

**Third  
Edition**

Judge Deborah J. Nicastro

Magistrate Robert G. Walton

# **OHIO DRIVER'S LICENSE SUSPENSIONS AND REINSTATEMENT HANDBOOK**

A Practical Guide For Attorneys

Revised October 1, 2012

## Foreword

We would like to thank Lorianne E. Jordan, former Legal Intern for Judge Deborah Nicastro at the Garfield Heights Municipal Court and now a practicing attorney, who compiled and edited the First Edition of this Handbook. Without Ms. Jordan's dedication and skilled research, this project would not have been possible.

We would also like to thank Erin Chelune and Amily Imbrogno, Cleveland Marshall College of Law students, who assisted the authors with researching the SB 337 updates and additional revisions of the Handbook.

## About The Authors

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**Magistrate Robert G. Walton** graduated from Cleveland-Marshall College of Law and has been in private practice since 1983. Mr. Walton has conducted cross-examination of witnesses during more than 100 suppression hearings and successfully defended clients in many jury trials. For the past 15 years the focus of Mr. Walton's practice has been defending persons charged with alcohol and drug related vehicular crimes. During that time he has frequently taught OVI law, Driving under Suspension law, Reinstatement Of License law, and Misdemeanor Practice at CLE seminars sponsored by Cleveland-Marshall College of Law, the Ohio Judicial College, the Cleveland Legal Aid Society and several bar associations. Mr. Walton serves as a Magistrate for the Garfield Heights Municipal Court and serves as the volunteer Magistrate for the University Heights Juvenile Diversion Program. He was named University Heights Volunteer of the year in 2008.

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## CHAPTER ONE: INTRODUCTION

### Introduction

In today's economic environment, the lack of driving privileges for Ohio workers often results in loss of employment or the inability to gain employment, slowing economic recovery even more. The periodic creation of new types of suspensions by an aggressive Ohio legislature and the suspended drivers' apparent willingness to ignore the suspensions by continuing to drive without valid licenses has caused a burdensome increase in municipal and county courts' caseloads throughout Ohio. In 2011, the Ohio Bureau of Motor Vehicles processed 791,764 new suspensions and collected \$47,011.618 in reinstatement fees from existing suspensions. The need for an aggressive program in every county to promote reinstatement of driver's licenses is evident.

### Scope of This Handbook

The purpose of this Handbook is to assist practitioners in reinstating Ohio driver's licenses which have been suspended, cancelled or forfeited by an Ohio court or the Ohio Bureau of Motor Vehicles. Only the major suspensions are reviewed in this Second Edition. Many other court suspensions are possible but are not as frequent as those discussed herein. The purpose does not include strategies for trial or sentencing of drivers charged with traffic offenses. This Handbook is not a substitute for skilled legal research. The reader will find that the statutory provisions which govern reinstatement of licenses can be confusing, conflicting and illogical. Study of those provisions and relevant case law are necessary for a full understanding of the available alternatives. Thus, this Handbook may, in many instances, provide quick answers to simple questions but, in other instances, it will be the beginning of your research on more complicated issues.

### Other Resources

As the agency entrusted with driver's licensing, the Ohio Bureau of Motor Vehicles (OBMV) has developed helpful materials which provide the practitioner with insight into its policies and procedures. To the extent that you believe these policies and procedures are accurate, they will also guide you in the task of reinstating a license. If you believe them to be inaccurate at times, you at least will understand the OBMV perspective.

The OBMV publishes an on-line pamphlet, OBMV Form 2401 and entitled "Driver License Reinstatement Procedure" at <http://publicsafety.ohio.gov/links/bmv2401.pdf>.

The OBMV also has on-line resources that explain the information contained in the above referenced manual. In the on-line section, "How do I...", information is provided for reinstating many suspensions. [http://bmv.ohio.gov/suspension\\_reinstatement.stm](http://bmv.ohio.gov/suspension_reinstatement.stm).

## Obtaining the Suspension Record

The first step in reinstating a license is to discover the reasons for the suspension. The driver may go to a OBMV reinstatement office and obtain a printout which lists all pending impediments to reinstatement and some reinstatement requirements.

The OBMV also provides the same information on-line but the driver must know his or her social security number and driver's license number, ID card number or the number from a suspension notice. The search begins on <http://bmv.ohio.gov> under BMV On-Line Services.

If the driver has a pending court case, the court may access this information on-line at your request with only the driver's social security number.



## CHAPTER TWO: GENERAL PRINCIPLES

### Commonly Used Words and Terms

**"License"** typically refers to a driver's license, probationary license (persons between 16 and 18 years of age), restricted license (persons subject to conditions imposed by the OBMV), and commercial license (issued to persons to operate commercial motor vehicles).

**"Suspension"** means the withdrawal, by action of a court or the OBMV, of a license or nonresident operating privilege for a specific period of time or until conditions are met. See ORC § 4510.01(H). A suspension may be "over" but the person cannot restore full driving privileges until reinstatement conditions are met.

**"Court Suspension"** generally means a suspension that a court elects (optional) or is required (mandatory) to impose pursuant to a conviction for an offense. Most court suspensions are based on a numerical class system (1 through 7). The sentencing provisions for an offense designate whether suspension is an available sanction and, whether it is optional (may), or mandatory (shall), and the applicable class. Each class has a minimum and maximum range from which the court imposes a definite period of suspension. See ORC §4510.02(A).

**"OBMV Suspension"** generally means a suspension that the OBMV is required to impose pursuant to an applicable statute. Most OBMV suspensions arise from circumstances unrelated to a conviction. The statute that requires a suspension specifies its length, based upon an alphabetical class system (A through F). OBMV suspensions are for a precise period of time or "until conditions are met". See ORC §4510.02(B).

**"Unclassified Suspension"** means that the statute which provides for the suspension does not refer to a class. Rather, the statute states the length of the suspension. Except as otherwise provided in such statutes, a suspension imposed thereunder is subject to ORC Chapter 4510, which deals primarily with suspensions and driving privileges. See ORC § 4510.02(D).

**"Reinstatement Requirement"** generally means a requirement that must be met by a driver after the suspension is over but before driving privileges may be fully restored. Some suspensions involve numerous reinstatement requirements and some persons are subject to multiple suspensions. Some, but not all, potential requirements may include: paying a reinstatement fee; completing a remedial driving course; passing a complete driver's examination; showing proof of financial responsibility; filing and maintaining proof of financial responsibility for a designated period of time; obtaining a release of a warrant block or license forfeiture; and paying past due child support.

