

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 29

Representatives Humphrey, Brewer

**Cosponsors: Representatives Brent, Abdullahi, Forhan, Miller, A., Russo,
Williams, McNally**

A BILL

To amend sections 3123.56 and 3123.58 of the 1
Revised Code to make changes to the law 2
governing driver's license suspensions for 3
failure to pay child support. 4

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

Section 1. That sections 3123.56 and 3123.58 of the 5
Revised Code be amended to read as follows: 6

Sec. 3123.56. A child support enforcement agency that sent 7
a notice under section 3123.54 of the Revised Code of an 8
individual's default under a child support order shall send to 9
the registrar of motor vehicles a notice that the individual is 10
not in default if it determines that the individual is not in 11
default or any of the following occurs: 12

(A) The individual makes full payment to the office of 13
child support or, pursuant to sections 3125.27 to 3125.30 of the 14
Revised Code, to the child support enforcement agency of the 15
arrearage as of the date the payment is made. 16

(B) If division (A) of this section is not possible, the 17

individual has presented to the agency sufficient evidence of 18
current employment or of an account in a financial institution, 19
the agency has confirmed the individual's employment or the 20
existence of the account, and an appropriate withholding or 21
deduction notice described in section 3121.03 of the Revised 22
Code has been issued to collect current support and any 23
arrearage due under the child support order that was in default. 24

(C) If divisions (A) and (B) of this section are not 25
possible, the individual presents evidence to the agency 26
sufficient to establish ~~that the~~ either one of the following: 27

(1) The individual is unable to work due to circumstances 28
beyond the individual's control. 29

(2) The imposition of a suspension on the individual's 30
driver's license or commercial driver's license, motorcycle 31
operator's license or endorsement, or temporary instruction 32
permit or commercial driver's temporary instruction permit would 33
effectively prevent the individual from paying child support or 34
any arrearage due under the child support order that was in 35
default. 36

(D) If divisions (A), (B), and (C) of this section are not 37
possible, the individual enters into and complies with a written 38
agreement with the agency that requires the obligor to comply 39
with either of the following: 40

(1) A family support program administered or approved by 41
the agency; 42

(2) A program to establish compliance with a seek work 43
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 44
Code. 45

(E) If divisions (A), (B), (C), and (D) of this section 46

are not possible, the individual pays the balance of the total 47
monthly obligation due for the ninety-day period preceding the 48
date the agency sent the notice described in section 3123.55 of 49
the Revised Code. 50

The agency shall send the notice under this section not 51
later than seven days after it determines the individual is not 52
in default or that any of the circumstances specified in this 53
section has occurred. 54

Sec. 3123.58. (A) On receipt of a notice pursuant to 55
section 3123.54 of the Revised Code, the registrar of motor 56
vehicles shall determine whether the individual named in the 57
notice holds or has applied for a driver's license or commercial 58
driver's license, motorcycle operator's license or endorsement, 59
or temporary instruction permit or commercial driver's temporary 60
instruction permit. If the registrar determines that the 61
individual holds or has applied for a license, permit, or 62
endorsement and the individual is the individual named in the 63
notice and does not receive a notice pursuant to section 3123.56 64
or 3123.57 of the Revised Code, the registrar immediately shall 65
provide notice of the determination to each deputy registrar. 66
The registrar or a deputy registrar may not issue to the 67
individual a driver's or commercial driver's license, motorcycle 68
operator's license or endorsement, or temporary instruction 69
permit or commercial driver's temporary instruction permit and 70
may not renew for the individual a driver's or commercial 71
driver's license, motorcycle operator's license or endorsement, 72
or commercial driver's temporary instruction permit. The 73
registrar or a deputy registrar also shall impose a class F 74
suspension of the license, permit, or endorsement held by the 75
individual under division (B) (6) of section 4510.02 of the 76
Revised Code. 77

(B) (1) A court may grant an individual whose license, 78
permit, or endorsement is suspended under this section limited 79
driving privileges in accordance with division (B) of section 80
4510.021 of the Revised Code pursuant to a ~~request made during~~ 81
~~an action for contempt initiated under section 2705.031 of the~~ 82
~~Revised Code~~ petition by that individual for limited driving 83
privileges. Prior to granting privileges under this division, 84
the court shall request the ~~accused individual~~ to provide the 85
court with a recent noncertified copy of a driver's abstract 86
from the registrar of motor vehicles ~~and shall request the~~. The 87
child support enforcement agency that issued the notice pursuant 88
to section 3123.54 of the Revised Code relative to the 89
individual ~~to may~~ advise the court, ~~either in person through a~~ 90
~~representative testifying at a hearing or through a written~~ 91
~~document,~~ regarding the position of the agency relative to the 92
issue of the granting of privileges to the individual. ~~The~~ 93
~~court, in determining whether to grant the individual privileges~~ 94
~~under this division, shall take into consideration the position~~ 95
~~of the agency, but the court is not bound by the position of the~~ 96
~~agency.~~ 97

(2) A court that grants limited driving privileges to a 98
person under division (B) (1) of this section shall deliver to 99
the person a permit card, in a form to be prescribed by the 100
court, setting forth the date on which the limited privileges 101
will become effective, the purposes for which the person may 102
drive, the times and places at which the person may drive, and 103
any other conditions imposed upon the person's use of a motor 104
vehicle. 105

(3) The court immediately shall notify the registrar, in 106
writing, of a grant of limited driving privileges under division 107
(B) (1) of this section. The notification shall specify the date 108

on which the limited driving privileges will become effective, 109
the purposes for which the person may drive, and any other 110
conditions imposed upon the person's use of a motor vehicle. 111

(C) If a person who has been granted limited driving 112
privileges under division (B)(1) of this section is convicted 113
of, pleads guilty to, or is adjudicated in juvenile court of 114
having committed a violation of Chapter 4510. of the Revised 115
Code or any similar municipal ordinance during the period of 116
which the person was granted limited driving privileges, the 117
person's limited driving privileges shall be suspended 118
immediately pending a reinstatement hearing. 119

Section 2. That existing sections 3123.56 and 3123.58 of 120
the Revised Code are hereby repealed. 121