

OHIO DRIVER'S LICENSE LAW

POINTS FORMULA RC 4510.036(C)	
SIX POINT VIOLATIONS	FOUR POINT VIOLATIONS
Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter aggravated vehicular assault, or vehicular assault	Operation of vehicle after underage consumption
Willful fleeing and eluding law enforcement officer	Operation in willful or wanton disregard of safety of persons or property
Failure to stop and disclose identity at scene of accident	Exceeding speed limit by > 30 mph
TWO POINT VIOLATIONS	
Street racing	Exceeding speed limit of 55 or higher by > 10 mph but ≤ 30 mph
Driving under a 12-point, OVI, or ALS suspension	Exceeding speed limit of less than 55 mph by > 5 mph but ≤ 30 mph
Driving under the influence of alcohol, drug of abuse, or both	Operating in violation of registrar's license restriction
Unauthorized use of vehicle (that does not involve an aircraft or motorboat)	RC 4510.11, RC 4510.111, RC 4510.16, RC 4510.21, or any DUS ordinance
Any felony motor vehicle violation; any felony committed with a motor vehicle	All other moving violations, except for RC 4510.12, which is 0 points

RC 4507.35 - FAILURE TO DISPLAY LICENSE OR PROOF OF LICENSE - 0 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/ Community Service	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service ¹	\$0 - \$1,000	No	No	No	No
Third or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	No	No	No	No

RC 4510.037(J) - DRIVING UNDER 12-POINT SUSPENSION - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required
Any	M-1	3 - 180 days	0 - \$1,000	No	No	No	No

RC 4510.11 - DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION² - 2 POINTS

Level/No. of Offense (includes prior RC 4510.111 and 4510.16)	Degree of Offense	Incarceration	Fines	Restitution for loss due to accident	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required ³
First in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Up to \$5000 if no proof of Δ's FRA	Optional	No	No	No
Second in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Up to \$5000 if no proof of Δ's FRA	Optional	Optional 30 days if Δ owns vehicle	No	Optional 30 days if Δ owns vehicle
Third in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Up to \$5000 if no proof of Δ's FRA	Optional	Optional 60 days if Δ owns vehicle	No	Optional 60 days if Δ owns vehicle
Fourth or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Up to \$5000 if no proof of Δ's FRA	Optional	No	Optional if Δ owns vehicle ⁴	Optional

RC 4510.111 - DRIVING UNDER SUSPENSION - 2 POINTS

(imposed under RC 2151.354, RC 2151.87, RC 2935.27, RC 3123.58, RC 4301.99, RC 4510.032, RC 4510.22, or RC 4510.33)

Level/No. of Offense (includes prior RC 4510.11 and 4510.16)	Degree of Offense	Incarceration/ Community Service	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service ¹	\$0 - \$1,000	No	No	No	No
Third in 3 years	M-4	0 - 30 days	\$0 - \$250	No	No	No	No

RC 4510.12 - OPERATING MOTOR VEHICLE OR MOTORCYCLE WITHOUT VALID LICENSE - 0 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/ Community Service	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required
Never licensed RC 4510.12(C)(1) First anytime	Unclassified misdemeanor	0 - 500 hours community service ¹	\$0 - \$1,000	No	No	No	No
Second or more anytime	M-1	0 - 180 days	\$0 - \$1,000	No	No	No	No
Expired license RC 4510.12(C)(2) First or second in 3 years	MM	No	\$0 - \$150	No for first offense or if prior was > 3 years. Optional if a prior in 3 years and expired > 6 months.	No	No	No
Third or more in 3 years	M-1	0 - 180 days	\$0 - \$1000		No	No	No

¹Defendant may not be sentenced to jail term or community residential sanction. Failure to perform community service may be punished as indirect criminal contempt under RC 2705.02 that may be filed in the underlying case.

²It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.

³The court may impound the plates of any vehicle registered in the name of the defendant. See RC 4507.02(B)(1) and RC 4507.164.

⁴If title to subject vehicle is assigned or transferred, offender may be fined value of vehicle per national automobile dealer's association publications. RC 4503.234(E).

RC 4510.14 - DRIVING UNDER OVI SUSPENSION¹ - 6 POINTS

<i>Level/No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Restitution for loss due to accident</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required²</i>
First in 6 years	M-1	3 - 180 days jail ³ or 30 - 180 days HAEM. ⁴	\$250 - \$1,000	Up to \$5000 if no proof of Δ's FRA	Mandatory	Mandatory 30 days if Δ owns vehicle	No	Mandatory 30 days if Δ owns vehicle
Second in 6 years	M-1	10 days to 1 year ³ jail or 90 days to 1 year HAEM. ⁴	\$500 - \$2,500	Up to \$5000 if no proof of Δ's FRA	Mandatory	Mandatory 60 days if Δ owns vehicle	No	Mandatory 60 days if Δ owns vehicle
Third or more in 6 years	Misdemeanor	30 days to 1 year jail. ³ No HAEM. ⁴	\$500 - \$2,500	Up to \$5000 if no proof of Δ's FRA	Mandatory	No	Mandatory if Δ owns vehicle ⁵	Optional if Δ owns vehicle