**"Proof of Financial Responsibility"** [See ORC §4509.01(K)] means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof and arising out of the ownership or use of a motor vehicle in the amount of...

1. \$12,500.00 because of bodily injury to or death of one person in an accident;
2. \$25,000.00 because of bodily injury to or death of two or more persons in an accident;
3. \$7,500.00 because of injury to property of others in an accident.

**"Accident"** means any accident involving a motor vehicle which results in bodily injury to or death of any person, or damage to the property of any person in excess of \$400.00. See ORC §4509.01(J).

## Statutory Classes of Suspensions

License suspensions are either imposed by a Court or the OBMV under statutory authority. Courts do not have the inherent authority to suspend a driver's license in the absence of statutory authority. The Ohio Revised Code defines the length of suspensions by classes.

### CLASSES OF COURT IMPOSED SUSPENSIONS – ORC §4510.02(A)

Class One:	Life
Class Two:	3 years to Life
Class Three:	2 years to 10 years
Class Four:	1 year to 5 years
Class Five:	6 months to 3 years
Class Six:	3 months to 2 years
Class Seven:	Not to exceed 1 year
Unclassified:	Set by statute

Some court imposed suspensions are optional, depending on the discretion of the court, and others are mandatory. A court must impose a mandatory suspension for a definite period of time from the range above. The statute for each offense specifies the class of suspension and whether the suspension is mandatory or optional.

A few court suspensions are unclassified, e.g., in-state drug conviction suspensions. The statute itself, rather than referring to §4510.02(A) and identifying a class thereunder, specifies the period of suspension.

### CLASSES OF OBMV IMPOSED SUSPENSIONS – ORC §4510.02(B)

Class A:	3 years
Class B:	2 years
Class C:	1 year
Class D:	6 months
Class E:	3 months
Class F:	Until conditions are met

OBMV imposed suspensions are mandatory and the period of suspension is not left to the discretion of the agency. The OBMV will impose the required period of suspension from the classes described above. The Class F suspension is the only suspension which is for an indefinite period of time because it is solely dependent upon the driver taking the necessary steps to meet all the conditions required for reinstatement.

## Conflicting Statutory Provisions

Vigilance is required in order to understand the laws applicable to suspensions and reinstatement and to properly advise drivers seeking reinstatement. Some of the laws are conflicting and require integration and analysis to determine what the reinstatement requirements actually are and whether a driver is being subjected to an erroneous reinstatement requirement.

Keep in mind ORC §2901.04(A), which provides in relevant part that “sections of the Revised Code defining...penalties shall be strictly construed against the state, and liberally construed in favor of the accused.”

For example, it is sometimes difficult to determine for what period of time a driver must file and maintain proof of financial responsibility with the OBMV after suspension of a license. If a driver is convicted of Operating a Vehicle after Underage Consumption, the court must impose a Class 6 suspension under ORC § 4510.038 and the driver must file and maintain proof of financial responsibility in accordance with ORC §4509.45. However, ORC § 4509.45(B) designates the length of time that a driver must file and maintain proof while under a OBMV imposed, Class A through F suspension, only. It makes no provision for court imposed, Class 1 through 7 suspensions. As ORC § 4509.45 (B) gives no guidance as to how long the OVUAC offender should have to file and maintain proof under a Class 6 suspension, the practitioner is left to speculate and the driver is left to the interpretation of the OBMV as to how it will implement the conflicting statutes. In this case the OBMV informs drivers that they must "provide evidence of liability insurance currently in effect."

## “Failure to Reinstate” Status

The status of a license between the expiration of all suspension periods and compliance with all reinstatement requirements is commonly referred to as “failure to reinstate.” The license is not suspended because the periods of all suspensions have expired. However, the license is not reinstated until all reinstatement requirements are met, such as payment of reinstatement fees and showing proof of financial responsibility.

The significance of this “failure to reinstate” status is that the driver qualifies for driving privileges with a reinstatement fee payment plan during this period. Also, the penalties for driving under the “failure to reinstate” status may be less onerous than for driving under suspension. For instance, if a driver is convicted of driving under an OVI suspension, the sentence includes mandatory jail time, another license suspension and the assessment of 6 points. The sentence for the driver convicted of driving with a “Failure to Reinstate” status after expiration of a suspension period does not include jail absent multiple prior convictions, allows an optional license suspension, and is a two point offense.

## Reinstatement Fees And Payment Plans - ORC §4510.10

Whether a license suspension is imposed by a court or the OBMV, a reinstatement fee is usually assessed by the OBMV pursuant to a statutory directive. These fees are to be paid to the OBMV.

Currently, the OBMV may not reinstate a license until the driver has paid all reinstatement fees, the fees are discharged in bankruptcy, or a court orders a reinstatement fee payment plan or extension of time to pay the fees. Reinstatement fees may be discharged in bankruptcy if they are listed in the schedule of debts.

A driver may petition for, and a municipal or county court may grant, a payment plan or extension for the payment of the reinstatement fees if it determines that the driver cannot reasonably pay the fees. The court may order the driver to pay no less than \$50 per month to the OBMV until all fees are paid in full or grant an extension to pay all reinstatement fees for a period not to exceed 180 days. A court has jurisdiction and authority to modify payment plans. A driver may not be prosecuted for failing to pay reinstatement fees if an order grants a reinstatement fee plan or extension.

In addition to the reinstatement fee payment plan, the court may grant limited driving privileges during a payment plan for occupational purposes and family necessity only, in order to enable the offender to reasonably acquire the reinstatement fees due. Driving privileges with a payment plan may only be approved if there are no other impediments to operating a vehicle.

The purposes for which driving privileges may be granted under a reinstatement fee payment plan while the license is in the "failure to reinstate" status are different from those permitted while the driver is under suspension. ORC §4510.10 governs driving privileges during a reinstatement fee payment plan and allows privileges for occupational purposes and family necessity only. In contrast, ORC § 4510.021 governs driving privileges while a license is under suspension and it allows privileges for occupational, educational, vocational, or medical purposes, to take the driver's license exam, or to attend court-ordered treatment.

Effective September, 28, 2012, amended ORC §4510.10(G) enables a driver to apply directly to the OBMV for a reinstatement fee payment plan in accordance with rules to be adopted by the Registrar. The rules are expected to be announced in Spring 2013 and are expected to include a minimum monthly payment of \$50.00; a directive that any court imposed payment plan supersedes the OBMV payment plan; the driver must be under a "failure to reinstate status," having met all OBMV requirements other than payment of reinstatement fees; the driver must have no pending suspensions; and a mechanism for converting a court payment plan to an OBMV payment plan.

