) (2) 836
of this section resulting from the failure of a person to 837
respond to a financial responsibility random verification 838
request under division (A) (3) (c) of this section and the person 839
successfully maintains an affirmative defense to a violation of 840
section 4510.16 of the Revised Code or is determined by the 841
registrar or a deputy registrar to have been in compliance with 842
division (A) (1) of this section at the time of the initial 843
financial responsibility random verification request, the 844
registrar shall do both of the following: 845

(a) Terminate the order of suspension or impoundment; 846

(b) Restore the operating privileges and registration 847
rights of the person without payment of the fees established in 848
divisions (A) (5) (a) and (b) of this section and without a 849
requirement to file proof of financial responsibility. 850

(B) (1) Every party required to file an accident report 851
under section 4509.06 of the Revised Code also shall include 852
with the report a document described in division (G) (1) (a) of 853
this section or shall present proof of financial responsibility 854

through use of an electronic wireless communications device as 855
permitted by division (G) (1) (b) of this section. 856

If the registrar determines, within forty-five days after 857
the report is filed, that an operator or owner has violated 858
division (A) (1) of this section, the registrar shall do all of 859
the following: 860

(a) Order the impoundment, with respect to the motor 861
vehicle involved, required under division (A) (2) (d) of this 862
section, of the certificate of registration and license plates 863
of any owner who has violated division (A) (1) of this section; 864

(b) Order the suspension required under division (A) (2) 865
(a), (b), or (c) of this section of the license of any operator 866
or owner who has violated division (A) (1) of this section; 867

(c) Record the name and address of the person whose 868
certificate of registration and license plates have been 869
impounded or are under an order of impoundment, or whose license 870
has been suspended or is under an order of suspension; the 871
serial number of the person's license; the serial numbers of the 872
person's certificate of registration and license plates; and the 873
person's social security account number, if assigned, or, where 874
the motor vehicle is used for hire or principally in connection 875
with any established business, the person's federal taxpayer 876
identification number. The information shall be recorded in such 877
a manner that it becomes a part of the person's permanent 878
record, and assists the registrar in monitoring compliance with 879
the orders of suspension or impoundment. 880

(d) Send written notification to every person to whom the 881
order pertains, at the person's last known address as shown on 882
the records of the bureau. The person, within ten days after the 883

date of the mailing of the notification, shall surrender to the 884
registrar, in a manner set forth in division (A) (4) of this 885
section, any certificate of registration and registration plates 886
under an order of impoundment, or any license under an order of 887
suspension. 888

(2) The registrar shall issue any order under division (B) 889
(1) of this section without a hearing. Any person adversely 890
affected by the order, within ten days after the issuance of the 891
order, may request an administrative hearing before the 892
registrar, who shall provide the person with an opportunity for 893
a hearing in accordance with this paragraph. A request for a 894
hearing does not operate as a suspension of the order. The scope 895
of the hearing shall be limited to whether the person in fact 896
demonstrated to the registrar proof of financial responsibility 897
in accordance with this section. The registrar shall determine 898
the date, time, and place of any hearing, provided that the 899
hearing shall be held, and an order issued or findings made, 900
within thirty days after the registrar receives a request for a 901
hearing. If requested by the person in writing, the registrar 902
may designate as the place of hearing the county seat of the 903
county in which the person resides or a place within fifty miles 904
of the person's residence. The person shall pay the cost of the 905
hearing before the registrar, if the registrar's order of 906
suspension or impoundment is upheld. 907

(C) Any order of suspension or impoundment issued under 908
this section or division (B) of section 4509.37 of the Revised 909
Code may be terminated at any time if the registrar determines 910
upon a showing of proof of financial responsibility that the 911
operator or owner of the motor vehicle was in compliance with 912
division (A) (1) of this section at the time of the traffic 913
offense, motor vehicle inspection, or accident that resulted in 914

the order against the person. A determination may be made 915
without a hearing. This division does not apply unless the 916
person shows good cause for the person's failure to present 917
satisfactory proof of financial responsibility to the registrar 918
prior to the issuance of the order. 919

(D) (1) For the purpose of enforcing this section, every 920
peace officer is deemed an agent of the registrar. 921

(a) Except as provided in division (D) (1) (b) of this 922
section, any peace officer who, in the performance of the peace 923
officer's duties as authorized by law, becomes aware of a person 924
whose license is under an order of suspension, or whose 925
certificate of registration and license plates are under an 926
order of impoundment, pursuant to this section, may confiscate 927
the license, certificate of registration, and license plates, 928
and return them to the registrar. 929

