

As Introduced

**133rd General Assembly
Regular Session
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S. B. No. 68

Senator Williams

Cosponsors: Senators Antonio, Thomas, Sykes, Uecker, Huffman, M., Eklund

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

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| (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 |