The significant difference between a court payment plan and the OBMV payment plan is that under the OBMV plan, the Registrar may record the driver's status as "valid" as long as payments are current. If the driver's payments are not current, the registrar may record the driver's as "suspended" or "failure to reinstate," as appropriate. With a court payment plan, the Registrar records the driver's status as "failure to reinstate" with driving privileges. Thus, the major benefit is that the driver will have a valid license during compliance with the OBMV payment plan.

## Proof of Financial Responsibility - ORC §4509.01(K)

Proof of financial responsibility is required to operate a motor vehicle in Ohio. But providing proof of financial responsibility to the OBMV is a significant reinstatement requirement for most suspensions.

Proof of financial responsibility may be shown by providing a copy of the declaration page of a policy of liability insurance, a liability bond, a financial responsibility identification card issued by an insurance company, or a binder of liability insurance bearing the original signature of an authorized insurance agent. Proof must indicate current coverage, and if submitted prior to the end of the suspension, must cover the end date of the suspension. Additionally, the name of the person suspended must be listed as an insured on the policy, or on some other insurance documentation presented, or on the liability bond.

If a driver is required to file and maintain proof of financial responsibility with the OBMV, the most commonly recognized form of proof is the SR 22 certificate which is an OBMV form completed by an insurance agent, filed with the OBMV and carried by the driver. The SR 22 certificate is frequently, but incorrectly, referred to as an "SR 22 bond." In fact it is not a bond but merely a document which proves that the driver has the mandatory minimum coverage in Ohio.

In addition to providing proof of financial responsibility to the OBMV, a driver may be under a statutory duty to file and maintain that proof for a definite period of time after the reinstatement of the license in order to avoid another OBMV imposed suspension. Hence, a difference exists between the requirements of showing proof of financial responsibility to the OBMV and filing and maintaining proof of financial responsibility with the OBMV.

For example, when an OVI conviction suspension expires, a driver must show proof of financial responsibility to the OBMV. In contrast, when a non-compliance suspension for failure to show proof of insurance after a traffic stop expires, a driver must file and maintain proof of financial responsibility with the OBMV for a statutorily prescribed period of time. If the driver successfully files and maintains proof, the license status is described as "in compliance."

If the coverage is cancelled during the period when proof must be filed and maintained, the license status reverts to "suspended" status until new proof is filed. Insurance companies are required to inform the OBMV of the cancellation of coverage during the period when proof must be filed and maintained. If the driver operates a motor vehicle during the "suspended" status, he or she will be charged with driving under a financial responsibility suspension.

## Impact of Vehicle Immobilization and Vehicle Forfeiture on License Reinstatement - ORC §§4503.233, 4503.234

As a sanction for a conviction of driving under some suspensions and wrongful entrustment, the court has the option to order the immobilization (§4503.233), or in some cases, forfeiture (§4503.234) of the offender-owned vehicle. Immobilization or forfeiture is mandatory for some OVI offenses and driving under an OVI suspension. If a vehicle is forfeited, the offender's ability to register a vehicle is blocked for 5 years (§4503.234).

The imposition of these sanctions, including the 5 year registration block, commonly referred to as a "Q" block, has no impact upon the reinstatement of a suspended license except that the offender is required to pay the \$100 immobilization/ forfeiture fee to the OBMV before the offender can qualify for reinstatement

## Impact of the Ohio Points System on Reinstatement of Licenses – ORC §4510.036

Points as designated in ORC §4510.036 must be imposed upon conviction for certain offenses. In recognition of the license suspension problem in Ohio, the legislature reduced the points for most driving under suspension offenses effective September 23, 2011. Two points are now imposed for all convictions for driving under suspension except for driving under a twelve point suspension or an OVI suspension, which require the imposition of six points (See Appendix A for current OBMV points listing)



## Limited Driving Privileges During Suspensions - ORC § 4510.021

A court may grant limited driving privileges during a court imposed suspension unless expressly prohibited by statute. [ORC §4510.021(A)]

In contrast, a court may not grant limited driving privileges during any OBMV imposed suspension unless expressly authorized by statute. [ORC § 4510.021(B)]

Limited driving privileges may be granted, where authorized, for occupational, educational, vocational, or medical purposes, to take the driver's license exam, or to attend court-ordered treatment.

Some suspensions carry a "hard time" period during which the court may not grant driving privileges. [ORC §4510.13] A court cannot give limited driving privileges to an eligible driver absent proof of current financial responsibility.

If driving privileges are granted, the court may be required, or in some cases have the option, to require the vehicle to be operated with restricted plates or a disabling device such as an ignition interlock.

Some basic prerequisites for limited driving privileges are required by statute. The minimum statutory requirements are as follows:

1. Pay court filing fee
2. Obtain court order modifying suspension
3. Must have unexpired license
4. Must be in compliance with all other suspensions and reinstatement requirements
5. Provide proof of financial responsibility to the court and file and maintain proof with the OBMV for a specific period of time if required by statute

## Administrative Review and Appeals

ORC §119.06 provides the right to a hearing before the suspension of a driver's license by the Registrar. ORC Chapter 119 provides for the review mechanism, including notice of suspension and right to a hearing, unless another provision of the Ohio Revised Code provides for a different procedure. An example of a different procedure is the 12 point suspension where ORC §4510.037 provides for a direct appeal to the municipal or county court rather than an adjudicatory hearing before the Registrar.

ORC §119.062 expressly provides also that the Registrar is not required to hold any prior hearing in connection with an order canceling or suspending a motor vehicle driver's or commercial driver's license pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4549.02, 4549.021, or 5743.99 or any provision of Chapter 2925, 4509, 4510, or 4511 of the Revised Code or in connection with an out-of-service order issued under Chapter 4506 of the Revised Code.

ORC §119.12 provides that any party adversely affected by the final action of the Registrar in connection with a driver's license may appeal the decision to the court of common pleas.

## Multiple Forums – ORC §4510.73

As the practitioner begins to study the morass of available administrative appeals and hearings for OBMV imposed suspensions, forfeitures and blocks as well as the multitude of court suspensions, he or she will find that a single driver may be involved in multiple forums and multiple time consuming proceedings in an attempt to avoid or clear suspensions.