(b) Any peace officer who, in the performance of the peace 930
officer's duties as authorized by law, becomes aware of a person 931
whose license is under an order of suspension, or whose 932
certificate of registration and license plates are under an 933
order of impoundment resulting from failure to respond to a 934
financial responsibility random verification, shall not, for 935
that reason, arrest the owner or operator or seize the vehicle 936
or license plates. Instead, the peace officer shall issue a 937
citation for a violation of section 4510.16 of the Revised Code 938
specifying the circumstances as failure to respond to a 939
financial responsibility random verification. 940

(2) A peace officer shall request the owner or operator of 941
a motor vehicle to produce proof of financial responsibility in 942
a manner described in division (G) of this section at the time 943
the peace officer acts to enforce the traffic laws of this state 944

and during motor vehicle inspections conducted pursuant to 945
section 4513.02 of the Revised Code. 946

(3) A peace officer shall indicate on every traffic ticket 947
whether the person receiving the traffic ticket produced proof 948
of the maintenance of financial responsibility in response to 949
the officer's request under division (D) (2) of this section. The 950
peace officer shall inform every person who receives a traffic 951
ticket and who has failed to produce proof of the maintenance of 952
financial responsibility that the person must submit proof to 953
the traffic violations bureau with any payment of a fine and 954
costs for the ticketed violation or, if the person is to appear 955
in court for the violation, the person must submit proof to the 956
court. 957

(4) (a) If a person who has failed to produce proof of the 958
maintenance of financial responsibility appears in court for a 959
ticketed violation, the court may permit the defendant to 960
present evidence of proof of financial responsibility to the 961
court at such time and in such manner as the court determines to 962
be necessary or appropriate. In a manner prescribed by the 963
registrar, the clerk of courts shall provide the registrar with 964
the identity of any person who fails to submit proof of the 965
maintenance of financial responsibility pursuant to division (D) 966
(3) of this section. 967

(b) If a person who has failed to produce proof of the 968
maintenance of financial responsibility also fails to submit 969
that proof to the traffic violations bureau with payment of a 970
fine and costs for the ticketed violation, the traffic 971
violations bureau, in a manner prescribed by the registrar, 972
shall notify the registrar of the identity of that person. 973

(5) (a) Upon receiving notice from a clerk of courts or 974

traffic violations bureau pursuant to division (D) (4) of this 975
section, the registrar shall order the suspension of the license 976
of the person required under division (A) (2) (a), (b), or (c) of 977
this section and the impoundment of the person's certificate of 978
registration and license plates required under division (A) (2) 979
(d) of this section, effective thirty days after the date of the 980
mailing of notification. The registrar also shall notify the 981
person that the person must present the registrar with proof of 982
financial responsibility in accordance with this section, 983
surrender to the registrar the person's certificate of 984
registration, license plates, and license, or submit a statement 985
subject to section 2921.13 of the Revised Code that the person 986
did not operate or permit the operation of the motor vehicle at 987
the time of the offense. Notification shall be in writing and 988
shall be sent to the person at the person's last known address 989
as shown on the records of the bureau of motor vehicles. The 990
person, within fifteen days after the date of the mailing of 991
notification, shall present proof of financial responsibility, 992
surrender the certificate of registration, license plates, and 993
license to the registrar in a manner set forth in division (A) 994
(4) of this section, or submit the statement required under this 995
section together with other information the person considers 996
appropriate. 997

If the registrar does not receive proof or the person does 998
not surrender the certificate of registration, license plates, 999
and license, in accordance with this division, the registrar 1000
shall permit the order for the suspension of the license of the 1001
person and the impoundment of the person's certificate of 1002
registration and license plates to take effect. 1003

(b) In the case of a person who presents, within the 1004
fifteen-day period, proof of financial responsibility, the 1005

registrar shall terminate the order of suspension and the 1006
impoundment of the registration and license plates required 1007
under division (A) (2) (d) of this section and shall send written 1008
notification to the person, at the person's last known address 1009
as shown on the records of the bureau. 1010

