



Senate Judiciary  
Committee

Witness Form

Today's Date 12/11/2023

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Organization Representing: Southeastern Ohio Legal Services

Testifying on Bill Number: Substitute Senate Bill 37

Testimony:  Verbal  Written  Both

Testifying As:  Proponent  Opponent  Interested Party

Are you a Registered Lobbyist?  Yes  No

Special Requests: \_\_\_\_\_

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Are you a Registered Lobbyist?    \_\_\_\_\_ Yes        \_\_\_\_\_ No

Special Requests: \_\_\_\_\_

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**Testimony in Support of Sub. SB 37**  
**Sondra O. Bryson, Attorney**  
**Ann Roche, Attorney**  
**Southeastern Ohio Legal Services**  
**Senate Judiciary Committee**  
**December 13, 2022**

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to provide testimony in support of Senate Bill 37. Our names are Ann Roche and Sondra Bryson, and we are attorneys at Southeastern Ohio Legal Services (SEOLS). We represent Ohioans living in poverty in civil matters caused or exacerbated by their poverty. That usually includes litigation in things like housing, protection for domestic violence victims, consumers, and seniors, Medicaid, reentry for returning citizens, education rights for kids with disabilities, and more. We consistently have to turn away about half the people eligible for our services because there is so much more need than staff and resources.

Although we certainly have a lot on our plate, in the last five or six years, our organization has added driver's license reinstatement work. That's because suspended licenses impact just about every area of our clients' lives. Without a license, people cannot access decent jobs, school, medical care, and care for many family members. They do not have a way to participate fully in the economy and community. Eighty-two percent of Ohioans drive themselves to work. In the thirty counties we serve at SEOLS, that percentage is likely even higher. In most of our counties, we have extremely limited public transportation, so people must drive 30, 60, or even 90 minutes or more to work in rural counties with low population. Because people choose driving illegally to work over not working, the suspensions stack up and snowball into bigger and more expensive problems.

Our work now includes working with the BMV to help clients access payment plans for reinstatement fees, working with the courts in our service area to clear up court costs and fines or request driving privileges, and in some cases filing bankruptcy for clients so they can get back on the road legally. Since 2018, together with our sister organization Legal Aid Society of Columbus, we have partnered with BMV, courts, Child Support, Job & Family Services, and other groups to serve over 1,000 clients in license reinstatement clinics.

From our experience reviewing and advising hundreds of clients' suspended records, we know how badly suspensions can snowball when people cannot afford to pay fees. Being suspended for noncompliance (driving without insurance) incurs not only court costs and fines, but BMV fees and often the requirement to get more expensive insurance, and more each time. So again, people who must drive to work but don't have an extra \$50 or \$100 for SR-22 insurance on top of regular insurance continue the cycle and accrue thousands.

**Executive Director**  
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LEGAL SERVICES CORPORATION



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One of the most impactful parts of Substitute SB 37 is the elimination of security suspensions, which excessively punish uninsured drivers after an accident regardless of who was at fault. Security suspensions can be obtained by any party filing a crash report with the BMV alleging more than \$400 in damage (using an estimate or bill) or \$500 in personal injury and that the other driver or owner of the vehicle (who may not have even been involved in the accident) was uninsured. That means the side without insurance loses their license for two years, again no matter who caused the accident. This type of suspension punishes uninsured drivers whether or not the other side takes them to court. Security suspensions undermine trust in our institutions, since the side without insurance, typically the poor person, is punished without any court or administrative body deciding anything other than whether they had insurance. Instead of ensuring there will be money to pay the insured driver, security suspensions take away most drivers' ability to get to work and pay any damages.

Ann's first security suspension client was a woman who sold her old car for cash through Facebook to a stranger, trusting that the stranger would take the signed title to the BMV to have it transferred. Before the title was transferred, the buyer's uninsured boyfriend got into an accident and the client faced a security suspension. Some of Ann's other security suspension cases were caused by grandchildren taking a car from their grandparents without permission and getting into an accident. Proving the person driving the car had no express or implied permission is the only relevant exception in most cases, leading to clients having to subpoena their loved ones who harmed them to prevent or resolve the suspension.