To partially address the multiplicity of forums, ORC §4510.73, which became effective on September 17, 2010, provides that any court shall have concurrent jurisdiction to "adjudicate all issues and appeals" including validity and suspension issues as well as driving privileges under a OBMV imposed suspension. Thus, courts may now hear any appeal or conduct any hearing which was formerly within the sole jurisdiction of the OBMV. Once the jurisdiction of a court is invoked, that jurisdiction cannot be divested unless the court consents to a transfer of jurisdiction by issuance of a court order.

To facilitate the court proceedings, a court may stay any suspension and may order the OBMV to renew an expired license, if expired for less than 6 months, pending its resolution of any issue.

ORC §4510.73 does not authorize a court do any of the following:

1. Waive or alter a reinstatement requirement including reinstatement fees
2. Modify an order from another court, resulting in a suspension, forfeiture or block
3. Exceed the scope of an appeal or administrative hearing prescribed by statute or the administrative code

Two express restrictions on the courts' authority under ORC §4510.73 are as follows:

1. A court may not hear any matter that involves a Commercial Driver's License disqualification. The court may address other issues pertaining to the holder of such a License but may not alter the status of the Commercial Driver's License.
2. A court may not unilaterally assume jurisdiction of all matters pertaining to a suspended license. The court's jurisdiction must be invoked by a "holder of a driver's license" by means of a motion, appeal or petition which expressly states the issue to be determined by the court.

Note that jurisdiction may only be invoked by a "holder of a driver's license," pursuant to ORC §4510.73. Presumably persons who have never been issued a license may not invoke the jurisdiction of a court to adjudicate issues regarding suspensions which prevent them from applying for a license.

## CHAPTER THREE: OVI AND DRUG RELATED SUSPENSIONS

### Operating A Vehicle Under The Influence Suspension - ORC §4511.19

A court must impose an OVI suspension when a person is convicted of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them, in violation of ORC §4511.19(A)(1) or ORC §4511.19(A)(2).

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Ignition Interlock</b>	<b>Restricted Plates</b>	<b>Fee</b>
<b>No Prior Convictions Within 6 Years</b>	§4511.19(G) (1)(a)(iv)	Class 5-  6 months to 3 years	Yes  15 day waiting period	Optional	Mandatory for high breath test	\$475.00
<b>1 Prior Conviction Within 6 Years</b>	§4511.19(G) (1)(b)(iv)	Class 4-  1 to 5 years	Yes  45 day waiting period	Mandatory if alcohol related offense	Mandatory	
<b>2 Prior Convictions Within 6 Years</b>	§4511.19(G) (1)(c)(iv)	Class 3-  2 to 10 years	Yes  180 day waiting period	Mandatory if alcohol related offense		

### REINSTATEMENT REQUIREMENTS

1. Show proof of financial responsibility to OBMV
2. Pay the reinstatement fee
3. Serve the period of suspension

## Administrative License Suspension (Positive Test or Refusal) - ORC 4511.191 (B) & (C)

The arresting officer, on behalf of the OBMV, imposes an Administrative License Suspension at the time of arrest for OVI, or OVUAC when the driver refuses to take the chemical test or takes it and has an alcohol concentration in his whole blood of .08%, blood serum or plasma of .096%, breath of .08%, or in his urine of .11 grams.

The OBMV imposes an Administrative License Suspension at the time of arrest for physical control when the driver refuses to take the test. If the driver takes the chemical test, **no** Administrative License Suspension is imposed. ORC §4511.191(C)(1).

The effective time and date of the suspension is when the arresting police officer seizes the driver's license and issues an OBMV Form 2255, *Report of Law Enforcement Officer Administrative License Suspension*, but the suspension appears on the driver's record when the OBMV receives Form 2255 and enters it in the computer system.

### SUSPENSION FOR REFUSAL TO TAKE THE TEST

Number of Prior Refusals and/or Convictions Within 6 years	Applicable ORC Section	Class	Limited Driving Privileges	Review Process
None	§4511.191(B)	Class C 1 Year	Yes After 30 days	Appeal to Court under ORC §4511.197
One		Class B 2 Years	Yes After 90 days	
Two		Class A 3 Years	Yes After 1 year	
Three or more		5 Years	Yes After 3 years	

### SUSPENSION FOR A FAILED CHEMICAL TEST

Number of Prior Convictions in past 6 years	Applicable ORC Section	Class	Limited Driving Privileges	Review Process
None	§4511.191(C)	Class E 90 days	Yes After 15 days	Appeal to Court under ORC §4511.197
One		Class C 1 year	Yes After 45 days	
Two		Class B 2 years	Yes After 180 days	
Three or More		Class A 3 years	None §4510.13(A)(5)(g)	

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## ADMINISTRATIVE LICENSE SUSPENSION TERMINATION

**Refusal Suspension:** The refusal suspension terminates upon a guilty or no contest plea resulting in a conviction for OVI or OVUAC. A finding of not guilty does not result in a termination of the refusal suspension. ORC §4511.191(D)(1) Thus, a refusal suspension will continue beyond the termination of the underlying OVI case if the driver is found not guilty of the OVI offense.

**Failed Test Suspension:** The failed test suspension terminates upon a guilty or no contest plea resulting in a conviction for OVI or OVUAC and a finding of not guilty. ORC §4511.197(D) Thus, even if the driver fails the test, the suspension terminates with the conviction for or dismissal of the OVI charge.

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## REINSTATEMENT REQUIREMENTS

1. Show proof of financial responsibility to OBMV
2. Serve the period of suspension
3. Pay the \$475.00 Reinstatement fee. If the driver is convicted of the OVI offense, the driver pays only one reinstatement fee for both the Administrative License Suspension and the OVI suspension. ORC § 4511.191(F)(3)

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## APPEAL PROCESS

1. The driver may appeal the suspension at the initial court appearance which is held within 5 days of the arrest or issuance of the citation but the appeal must be made within 30 days after the initial appearance. ORC §4511.197
2. The suspension is not automatically stayed during the appeal without a court ordering staying the suspension.
3. The court may grant limited driving privileges during the suspension after the expiration of the waiting period, commonly known as the "hard time."