(c) Any person adversely affected by the order of the 1011
registrar under division (D) (5) (a) or (b) of this section, 1012
within ten days after the issuance of the order, may request an 1013
administrative hearing before the registrar, who shall provide 1014
the person with an opportunity for a hearing in accordance with 1015
this paragraph. A request for a hearing does not operate as a 1016
suspension of the order. The scope of the hearing shall be 1017
limited to whether, at the time of the hearing, the person 1018
presents proof of financial responsibility covering the vehicle 1019
and whether the person is eligible for an exemption in 1020
accordance with this section or any rule adopted under it. The 1021
registrar shall determine the date, time, and place of any 1022
hearing; provided, that the hearing shall be held, and an order 1023
issued or findings made, within thirty days after the registrar 1024
receives a request for a hearing. If requested by the person in 1025
writing, the registrar may designate as the place of hearing the 1026
county seat of the county in which the person resides or a place 1027
within fifty miles of the person's residence. Such person shall 1028
pay the cost of the hearing before the registrar, if the 1029
registrar's order of suspension or impoundment under division 1030
(D) (5) (a) or (b) of this section is upheld. 1031

(6) A peace officer may charge an owner or operator of a 1032
motor vehicle with a violation of section 4510.16 of the Revised 1033
Code when the owner or operator fails to show proof of the 1034
maintenance of financial responsibility pursuant to a peace 1035
officer's request under division (D) (2) of this section, if a 1036

check of the owner or operator's driving record indicates that 1037
the owner or operator, at the time of the operation of the motor 1038
vehicle, is required to file and maintain proof of financial 1039
responsibility under section 4509.45 of the Revised Code for a 1040
previous violation of this chapter. 1041

(7) Any forms used by law enforcement agencies in 1042
administering this section shall be prescribed, supplied, and 1043
paid for by the registrar. 1044

(8) No peace officer, law enforcement agency employing a 1045
peace officer, or political subdivision or governmental agency 1046
that employs a peace officer shall be liable in a civil action 1047
for damages or loss to persons arising out of the performance of 1048
any duty required or authorized by this section. 1049

(9) As used in this section, "peace officer" has the 1050
meaning set forth in section 2935.01 of the Revised Code. 1051

(E) All fees, except court costs, ~~and~~ fees paid to a 1052
deputy registrar, ~~and those portions of the financial~~ 1053
~~responsibility reinstatement fees as otherwise specified in this~~ 1054
~~division,~~ collected under this section shall be paid into the 1055
state treasury to the credit of the public safety - highway 1056
purposes fund established in section 4501.06 of the Revised Code 1057
and used to cover costs incurred by the bureau in the 1058
administration of this section and sections 4503.20, 4507.212, 1059
and 4509.81 of the Revised Code, and by any law enforcement 1060
agency employing any peace officer who returns any license, 1061
certificate of registration, and license plates to the registrar 1062
pursuant to division (C) of this section. 1063

~~Of each financial responsibility reinstatement fee the~~ 1064
~~registrar collects pursuant to division (A) (5) (a) of this~~ 1065

~~section or receives from a deputy registrar under division (A)- 1066
(5) (d) of this section, the registrar shall deposit twenty-five- 1067
dollars of each one hundred dollar reinstatement fee, fifty- 1068
dollars of each three hundred dollar reinstatement fee, and one- 1069
hundred dollars of each six hundred dollar reinstatement fee- 1070
into the state treasury to the credit of the indigent defense- 1071
support fund created by section 120.08 of the Revised Code. 1072~~

(F) Chapter 119. of the Revised Code applies to this 1073
section only to the extent that any provision in that chapter is 1074
not clearly inconsistent with this section. 1075

(G) (1) (a) The registrar, court, traffic violations bureau, 1076
or peace officer may require proof of financial responsibility 1077
to be demonstrated by use of a standard form prescribed by the 1078
registrar. If the use of a standard form is not required, a 1079
person may demonstrate proof of financial responsibility under 1080
this section by presenting to the traffic violations bureau, 1081
court, registrar, or peace officer any of the following 1082
documents or a copy of the documents: 1083

(i) A financial responsibility identification card as 1084
provided in section 4509.103 of the Revised Code; 1085

(ii) A certificate of proof of financial responsibility on 1086
a form provided and approved by the registrar for the filing of 1087
an accident report required to be filed under section 4509.06 of 1088
the Revised Code; 1089

(iii) A policy of liability insurance, a declaration page 1090
of a policy of liability insurance, or liability bond, if the 1091
policy or bond complies with section 4509.20 or sections 4509.49 1092
to 4509.61 of the Revised Code; 1093

(iv) A bond or certification of the issuance of a bond as 1094

provided in section 4509.59 of the Revised Code; 1095

(v) A certificate of deposit of money or securities as 1096
provided in section 4509.62 of the Revised Code; 1097