Substitute SB 37 would also eliminate judgment suspensions, which do nothing to promote or protect safety on our roads. Judgment suspensions are obtained when the injured party or insurance company sues the uninsured driver or owner of the vehicle and receives a judgment for damages related to the accident. Judgment suspensions do not have an expiration date. That feature makes these suspensions more powerful than any other private mechanism for civil collection. A normal judgment becomes dormant after 5 years of no collection activity and can even die completely. Because judgment suspensions have no time limit, creditors who own those judgments can linger on for decades after any other creditor would have to give up.

If a driver or owner of a vehicle has a security suspension or a judgment suspension, they can reinstate their license by entering into a payment agreement with the party who obtained the suspension, paying off the balance owed either directly to the creditor or by posting a deposit with the BMV, or they can file a bankruptcy. Setting up a payment plan with the creditor seems like a reasonable accommodation for someone without the financial means to pay the debt all at once. Practically speaking, however, the creditors who obtain security suspensions or judgment suspensions request outrageous repayment terms like requiring a down payment of half up front and then payments in excess of \$500 per month after that. We have seen these suspensions range from a few thousand dollars to more than \$100,000. For our clients, who are at or below 200% of the federal poverty line, these repayment terms are impossible. Even the threat of bankruptcy, where the creditor will receive no payments, does not deter creditors from asking for unachievable repayment terms and refusing to negotiate something more reasonable to allow our clients to return to the road.

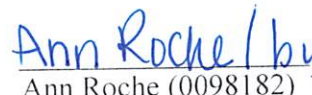

Substitute SB 37's elimination of these suspensions will mean that fewer Ohioans will be forced to file bankruptcy just to get back on the road. Bankruptcy is the only real option for many poor people with security or judgment suspensions. Bankruptcy is an extreme, intrusive, and often expensive remedy that requires its filers to lay bare their assets, debts, and other financial information before the Bankruptcy Court. It is often described as a remedy of last resort. While bankruptcy is a critical tool, it should not be the only option for poor people with license

suspensions who don't otherwise need a bankruptcy. Sondra is the only bankruptcy attorney at SEOLS, serving clients in our entire 30-county service area. With these limited resources, SEOLS has to prioritize the clients they provide bankruptcy services to. Among all the clients with medical debt, utility shut offs, and homes on the line, driver's license suspensions are a large portion.

This year, just under half of the bankruptcy cases accepted by SEOLS (46%) were driver's license suspension-related cases, because without it, those clients have limited employment options for life. These cases include a woman whose ex stole her car, kidnapped her by stuffing her in the trunk and caused an accident while he was driving her car. The other driver involved in the accident sued the woman, received judgment by default and used it to get a judgment suspension<sup>1</sup>. Many of these accepted cases are for people who are in active substance use recovery whose accidents were not related to their substance use. These folks are in treatment and working hard toward getting jobs, obtaining housing, and maintaining their sobriety. A valid driver's license is essential to these tasks in rural Ohio. Another client entered into a repayment plan with a creditor on a security suspension and paid on it for 5 years. She fell behind due to a health issue that temporarily prevented her from working. Despite the fact that the creditor never received a judgment against the client and was barred from doing so due to the statute of limitations, her license was suspended for two years from the date of her default, which made it difficult for her to get to her doctor's appointments.

Substitute SB 37's elimination of security suspensions and judgment suspensions is a commonsense approach that would allow drivers who have been involved in an uninsured accident continue to have the ability to drive to work and have a greater possibility of paying the debt that they owe related to the accident. Judgment suspensions and security suspensions are barriers based on debt and not safety. Ironically, these suspensions prevent people from being able to pay the debt by making it harder for them to get to work or forcing them to take lower paying jobs closer to their homes, or by making it impossible to get to work without the possibility of getting caught for driving under suspension. The removal of these suspensions does not remove the accountability for uninsured driving—creditors can still obtain judgments and use other means of collection—but it does make the person more able to fulfill their obligations. Substitute SB 37 is a tool that can help Ohioans climb out of debt and poverty. Thank you for your time and work on this bill. We are happy to answer any questions or concerns.

  
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 / by   
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<sup>1</sup> Before accepting the client for bankruptcy SEOLS attempted to have the default judgment vacated, but was unsuccessful.