*Cautionary Note- if an OVI arrestee is not placed under an Administrative License Suspension or successfully appeals the Administrative License Suspension, the court has the discretion to impose a pretrial suspension under ORC §4511.196. The pretrial suspension remains in effect until the OVI case is determined on the merits but there is no waiting period for limited driving privileges*

## Physical Control - ORC §4511.194

The Court may, but is not required to, impose a physical control suspension when a driver is convicted of being seated in the driver's seat of a vehicle and having possession of the vehicle's ignition key or other ignition device while under the influence of alcohol and/or drug of abuse.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
§4511.194(D)	Optional Class 7- Not to exceed 1 year	Yes No waiting period	\$475 if court imposes discretionary suspension

### REINSTATEMENT REQUIREMENTS, IF COURT EXERCISES ITS DISCRETION TO IMPOSE A SUSPENSION

1. Provide proof of financial responsibility to OBMV
2. Pay the reinstatement fee of \$475
3. Serve the period of suspension

## Operating Vehicle After Underage Consumption (Under 21) - ORC §4511.19(B)

A court must impose a suspension if a person under the age of 21 is convicted of operating a vehicle with a blood alcohol content of .02% or more but less than .08% (“OVUAC”)

If a driver is convicted of OVUAC, the statute requires the court to impose a Class 6 suspension and the driver must file and maintain proof of financial responsibility in accordance with §4509.45. However, §4509.45(B) designates the length of time that a driver must file and maintain proof while under a OBMV imposed, Class A through F suspension, only. It makes no provision for a court imposed, Class 6 suspension.

As §4509.45 (B) gives no guidance as to how long the OVUAC offender will have to file and maintain proof of financial responsibility under a Class 6 suspension, the OBMV instructs the driver to show current proof of financial responsibility only.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
§4511.19(B)	Class 6- 90 days to 2 years	Yes After 60 days	\$40

### REINSTATEMENT REQUIREMENTS

1. Complete a remedial driving course
2. Retake a complete driver license examination
3. Pay the reinstatement fee
4. Serve the period of suspension
5. Show proof of financial responsibility to OBMV



## Aggravated Vehicular Homicide, Vehicular Homicide, And Vehicular Manslaughter – ORC § 2903.06

A court must impose a suspension when a person is convicted of operating a vehicle and causing the death of another as a proximate result of committing a violation of ORC § 4511.19(A) or recklessly (Aggravated Vehicular Homicide), negligently (Vehicular Homicide), or as a proximate result of committing a minor misdemeanor violation contained in ORC Title 45 or a substantially equivalent municipal ordinance regardless of the degree of ordinance (vehicular manslaughter).

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Ignition Interlock</b>	<b>Restricted Plates</b>	<b>Reinstatement Fee</b>
<b>Aggravated Vehicular Homicide – Alcohol or Drugs</b>	§2903.06(B)(2)(d)	Class 1 – Life	Yes No waiting period	Optional	Optional	\$40
<b>Aggravated Vehicular Homicide – Recklessly</b>	§ 2903.06(B)(3)	Class 2 – 3 Years to Life	Yes No waiting period	Optional	Optional	\$40
<b>Vehicular Homicide - Negligently</b>	§ 2903.06(C)	Class 4 – 2 Years to 10 Years	Yes No waiting period	Optional	Optional	\$40
<b>Vehicular Manslaughter</b>	§ 2903.06(D)	Class 6 – 3 Month to 2 Years	Yes No waiting period	Optional	Optional	\$40

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension

### MODIFICATION OR TERMINATION OF CLASS 1 LIFE SUSPENSION OR CLASS 2 SUSPENSION IN EXCESS OF 15 YEARS – ORC §4510.54

ORC §4510.54 provides for the modification or termination of certain Class 1 and 2 suspensions but it expressly excludes:

1. Class 1 life suspension for aggravated vehicular homicide committed recklessly in violation of ORC §2903.06(A)(2) if the offender was previously convicted of a traffic related murder, felonious assault, or attempted murder. ORC §2903.06(B)(3)

2. Class 1 life suspension for aggravated vehicular assault committed while violating ORC 4511.19(A) if the offender was previously convicted of aggravated vehicular assault, any traffic related homicide, and manslaughter or assault, any traffic related murder, felonious assault, or attempted murder. ORC §2903.08
3. Class 2 suspension for vehicular homicide committed negligently if the offender was previously convicted of a traffic related murder, felonious assault or attempted murder. ORC §2903.06(C)
4. Class 2 suspension for felonious assault if the deadly weapon used in the commission of the offense is a motor vehicle. ORC §2903.11
5. Class 2 suspension for attempted aggravated murder or murder if the offender used a motor vehicle as the means to attempt to commit the offense. ORC §2923.02
6. Class 2 suspension for aggravated murder or murder if the offender used a motor vehicle as the means to commit the offense. ORC §2929.02

*Curiously, ORC §4510.54 does not exclude from its application a Class 1 suspension imposed under ORC §2903(B)(2)(d) for aggravated vehicular homicide committed while violating ORC§4511.19(A), operating a vehicle while under the influence of alcohol or drugs.*

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## PREREQUISITES FOR MODIFICATION OR TERMINATION

Where ORC §4510.54 does permit the sentencing court to modify or terminate a Class 1 or 2 suspension, the driver must demonstrate the following:

1. At least 15 years have elapsed since the suspension began and, during that time, the driver has not been convicted of any felony, any moving violation, or any violation of a suspension under ORC Chapter 4510 or an equivalent ordinance; or
2. At least 5 years have elapsed since the suspension began, and during that time, the driver has not been convicted of a moving violation, any violation of ORC §2903.06 or §2903.08, or any violation of a suspension under ORC Chapter 4510 or an equivalent ordinance; and
3. Proof of financial responsibility; and
4. If the suspension was imposed because of a violation of ORC §4511.19(A)(1), the driver has successfully completed an alcohol or drug treatment program, has not abused alcohol or drugs for a period satisfactory to the court, and for the past 15 years, the driver has not been found guilty of any alcohol-related or drug related offense.

*Note that if a court modifies a license suspension and the driver is subsequently found guilty of any moving violation or of any substantially equivalent municipal ordinance that carries as a possible penalty the suspension of a driver's or commercial driver's license, the court may re-impose the Class 1, 2 or other lifetime suspension.*

**Aggravated Vehicular Assault And Vehicular Assault – ORC § 2903.08**

A court must impose a suspension when a person is convicted of operating a vehicle and causing serious physical harm to another as a proximate result of committing a violation of ORC § 4511.19(A) (Aggravated Vehicular Assault) or recklessly (Vehicular Assault).

