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Am. H. B. No. 29

Representatives Humphrey, Brewer

Cosponsors: Representatives Brent, Abdullahi, Forhan, Miller, A., Russo, Williams, McNally, Abrams, Baker, Blackshear, Brennan, Brown, Carruthers, Click, Creech, Dell'Aquila, Denson, Dobos, Edwards, Grim, Hillyer, Isaacsohn, Johnson, Jones, Lightbody, Liston, Loychik, Mathews, Miller, J., Miller, K., Mohamed, Oelslager, Pavliga, Plummer, Seitz, Skindell, Somani, Stewart, Swearingen, Thomas, C., Upchurch, Weinstein



A BILL

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

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

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

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

(A) The individual makes full payment to the office of child support or, pursuant to sections 3125.27 to 3125.30 of the

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 Code. 44
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 with jurisdiction over the child support 78
order may grant an individual whose license, permit, or 79
endorsement is suspended under this section limited driving 80
privileges in accordance with division (B) of section 4510.021 81
of the Revised Code pursuant to a ~~request made during an action~~ 82
~~for contempt initiated under section 2705.031 of the Revised~~ 83
~~Code~~ petition by that individual for limited driving privileges. 84
Prior to granting privileges under this division, the court 85
shall request the ~~accused individual~~ to provide the court with a 86
~~recent~~ current noncertified copy of a driver's abstract from the 87
registrar of motor vehicles ~~and~~. The court shall request the 88
child support enforcement agency that issued the notice pursuant 89
to section 3123.54 of the Revised Code relative to the 90
individual to advise the court, either in person through a 91
representative testifying at a hearing or through a written 92
document, regarding the position of the agency relative to the 93
issue of the granting of privileges to the individual. The 94
court, in determining whether to grant the individual privileges 95
under this division, shall take into consideration the position 96
of the agency, but the court is not bound by the position of the 97
agency. 98

(2) A court that grants limited driving privileges to a 99
person under division (B) (1) of this section shall include in 100
the order any conditions the person shall comply with in order 101
to retain the privileges and deliver to the person a permit card 102
or other written document, in a form to be prescribed by the 103
court, setting forth the date on which the limited privileges 104

will become effective, the purposes for which the person may 105
drive, the times and places at which the person may drive, and 106
any other conditions imposed upon the person's use of a motor 107
vehicle. 108

(3) The court immediately shall notify the registrar, in 109
writing, of a grant of limited driving privileges under division 110
(B) (1) of this section. The notification shall specify the date 111
on which the limited driving privileges will become effective, 112
the purposes for which the person may drive, and any other 113
conditions imposed upon the person's use of a motor vehicle. 114

(C) If a person who has been granted limited driving 115
privileges under division (B) (1) of this section is convicted 116
of, pleads guilty to, or is adjudicated in juvenile court of 117
having committed a violation of Chapter 4510. of the Revised 118
Code or any similar municipal ordinance during the period of 119
which the person was granted limited driving privileges, the 120
person's limited driving privileges shall be suspended 121
immediately pending a reinstatement hearing. 122

Section 2. That existing sections 3123.56 and 3123.58 of 123
the Revised Code are hereby repealed. 124