



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

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Sub. H.B. 336

132nd General Assembly
(As Passed by the General Assembly)

Reps. Barnes and Greenspan, Ashford, Boyd, Brown, Craig, Dean, Edwards, Galonski, Henne, Holmes, Howse, Ingram, Kent, LaTourette, Manning, Patton, Pelanda, Reineke, Schuring, Seitz, Sprague, Sykes, West

Sens. LaRose, Kunze, Manning, Tavares, Uecker, Brown, Hottinger, Gardner, Hackett, Hoagland, Lehner, Obhof, O'Brien, Schiavoni, Sykes

Effective date: *

ACT SUMMARY

- Establishes a temporary six-month program that requires the Registrar of Motor Vehicles to reduce or waive driver's license reinstatement fees for offenders whose driver's licenses have been suspended for specific offenses.
- Establishes the following eligibility requirements for reinstatement fee reduction: (1) the offender must have completed all other court-ordered sanctions, and (2) at least 18 months must have passed since the end of the court-ordered suspension.
- Establishes the following eligibility requirements for reinstatement fee waiver: (1) the offender must have completed all other court-ordered sanctions, and (2) the offender must have demonstrated proof of indigence.
- Specifies that an offender is not eligible for a reduction or waiver if the offense involved alcohol, a drug of abuse, or a deadly weapon.
- Entitles the act the "Reinstatement Fee Amnesty Initiative."

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

CONTENT AND OPERATION

Background

Generally, the Registrar of Motor Vehicles may not reinstate an offender's suspended driver's license or temporary instruction permit until the driver complies with all license reinstatement conditions, including paying all reinstatement fees. If a municipal or county court determines that a person cannot pay all reinstatement fees at one time, the court may allow that person to pay the fees through either an installment payment plan or a payment extension plan.¹

Reinstatement Fee Amnesty Initiative

The act requires the Registrar to establish a temporary six-month program under which the Registrar reduces or waives license reinstatement fees for offenders whose driver's licenses or permits have been suspended for eligible offenses (see, "**Eligible Offenses**," below) and who meet certain conditions. The Registrar must establish the program within 90 days of the act's effective date.² The program only applies to a driver's license or permit suspension; it does not apply to a commercial driver's license or permit suspension.³

Reduction

An offender whose driver's license or permit has been suspended because of a specific listed offense (discussed below) is eligible for a reduction of reinstatement fees if:

- (1) The offender has completed all related court-ordered sanctions, other than payment of reinstatement fees;
- (2) The offense did not involve alcohol, a drug of abuse, or a deadly weapon; and
- (3) At least 18 months have passed since the end of the court-ordered suspension.

The Registrar must grant the reduction to an eligible offender who applies for the reduction. If the offender owes reinstatement fees for **multiple eligible offenses**, the offender must pay either (1) the lowest reinstatement fee owed, or (2) 10% of the total

¹ R.C. 4510.10(A) and (B), not in the act.

² Section 1(B).

³ Section 1(A)(5).

amount owed – whichever is greater. If the offender owes a reinstatement fee for one eligible offense, the offender must pay one-half of the reinstatement fee owed.⁴

Waiver

An offender whose driver's license or permit has been suspended because of a specific listed offense (discussed below) is eligible for a full waiver of the reinstatement fees if:

(1) The offender has completed all related court-ordered sanctions, other than the payment of reinstatement fees;

(2) The offense did not involve alcohol, a drug of abuse, or a deadly weapon; and

(3) The offender demonstrates proof of indigence by providing documentation in a form approved by the Registrar (a person is indigent if the person participates in the Supplemental Nutrition Assistance Program).

The Registrar **must** grant the waiver to an eligible offender who applies for the waiver.⁵

Eligible offenses

Below is a list of the eligible offenses and a brief description of each offense:

- Unruly child (R.C. 2151.354);
- Delinquent child (R.C. 2152.19);
- Juvenile traffic offender (R.C. 2152.21);
- Solicitation with a motor vehicle (R.C. 2907.24);
- Theft of gasoline (R.C. 2913.02);
- Incompetence by examination (R.C. 4507.20);
- Operating vehicle without proof of insurance (R.C. 4509.101);
- Failure to pay security deposit, or failure to request a hearing after receiving notice regarding a motor vehicle accident (R.C. 4509.17);

⁴ Section 1(A)(1), (C)(1), and (D)(1).

⁵ Section 1(A)(1), (A)(6), (C)(2), and (D)(2).

- Default on a payment that was required by written agreement after a motor vehicle accident (R.C. 4509.24);
- Nonpayment of a judgment (R.C. 4509.40);
- Repeat traffic offender (R.C. 4510.037);
- Violation of a municipal ordinance that is substantially similar to a statutory violation that imposes a suspension (R.C. 4510.05);
- Suspension under the federal Assimilative Crimes Act (R.C. 4510.06);
- Reckless operation (R.C. 4510.15);
- Failure to appear or failure to pay a fine related to specific vehicle-related violations (R.C. 4510.22);
- Incompetency adjudication (R.C. 4510.23);
- Commission of specific motor vehicle offenses by a minor (R.C. 4510.31);
- Habitual absence from school (R.C. 4510.32);
- Wrongful entrustment of a motor vehicle (R.C. 4511.203);
- Use of an electronic wireless communication device by a minor while driving (R.C. 4511.205);
- Street racing (R.C. 4511.251);
- Failure to stop for a school bus (R.C. 4511.75);
- Failure to stop after an accident (R.C. 4549.02);
- Failure to stop after a nonpublic road accident (R.C. 4549.021); and
- Trafficking in cigarettes or tobacco products with intent to avoid tax, when a motor vehicle was used in the offense (R.C. 5743.99).⁶

⁶ Section 1(A).

Other requirements

The act requires the Registrar to conduct a public service announcement about the program and its requirements, and make that information available on the Bureau of Motor Vehicle's website.⁷

Finally, the act authorizes the Registrar to establish any additional requirements and procedures necessary to administer and implement the program, and entitles the act the "Reinstatement Fee Amnesty Initiative."⁸

HISTORY

ACTION	DATE
Introduced	09-05-17
Reported, H. Insurance	11-29-17
Passed House (92-1)	12-13-17
Reported, S. Transportation, Commerce & Workforce	05-24-18
Passed Senate (32-0)	06-27-18
House concurred in Senate amendments (87-6)	06-27-18

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⁷ Section 1(E).

⁸ Section 1(F) and Section 2.