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Ignition Interlock</b>	<b>Restricted Plates</b>	<b>Reinstatement Fee</b>
<b>Aggravated Vehicular Assault</b>	§ 2903.08(B)(2)	Class 3 – 2 Years to 10 Years	Yes No waiting period	Optional	Optional	\$40
<b>Vehicular Assault</b>	§ 2903.08(C)(2)	Class 4 – 1 Year to 5 Years	Yes No waiting period	Optional	Optional	\$40

**REINSTATEMENT REQUIREMENTS**

1. Pay the reinstatement fee
2. Serve the period of suspension

## In-State Drug Offense Suspension - ORC §2925.01 *Et Seq.*

A court must impose a mandatory drug conviction suspension when a person is convicted of certain drug offenses under ORC Chapter 2925 in an Ohio court. If the drug conviction is under a municipal ordinance which is substantially similar to a provision of the ORC, the court has the option to impose a suspension which does not exceed the length of the state suspension. ORC §4510.05

Applicable ORC Section	Class	Limited Driving Privileges	Fee
§2925.01 <i>et seq.</i>	Mandatory Unclassified 6 months to 5 years	Yes No waiting period	\$40

### DRUG OFFENSES FOR WHICH A SUSPENSION IS MANDATORY UNDER CHAPTER 2925

- §2925.02 Corrupting Another with Drugs
- §2925.03 Trafficking Offenses
- §2925.04 Illegal Manufacture of Drugs or Cultivation of Marijuana
- §2925.041 Assembly or possession of chemicals used to manufacture controlled substance with intent to manufacture controlled substance
- §2925.05 Funding of drug or marijuana trafficking
- §2925.06 Illegal administration or distribution of anabolic steroids
- §2925.09 Sale or use of drugs not approved by the Food and Drug Administration
- §2925.11 Drug possession offenses
- §2925.12 Possessing drug abuse instruments
- §2925.13 Permitting drug abuse
- §2925.14 Use, possession, or sale of drug paraphernalia
- §2925.22 Deception to obtain a dangerous drug
- §2925.23 Illegal processing of drug documents
- §2925.24 Tampering with drugs
- §2925.31 Abusing harmful intoxicants
- §2925.32 Trafficking harmful intoxicants, improperly dispensing/distributing nitrous oxide
- §2925.33 Possessing nitrous oxide in a motor vehicle
- §2925.36 Illegal dispensing of drug samples
- §2925.37 Possessing or trafficking in counterfeit controlled substances
- §2925.38 Convictions of professionally licensed persons

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension

## Out-Of-State Alcohol Conviction Suspension – ORC §4510.17

The OBMV imposes a suspension when a driver pleads guilty to or is convicted of a violation of a statute of any other state or out-of-state municipal ordinance similar to Section ORC §4511.19.

Applicable ORC Section	Class	Limited Driving Privileges	Fee	Review Process
§4510.17	Class D- 6 months or the length of the out-of-state suspension of non-resident driving privileges, whichever is less	Yes After 15 days if no prior OVI convictions within 6 years	\$40	By OBMV or Court

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the 6 month suspension or the period of the out of state suspension of non-resident privileges, whichever is less.

### ADMINISTRATIVE OR CIVIL HEARING

1. A driver may request a hearing in writing within 21 days from the date of the OBMV suspension notice.
2. The driver may request a hearing before the Registrar (§4510.17) or Municipal Court (§4510.73).
3. The request does not stay the suspension.
4. Although ORC §4510.17 expressly states that the scope of the hearing is whether the driver pled or was found guilty of the offense, practitioners may consider other important issues that should be raised.

## Habitual Use of Alcohol/Drugs Suspension - ORC §4507.08

The OBMV imposes a suspension when a driver is convicted of 3 or more OVI offenses within the immediately preceding 3 year period.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>Appeal Process</b>
§4507.08 OAC 4501:1-1-16	Class F - until conditions are met	None	None	To OBMV or Court

### REINSTATEMENT REQUIREMENTS:

1. Complete a treatment/rehabilitation program approved by the Alcohol and Drug Addiction Services Board after the last conviction
2. Maintain 6 months continuous sobriety or freedom from addiction from the date of completion of the treatment program
3. File OBMV Form 2326, *Alcohol/Drug Reinstatement Form*, completed and signed by a physician, psychologist, certified chemical dependency counselor or national certified chemical dependency counselor attesting to the above with the OBMV.

### ADMINISTRATIVE OR CIVIL HEARING

1. The driver may request a hearing in writing within 30 days from the date of the OBMV suspension notice (§119.07).
2. Driver may request hearing before the Registrar (§119.06) or Municipal Court (§4510.73).
3. The request for hearing does not stay the suspension.
4. The scope of the hearing is to determine whether the suspension was properly imposed.

## CHAPTER FOUR: FINANCIAL RESPONSIBILITY SUSPENSIONS (ORC CHAPTER 4509)

### Security Suspension – ORC §4509.17

The OBMV imposes a security suspension if an uninsured driver is in accident and the driver or vehicle owner fails to deposit security in the amount determined by the OBMV to be sufficient to satisfy a judgment for damages resulting from an accident.

Applicable ORC Section	Class	Limited Driving Privileges	Fee	Review Process
§4509.17	Class F- until conditions are met	None	None	By the OBMV or Court

### REINSTATEMENT REQUIREMENTS

Submit any one of the following to the OBMV:

1. Release (§4509.21) or agreement signed by both parties (§4509.24) or
2. Security deposit in the amount determined by the OBMV up to the statutorily required minimum limits (§4509.12) or
3. Final adjudication of non-liability (§4509.22) or
4. Proof that judgment is paid in full up to statutorily required minimum limits (§4509.22)
5. Satisfactory evidence showing no action for damages has been instituted within two years after the date of the accident (§4509.26)
6. Discharge in bankruptcy with the schedule of creditors showing accident claim is listed (§4509.22)

### ADMINISTRATIVE OR CIVIL HEARING

1. The request for hearing must be made within 30 days of the mailing of the OBMV notice as to the amount of the security to be deposited.
2. Driver may request hearing before the Registrar (§4509.13) or Municipal Court (§4510.73)
3. The request for hearing stays the suspension.

4. The scope of the hearing is to determine any exemptions under ORC §4509.19 or to challenge the amount of the deposit required by the Registrar.

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#### EXEMPTIONS FROM A SECURITY SUSPENSION– ORC §4509.19

The security deposit requirement does not apply to ...

