

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 160**

**Senator Williams**

**Cosponsors: Senators Skindell, Sykes, Brown, Schiavoni, Tavares, Huffman**

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**A BILL**

To amend section 4510.10 of the Revised Code to  
allow a court to authorize completion of a  
community service program in lieu of payment of  
driver's license reinstatement fees when the  
court determines that an offender cannot  
reasonably pay the fees.

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

**Section 1.** That section 4510.10 of the Revised Code be  
amended to read as follows:

**Sec. 4510.10.** (A) As used in this section, "reinstatement  
fees" means the fees that are required under section 4507.1612,  
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other  
provision of the Revised Code, or under a schedule established  
by the bureau of motor vehicles, in order to reinstate a  
driver's or commercial driver's license or permit or nonresident  
operating privilege of an offender under a suspension.

(B) Reinstatement fees are those fees that compensate the  
bureau of motor vehicles for suspensions, cancellations, or  
disqualifications of a person's driving privileges and to

compensate the bureau and other agencies in their administration 19  
of programs intended to reduce and eliminate threats to public 20  
safety through education, treatment, and other activities. The 21  
registrar of motor vehicles shall not reinstate a driver's or 22  
commercial driver's license or permit or nonresident operating 23  
privilege of a person until the person has paid all 24  
reinstatement fees and has complied with all conditions for each 25  
suspension, cancellation, or disqualification incurred by that 26  
person. 27

(C) When a municipal court or county court determines in a 28  
pending case involving an offender that the offender cannot 29  
reasonably pay reinstatement fees due and owing by the offender 30  
relative to one or more suspensions that have been or will be 31  
imposed by the bureau of motor vehicles or by a court of this 32  
state, the court, by order, may ~~undertake~~ do either of the 33  
following: 34

(1) Undertake an installment payment plan or a payment 35  
extension plan for the payment of reinstatement fees due and 36  
owing to the bureau in that pending case. The court shall 37  
establish an installment payment plan or a payment extension 38  
plan ~~under this division~~ in accordance with the requirements of 39  
divisions (D) (1) and (2) of this section. 40

(2) Authorize the offender to perform community service in 41  
lieu of payment of the reinstatement fees. 42

A court that authorizes an offender to perform community 43  
service in lieu of paying reinstatement fees under this division 44  
shall provide the offender with documentation indicating 45  
completion of the court-ordered community service when the 46  
offender has completed that community service. In addition to 47  
complying with all other applicable requirements for 48

reinstatement, other than payment of reinstatement fees, the 49  
offender shall provide the documentation of completion to the 50  
registrar when seeking reinstatement. 51

(D) Independent of the provisions of division (C) of this 52  
section, an offender who cannot reasonably pay reinstatement 53  
fees due and owing by the offender relative to a suspension that 54  
has been imposed on the offender may file a petition in the 55  
municipal court, county court, or, if the person is under the 56  
age of eighteen, the juvenile division of the court of common 57  
pleas in whose jurisdiction the person resides or, if the person 58  
is not a resident of this state, in the Franklin county 59  
municipal court or juvenile division of the Franklin county 60  
court of common pleas for an order that does either of the 61  
following, in order of preference: 62

(1) Establishes a reasonable payment plan of not less than 63  
fifty dollars per month, to be paid by the offender to the 64  
registrar of motor vehicles or an eligible deputy registrar, in 65  
all succeeding months until all reinstatement fees required of 66  
the offender are paid in full. If the person is making payments 67  
to a deputy registrar, the deputy registrar shall collect a 68  
service fee of ten dollars each time the deputy registrar 69  
collects a payment to compensate the deputy registrar for 70  
services performed under this section. The deputy registrar 71  
shall retain eight dollars of the service fee and shall transmit 72  
the reinstatement payments, plus two dollars of each service 73  
fee, to the registrar in the manner the registrar shall 74  
determine. 75

(2) If the offender, but for the payment of the 76  
reinstatement fees, otherwise would be entitled to operate a 77  
vehicle in this state or to obtain reinstatement of the 78

offender's operating privileges, permits the offender to operate 79  
a motor vehicle, as authorized by the court, until a future date 80  
upon which date all reinstatement fees must be paid in full. A 81  
payment extension granted under this division shall not exceed 82  
one hundred eighty days, and any operating privileges granted 83  
under this division shall be solely for the purpose of 84  
permitting the offender occupational or "family necessity" 85  
privileges in order to enable the offender to reasonably acquire 86  
the delinquent reinstatement fees due and owing. 87

(E) If a municipal court, county court, or juvenile 88  
division enters an order of the type described in division (C) 89  
or division (D) (1) or (2) of this section, the court, at any 90  
time after the issuance of the order, may determine that a 91  
change of circumstances has occurred and may amend the order as 92  
justice requires, provided that the amended order also shall be 93  
an order that is permitted under division (C) or division (D) (1) 94  
or (2) of this section. 95

(F) If a court enters an order of the type described in 96  
division (C), (D) (1), (D) (2), or (E) of this section, during the 97  
pendency of the order, the offender in relation to whom it 98  
applies is not subject to prosecution for failing to pay the 99  
reinstatement fees covered by the order. 100

(G) In addition to divisions (A) to (F) of this section, 101  
the registrar, with the approval of the director of public 102  
safety and in accordance with Chapter 119. of the Revised Code, 103  
may adopt rules that permit a person to pay reinstatement fees 104  
in installments in accordance with this division. The rules may 105  
contain any of the following provisions: 106

(1) A schedule establishing a minimum monthly payment 107  
amount; 108

(2) If the person otherwise would have valid driving 109  
privileges but for the payment of the reinstatement fees, the 110  
registrar may record the person's driving privileges as "valid" 111  
so long as the person's installments are current. 112

(3) If the person's installments are not current, the 113  
registrar may record the person's driving privileges as 114  
"suspended" or "failure to reinstate," as appropriate. 115

(4) Any other provision the registrar reasonably may 116  
prescribe. 117

(H) Reinstatement fees are debts that may be discharged in 118  
bankruptcy. 119

**Section 2.** That existing section 4510.10 of the Revised 120  
Code is hereby repealed. 121