(vi) A certificate of self-insurance as provided in 1098
section 4509.72 of the Revised Code. 1099

(b) A person also may present proof of financial 1100
responsibility under this section to the traffic violations 1101
bureau, court, registrar, or peace officer through use of an 1102
electronic wireless communications device as specified under 1103
section 4509.103 of the Revised Code. 1104

(2) If a person fails to demonstrate proof of financial 1105
responsibility in a manner described in division (G)(1) of this 1106
section, the person may demonstrate proof of financial 1107
responsibility under this section by any other method that the 1108
court or the bureau, by reason of circumstances in a particular 1109
case, may consider appropriate. 1110

(3) A motor carrier certificated by the interstate 1111
commerce commission or by the public utilities commission may 1112
demonstrate proof of financial responsibility by providing a 1113
statement designating the motor carrier's operating authority 1114
and averring that the insurance coverage required by the 1115
certificating authority is in full force and effect. 1116

(4) (a) A finding by the registrar or court that a person 1117
is covered by proof of financial responsibility in the form of 1118
an insurance policy or surety bond is not binding upon the named 1119
insurer or surety or any of its officers, employees, agents, or 1120
representatives and has no legal effect except for the purpose 1121
of administering this section. 1122

(b) The preparation and delivery of a financial 1123

responsibility identification card or any other document 1124
authorized to be used as proof of financial responsibility and 1125
the generation and delivery of proof of financial responsibility 1126
to an electronic wireless communications device that is 1127
displayed on the device as text or images does not do any of the 1128
following: 1129

(i) Create any liability or estoppel against an insurer or 1130
surety, or any of its officers, employees, agents, or 1131
representatives; 1132

(ii) Constitute an admission of the existence of, or of 1133
any liability or coverage under, any policy or bond; 1134

(iii) Waive any defenses or counterclaims available to an 1135
insurer, surety, agent, employee, or representative in an action 1136
commenced by an insured or third-party claimant upon a cause of 1137
action alleged to have arisen under an insurance policy or 1138
surety bond or by reason of the preparation and delivery of a 1139
document for use as proof of financial responsibility or the 1140
generation and delivery of proof of financial responsibility to 1141
an electronic wireless communications device. 1142

(c) Whenever it is determined by a final judgment in a 1143
judicial proceeding that an insurer or surety, which has been 1144
named on a document or displayed on an electronic wireless 1145
communications device accepted by a court or the registrar as 1146
proof of financial responsibility covering the operation of a 1147
motor vehicle at the time of an accident or offense, is not 1148
liable to pay a judgment for injuries or damages resulting from 1149
such operation, the registrar, notwithstanding any previous 1150
contrary finding, shall forthwith suspend the operating 1151
privileges and registration rights of the person against whom 1152
the judgment was rendered as provided in division (A) (2) of this 1153

section. 1154

(H) In order for any document or display of text or images 1155
on an electronic wireless communications device described in 1156
division (G)(1) of this section to be used for the demonstration 1157
of proof of financial responsibility under this section, the 1158
document or words or images shall state the name of the insured 1159
or obligor, the name of the insurer or surety company, and the 1160
effective and expiration dates of the financial responsibility, 1161
and designate by explicit description or by appropriate 1162
reference all motor vehicles covered which may include a 1163
reference to fleet insurance coverage. 1164

(I) For purposes of this section, "owner" does not include 1165
a licensed motor vehicle leasing dealer as defined in section 1166
4517.01 of the Revised Code, but does include a motor vehicle 1167
renting dealer as defined in section 4549.65 of the Revised 1168
Code. Nothing in this section or in section 4509.51 of the 1169
Revised Code shall be construed to prohibit a motor vehicle 1170
renting dealer from entering into a contractual agreement with a 1171
person whereby the person renting the motor vehicle agrees to be 1172
solely responsible for maintaining proof of financial 1173
responsibility, in accordance with this section, with respect to 1174
the operation, maintenance, or use of the motor vehicle during 1175
the period of the motor vehicle's rental. 1176

(J) The purpose of this section is to require the 1177
maintenance of proof of financial responsibility with respect to 1178
the operation of motor vehicles on the highways of this state, 1179
so as to minimize those situations in which persons are not 1180
compensated for injuries and damages sustained in motor vehicle 1181
accidents. The general assembly finds that this section contains 1182
reasonable civil penalties and procedures for achieving this 1183

purpose. 1184

(K) Nothing in this section shall be construed to be 1185
subject to section 4509.78 of the Revised Code. 1186