1. the driver or vehicle owner where no injury or damage was caused to anyone other than the driver or the owner's vehicle;
2. the driver or vehicle owner if the vehicle was parked legally;
3. the vehicle owner if the driver was operating or parked the vehicle without the owner's permission;
4. to any police officer who was responding to an emergency and assumed custody of the motor vehicle at the time of the accident;
5. to the driver or owner if liability policy or bond was in effect at the time of the accident, except the driver is not exempt if he or she was operating the vehicle without the owner's permission;
6. to the driver if he or she was driving another's vehicle but had a liability policy in effect which covered the driver while operating a vehicle not owned by him or her;
7. to the driver that is covered by any other form of liability policy or bond;
8. to the driver or vehicle owner if the vehicle owner was self-insured but the driver will not be exempt if he or she did not have permission to operate the vehicle.
9. to a vehicle owner which is a government agency.

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#### OTHER SECURITY SUSPENSION REMEDY – ORC §4509.19 (B)

If the Registrar receives information within six months after an accident that a decision regarding the security deposit was incorrect by reason of erroneous information, the Registrar is to take corrective action. However, the Registrar is not required to evaluate the amount of the deposit.



## Non-Compliance Suspension – ORC §4509.101

A driver may not operate, and a vehicle owner may not permit the operation of, a motor vehicle without maintaining proof of financial responsibility continuously throughout the registration period of that vehicle. The OBMV imposes a suspension for failure to provide proof of financial responsibility which is in effect at the time...

1. Of a vehicle crash
2. When a driver receives a traffic citation
3. When the vehicle owner is randomly selected to provide proof of financial responsibility

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>File &amp; Maintain FR</b>	<b>Review Process</b>
<b>1<sup>st</sup> Violation within 5 years</b>	§4509.101 (A)(2)(a)	Class F- Until Compliance	No Need- File SR 22 and Pay Reinstatement Fee	\$100	3 years	To OBMV or Court
<b>2<sup>nd</sup> Violation within 5 years</b>	§4509.101 (A)(2)(b)	Class C- 1 year	Yes After 15 days	\$300	5 years	
<b>3<sup>rd</sup> Violation within 5 years</b>	§4509.101 (A)(2)(c)	Class B- 2 years	Yes After 30 days	\$600	5 years	

### REINSTATEMENT REQUIREMENTS

1. File and maintain proof of financial responsibility for required period with OBMV
  - a. Certificate of insurance or
  - b. Financial responsibility bond or
  - c. Certificate of deposit of money or securities in the amount of \$30,000 issued by the OBMV upon application and approval
2. Pay the reinstatement fee plus a non-voluntary compliance fee in the amount of \$50 if the driver has not voluntarily surrendered the license, certificate of registration, or license plates

3. Serve the period of suspension

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### ADMINISTRATIVE OR CIVIL HEARING

1. The request for hearing with a \$30.00 hearing fee must be received by the OBMV within 10 days of the mailing of the OBMV notice of suspension.
2. The driver may request a hearing before the Registrar (§4509.101) or Municipal Court (§4510.73).
3. The request for hearing does not stay the suspension.
4. The scope of hearing is limited to whether proof of financial responsibility in accordance with ORC §4509.101 was demonstrated by the suspended driver or owner of the vehicle. The vehicle owner may also argue and prove that he or she did not give the driver permission to drive the vehicle.

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### RELIEF FROM NON-COMPLIANCE SUSPENSION FOR EXCUSABLE NEGLIGENCE ORC §4509.101(L)

The OBMV may terminate a non-compliance suspension imposed under ORC §4509.101 and waive the reinstatement fee and proof of financial responsibility filing requirement if, with or without a hearing, it determines the owner of the vehicle has established by clear and convincing evidence that the owner customarily maintains proof of financial responsibility and proof was not in effect on the date in question due to excusable neglect under circumstances that are not likely to recur.

## Random Selection Suspension – ORC 4509.101

A random selection suspension is really a subcategory of a non-compliance suspension but is unique because it does not involve the operation of a vehicle. The OBMV imposes this suspension if a vehicle owner fails to provide proof of financial responsibility after being randomly selected from a pool of licensed drivers and notified that he/she must submit proof to the OBMV.

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>File &amp; Maintain FR</b>	<b>Review Process</b>
<b>1<sup>st</sup> Violation within 5 years</b>	§4509.101 (A)(2)(a)	Class F- until compliance	No Need- File SR 22 and Pay Reinstatement Fee	\$100	3 years	To OBMV or Court
<b>2<sup>nd</sup> Violation within 5 years</b>	§4509.101 (A)(2)(b)	Class C- 1 year	Yes After 15 days	\$300	5 years	
<b>3<sup>rd</sup> Violation within 5 years</b>	§4509.101 (A)(2)(c)	Class B- 2 years	Yes after 30 days	\$600	5 years	

### REINSTATEMENT REQUIREMENTS

1. File with the OBMV and maintain proof of financial responsibility for required period
  - a. Certificate of insurance or
  - b. Financial responsibility bond or
  - c. Certificate of deposit of money or securities in the amount of \$30,000 issued by the OBMV upon application and approval
2. Pay the reinstatement fee plus a non-voluntary compliance fee in the amount of \$50 if the driver has not voluntarily surrendered the license, certificate of registration, or license plates as ordered
3. Serve the period of suspension

## ADMINISTRATIVE OR CIVIL HEARING

1. The request for hearing with a \$30.00 hearing fee must be received by the OBMV within 10 days of the mailing of the OBMV notice of suspension.
2. The driver may request hearing before the Registrar (§4509.101) or Municipal Court (§4510.73).
3. The request for hearing does not stay the suspension.
4. Scope of hearing is limited to whether proof of financial responsibility in was in effect at the time of random selection or whether the vehicle is exempt from the random selection procedure.

## Judgment Suspension - ORC § 4509.37

The OBMV imposes a judgment suspension when it receives a certified copy of judgment in a civil action taken as a result of damages and/or injuries arising from ownership, maintenance or use of a motor vehicle.

Applicable ORC Section	Class	Limited Driving Privileges	Fee	File & Maintain FR	Review Process
§ 4509.37	Class F- until conditions are met Or 7 years if judgment prior to 1/1/2004	None	None	3 years Or 5 years If judgment prior to 1/1/2004	Appeal to court which rendered the judgment

### REINSTATEMENT PROCEDURE

1. File and maintain proof of financial responsibility with OBMV for the required period of time
2. Submit proof to OBMV of any of the following:
  - a. Judgment satisfied up to statutorily required minimum limits (§4509.40 and §4509.41)
  - b. Creditor consent in writing that debtor be allowed license (§4509.38)
  - c. Court in which judgment rendered approves installment payment plan (§4509.42)
  - d. Petition or notice of discharge in bankruptcy with the schedule of creditors showing accident claim is listed (§4509.40)

### APPEAL – ORC §119.12

1. The appeal must be filed within 15 days of the mailing of the OBMV notice of suspension.
2. The appeal is to the Common Pleas Court in the County of the driver's residence. The appeal is to the Franklin County Common Pleas Court if the driver resides outside of Ohio.
3. The request for hearing does not stay the suspension but the Court may issue a stay order.
4. Case law should be researched to determine the scope of the appeal.

