

SB 37 RE: DRIVER'S LICENSE SUSPENSIONS

INTERESTED PARTY TESTIMONY

December 13, 2023

Chairman Manning, Vice Chairwoman Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, I am Sharon Montgomery, a long-time activist for traffic safety and for more appropriate support for traffic crash victims. I am here to give Interested Party testimony on the proof of financial responsibility provisions in SB 37.

Drivers are required to have some means of meeting their financial responsibilities to their victims if they should crash and cause property damage, injury, or death. This obligation is most commonly met with auto liability insurance.

The minimum amount of this insurance, which we increased with HB 278 in 2012, is a compromise between what some drivers can afford and what victims need. To bridge that gap between afford and need, the Revised Code *appears* to provide other means of financial support to crash victims.

However, I am here to make sure you each understand that those other means are available only to victims defined as crime victims. Too many serious crashes are not crimes. Crash victims are only defined—per ORC¹ and Ohio Supreme Court Traffic Rule 13²—as crime victims if the offender was drunk, drugged, or drag racing OR if the prosecutor, using her or her discretion, chooses to charge an offender who causes serious injury or death with the felony offenses of vehicular assault or vehicular homicide. Vehicular manslaughter isn't even enough!

You're probably assuming crashes with serious injury or death would always be vehicular assault or vehicular homicide (or aggravated vehicular assault, aggravated vehicular homicide). That seems like a logical assumption. I have learned from my own crash in 2000 and talking to other victims in all these years of activism that is it not a logical assumption.

So, proof of financial responsibility needs to be looked at in the context of the various impediments to supporting crash victims. We get drastically insufficient reimbursement from insured offenders and none from uninsured offenders. Even when the offender is "fully insured," the policy has two caps. There is a cap on what will be paid per victim, and—worse--a cap on what will be paid per incident. This means that capped amount is divided among the victims so the more victims there are, the less each gets, even if it is less than the cap per victim. Victims have no control over how many of them there are!

Most of us are not eligible for restitution from offenders; restitution is for **crime** victims. Most of our offenders don't even have to go to court so they don't even have to hear a victim impact statement; they get to stay comfortably insulated from the long-range devastation they have caused.

Reparations from the state is only for **crime** victims. The state's Crime Victim's Compensation Fund sounds good in the Attorney General's pamphlet—it's for victims of violent crimes, and who would try to argue that the collision with a motor vehicle isn't violent? But the Revised Code tells the truth—it's only for *domestic* violence victims, not *traffic* violence victims.

Drivers who speed, run red lights, drive the wrong way, use their phones, follow too closely, or violate other laws that commonly result in crashes, then cause serious injury or death too often need to do nothing more than mail in a check for the same amount as if they'd been caught throwing a candy wrapper out the window. This lack of accountability seriously impairs the victim's ability to heal. Psychologists tell us that acknowledgment that a wrong was done is crucial to healing from trauma.

Mr. Alfonsetti of the Prison Fellowship testified last February that "Crime demands accountability and proportional punishment." Shouldn't that be true for **all** violations of the law that cause harm to innocent people?

SB 37 has good, common sense, fair provisions and I hope you will pass it. Then, I really, really hope you will give serious thought to what I've said about the larger issue of crash victim support, of which proof of financial responsibility is only one piece. I would love to meet with any of you one-on-one and discuss this victim support problem in detail.

Thank you for hearing my views on this bill and I'd be happy to answer any questions.

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¹ 2930.01(H) defines a "victim" only as a "...person against whom the **criminal** offense...is committed or who is...harmed by the...offense." *[emphasis added]*
2930.01(A) defines a "criminal offense" as an "...act or omission committed by a person that is...not eligible to be disposed of by the traffic violations bureau."

² "(B) All traffic offenses except those listed in this division may be disposed of by a traffic violations bureau. The following *[violations that commonly cause crashes]*...shall not...:
(1) Indictable offenses *[essentially felonies, which most traffic offenses that cause crashes are NOT.]*
(2) Operating...under the influence...
(9) Drag racing."