(L) (1) The registrar may terminate any suspension imposed 1187
under this section and not require the owner to comply with 1188
divisions (A) (5) (a), (b), and (c) of this section if the 1189
registrar with or without a hearing determines that the owner of 1190
the vehicle has established by clear and convincing evidence 1191
that all of the following apply: 1192

(a) The owner customarily maintains proof of financial 1193
responsibility. 1194

(b) Proof of financial responsibility was not in effect 1195
for the vehicle on the date in question for one of the following 1196
reasons: 1197

(i) The vehicle was inoperable. 1198

(ii) The vehicle is operated only seasonally, and the date 1199
in question was outside the season of operation. 1200

(iii) A person other than the vehicle owner or driver was 1201
at fault for the lapse of proof of financial responsibility 1202
through no fault of the owner or driver. 1203

(iv) The lapse of proof of financial responsibility was 1204
caused by excusable neglect under circumstances that are not 1205
likely to recur and do not suggest a purpose to evade the 1206
requirements of this chapter. 1207

(2) The registrar may grant an owner or driver relief for 1208
a reason specified in division (L) (1) (b) (i) or (ii) of this 1209
section whenever the owner or driver is randomly selected to 1210
verify the existence of proof of financial responsibility for 1211

such a vehicle. However, the registrar may grant an owner or 1212
driver relief for a reason specified in division (L) (1) (b) (iii) 1213
or (iv) of this section only if the owner or driver has not 1214
previously been granted relief under division (L) (1) (b) (iii) or 1215
(iv) of this section. 1216

(M) The registrar shall adopt rules in accordance with 1217
Chapter 119. of the Revised Code that are necessary to 1218
administer and enforce this section. The rules shall include 1219
procedures for the surrender of license plates upon failure to 1220
maintain proof of financial responsibility and provisions 1221
relating to reinstatement of registration rights, acceptable 1222
forms of proof of financial responsibility, the use of an 1223
electronic wireless communications device to present proof of 1224
financial responsibility, and verification of the existence of 1225
financial responsibility during the period of registration. 1226

(N) (1) When a person utilizes an electronic wireless 1227
communications device to present proof of financial 1228
responsibility, only the evidence of financial responsibility 1229
displayed on the device shall be viewed by the registrar, peace 1230
officer, employee or official of the traffic violations bureau, 1231
or the court. No other content of the device shall be viewed for 1232
purposes of obtaining proof of financial responsibility. 1233

(2) When a person provides an electronic wireless 1234
communications device to the registrar, a peace officer, an 1235
employee or official of a traffic violations bureau, or the 1236
court, the person assumes the risk of any resulting damage to 1237
the device unless the registrar, peace officer, employee, or 1238
official, or court personnel purposely, knowingly, or recklessly 1239
commits an action that results in damage to the device. 1240

Sec. 4510.023. Any time that a court elects to or is 1241

required to impose upon a person, including a minor, a 1242
suspension of a driver's license, commercial driver's license, 1243
temporary instruction permit, probationary license, or 1244
nonresident operating privilege for a criminal offense, the 1245
court shall grant limited driving privileges under section 1246
4510.021 of the Revised Code, provided that no element of the 1247
offense for which the suspension is being imposed relates to the 1248
operation or physical control of a motor vehicle or to the 1249
failure to comply with a requirement for the use, possession, or 1250
registration of a motor vehicle. The court shall grant the 1251
limited driving privileges for any of the purposes specified in 1252
division (A) of section 4510.021 of the Revised Code. 1253

Section 2. That existing sections 120.08, 2705.031, 1254
3123.54, 3123.55, 3123.56, 3123.57, 3123.58, 3123.63, 4503.233, 1255
4507.20, and 4509.101 of the Revised Code are hereby repealed. 1256

Section 3. A court, upon application, shall grant limited 1257
driving privileges in accordance with section 4510.023 of the 1258
Revised Code to any person to which both of the following apply: 1259

(A) The person's driver's license, commercial driver's 1260
license, temporary instruction permit, probationary license, or 1261
nonresident operating privilege was suspended prior to the 1262
effective date of this act; and 1263

(B) The person would have been eligible for limited 1264
driving privileges under section 4510.023 of the Revised Code 1265
had that section existed at the time of the suspension of the 1266
person's driver's license, commercial driver's license, 1267
temporary instruction permit, probationary license, or 1268
nonresident operating privilege. 1269