RC 4510.16 - DRIVING UNDER FRA SUSPENSION/CANCELLATION/NONPAYMENT JUDGMENT^{1&6} - 2 POINTS

<i>Level/No. of Offense (includes prior RC 4510.11 and 4510.111)</i>	<i>Degree of Offense</i>	<i>Incarceration/Community Service</i>	<i>Fines</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required</i>
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service ⁷	\$0 - \$1,000	No	No	No	No
Third in 3 years	M-4	0 - 30 days	\$0 - \$250	No	No	No	No

RC 4510.21 - FAILURE TO REINSTATE LICENSE¹ - 2 POINTS

<i>Level/No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration/Community Service</i>	<i>Fines</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required</i>
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service ⁷	\$0 - \$1,000	Optional	No	No	No
Third or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Optional	No	No	No

RC 4511.203 - WRONGFUL ENTRUSTMENT OF MOTOR VEHICLE - 0 POINTS

<i>Level/No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration/Community Service</i>	<i>Fines</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required²</i>
First in 3 years: RC 4511.203(A)(1),(2) or (3)	Unclassified misdemeanor	0 - 500 hours community service ⁷	\$0 - \$1,000	Optional	Optional 30 days	No	Optional 30 days
RC 4511.203(A)(4) or (5)	M-1	0-180 days					
Second in 3 years: RC 4511.203(A)(1),(2) or (3)	Unclassified misdemeanor	0 - 500 hours community service ⁷	\$0 - \$1,000	Optional	Optional 60 days	No	Optional 60 days
RC 4511.203(A)(4) or (5)	M-1	0-180 days					
Third or more in 3 years: RC 4511.203(A)(1),(2), or (3) or RC 4511.203(A)(4) or (5)	M-1	0 - 180 days	\$0 - \$1,000	Optional	No	Optional ⁵	Optional

¹It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.

²The court may impound the plates of any vehicle registered in the name of the defendant. See RC 4507.02(B)(1) and RC 4507.164.

³A court located within a county served by board establishing an alternative sentencing center may sentence an "eligible offender" to center for an OVI and/or a driving under an OVI suspension. RC 307.932.

⁴HAEM means house arrest with electronic monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4510.14(C).

⁵If title to subject vehicle is assigned or transferred, offender may be fined value of vehicle per national automobile dealer's association publications.

⁶It is an affirmative defense that the suspension resulted from the person's failure to respond to a random financial responsibility request, and at the time of the request, the person was in compliance with requirements as shown by proof of financial responsibility then in effect. RC 4510.04.

⁷Defendant may not be sentenced to jail term or community residential sanction. Failure to perform community service may be punished as indirect criminal contempt under RC 2705.02 that may be filed in the underlying case.

LIMITED DRIVING PRIVILEGES

➤ **Court-Imposed Suspensions** A court may grant limited driving privileges except for:

- Any part of a class 2 suspension for a felony conviction, or during the first 3 years of a class 1 suspension for a second misdemeanor offense, imposed for failure to comply with an order or signal of a police officer. RC 2921.331(E).
- The "hard-time" of OVI, OVUAC, or ALS. RC 4510.13(A).
- Child endangering involving operating under the influence, and three or more prior/equivalent offenses within six years. RC 2919.22(G).
- Certain moving violations committed by juveniles with three or more prior offenses. RC 4510.31(C)(3).
- The operation of a commercial vehicle by person with suspended driver's license or CDL or commercial motor vehicle disqualification. RC 4506.161.

➤ **Bureau of Motor Vehicles Suspensions** A court may not grant limited driving privileges except for:

- Extension of time, up to 180 days, for offender to reasonably acquire reinstatement fees if payment of fees is the only impediment to reinstatement. Privileges may be for occupational or "family necessity" only. RC 4510.10(D)(2).
- FRA suspensions as follows:
 - First violation: court-ordered privileges not required; reinstatement immediately restores privileges. RC 4509.101(A)(2)(a).
 - Second violation within 5 yrs: with FR and compliance with RC 4509.101(A)(5); no privileges allowable for first 15 days. RC 4509.101(A)(2)(b).
 - Third violation within 5 yrs: with FR and compliance with RC 4509.101(A)(5); no privileges allowable for first 30 days. RC 4509.101(A)(2)(c).
- Upon an appeal of a twelve point suspension. RC 4510.037(G).
- Upon certain juvenile probationary suspensions by the issuing court upon finding that the person's ability to continue employment, educational or vocational training, or treatment will be seriously affected. RC 4510.31(C)(1).
- For Class D suspensions on Ohio residents for drug convictions from other state or federal court, except during "hard-time" of same. RC 4510.17(E).

➤ **Conditions** In granting limited driving privileges, the court:

- Shall specify the purposes, times and places of the privileges. RC 4510.021(A).
- Shall require the offender to provide proof of financial responsibility. RC 4510.021(E).
- May impose any other reasonable conditions including requiring immobilizing and disabling device and/or restricted plates. RC 4510.021(A),(C).

➤ **Purposes** Privileges may be granted for:

- Occupational, educational, vocational, or medical purposes. RC 4510.021(A)(1).
- Taking driver's or commercial driver's license examination. RC 4510.021(A)(2).
- Attending court-ordered treatment. RC 4510.021(A)(3).
- For juveniles, practice driving with parent, guardian, or custodian in the seat beside the juvenile. RC 4510.021(D).

Judge Jennifer P. Weiler, Garfield Heights Municipal Court

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