## Failure To File Proof Of Financial Responsibility When Required To File An Accident Report - ORC §4509.06

Although a driver is still required to provide proof of financial responsibility after an accident at the request of the Registrar, the Registrar is not authorized to suspend the driver's license for failure to file proof effective September 28, 2012.

## CHAPTER FIVE: MISCELLANEOUS SUSPENSIONS

### Wrongful Entrustment Suspension - ORC §4511.203

The Court may impose a suspension when a vehicle owner permits a vehicle owned by him or under his control to be driven by another person without a valid license or while under the influence.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
§4511.203	Optional Class 7- not to exceed one year	Yes No waiting period	\$40 if suspension is 90 days or longer

#### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee, if any
2. Serve the period of suspension

## Twelve Point Suspension - ORC §4510.037

The OBMV imposes a suspension when a driver accumulates 12 points within a 2 year period.

At any point before accumulating 12 points, a driver who has 2 or more points may take a remedial driving class and earn a 2 point credit. A person is permitted to receive one 2 point credit in any 3 year period, and up to 5 in a lifetime. However, there is no credit where the class is imposed by a court as a condition for the return of driving privileges. A 2 point credit does not reduce points but instead allows a person to accumulate 14 points before imposition of the 12 point suspension.

Applicable ORC Section	Class	Limited Driving Privileges	Fee	Review Process
§4510.037	Class D 6 months	Yes No waiting period	\$40	Appeal to Court

### REINSTATEMENT REQUIREMENTS

1. Pass remedial driving course
2. Re-take driver's license exam
3. File and maintain proof of financial responsibility
4. Pay reinstatement fee

### APPEAL PROCESS

1. The driver must file an appeal within 20 days after the mailing of the notice of the suspension prior to the effective date of the suspension and pay court costs. If the driver is under the age of 18, the appeal must be filed in the juvenile court for the county in which the juvenile driver resides.
2. The filing of the appeal stays the imposition of the suspension by the OBMV
3. The scope of the appeal is whether cause can be shown why driving privileges should not be suspended
4. If the suspension is upheld, the court may grant limited driving privileges
5. If the court upholds the suspension, it shall impose the applicable suspension under §4510.037 or suspend all or a portion of the suspension and impose any conditions upon the driver that the court considers proper or impose upon the driver a community control sanction pursuant to ORC §2929.15 or §2929.25.



## License Forfeiture Suspension– ORC §4510.22

A court may declare a license forfeiture when person is charged with a violation of any of the various statutes listed in ORC §4510.22 and fails to appear in court prior to conviction at the required time and place or fails within the time allowed to pay the fines and court costs imposed by the court after conviction.

The court notifies the OBMV of the forfeiture 30 days after the declaration by the court, which gives the driver 30 days to appear or pay any fines and costs.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
§4510.22	Class F- until conditions are met	None	\$25

### REINSTATEMENT REQUIREMENTS

1. Satisfy the court requirements to appear or pay fines.
2. Obtain a release of forfeiture from the court
3. Pay the reinstatement fee

## Warrant Block - ORC §4507.091

The OBMV imposes a block on a driver's record when it receives a report from a clerk of court that an arrest warrant has issued for the driver. The block prevents the driver from obtaining, renewing or reinstating a driver license and prevents the driver from registering a motor vehicle in his or her name. The warrant block is not a suspension so that a driver may still have a valid driver's license after the imposition of the block. A driver may not be charged with driving under suspension based on a warrant block alone.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>Review Process</b>
ORC §4507.091	None as no suspension is imposed	Not applicable	\$15	None

### REMOVAL REQUIREMENTS

1. Pay reinstatement fee
2. File a release from the court issuing the warrant with the OBMV

## Indefinite Medical Suspension - ORC §4507.20

The OBMV imposes a suspension, when in the opinion of the Registrar, a driver is afflicted with or suffering from a physical or mental disability or disease that prevents him/her from exercising reasonable and ordinary control over a vehicle. Prior to imposition of the suspension, the Registrar notifies the driver that he/she will be required to submit to a physical examination or a driver's license examination or both. An unfavorable examination or refusal to submit to the examination will also result in the suspension, although the Registrar may impose license restrictions in lieu of a suspension.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>Review Process</b>
§4507.20	Class F- until conditions are met	None	None	To OBMV or Court

### REINSTATEMENT REQUIREMENTS

OBMV can order one or both of the following:

1. File a satisfactory physician's report AND/OR
2. Pass the driver's license examination

### ADMINISTRATIVE OR CIVIL HEARING

1. The driver may request a hearing in writing within 30 days of the date of the notice of suspension;
2. The driver may request the hearing before the Registrar (§119.06) or Municipal Court (§4510.73);
3. The request does not stay the suspension;
4. The scope of the hearing is whether the suspension or restrictions are medically warranted.

### OTHER RELIEF

The suspended driver may apply for a restricted license for 6 months if a physician reports that the medical condition resulting in the suspension is under control. (§4507.08)

## Violation of Restriction Suspension - ORC §4507.14

The OBMV imposes a suspension when it receives notice that a driver has violated a license restriction such as corrective lenses, mechanical control devices, daylight driving only, etc., relating to the ability to operate a vehicle

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>Review Process</b>
§4507.14	Class D - 6 months	None	\$40	By OBMV or court

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension

### PRE- SUSPENSION ADMINISTRATIVE HEARING

1. The driver may request an administrative hearing within 30 days of the date of the suspension notice;
2. The driver may request hearing before the Registrar (§119.06) or Municipal Court (§4510.73).
3. The suspension does not take effect until after the administrative hearing or the expiration of the period for requesting the administrative hearing.

## Child Support Suspension - ORC §3123.55

The OBMV imposes the suspension when it receives notice from a Child Support Enforcement Agency that a driver defaulted on a child support order.

Applicable ORC Section	Class	Limited Driving Privileges	Fee	Review Process
§3123.55	Class F- until conditions are met	Yes- No waiting period Court may grant driving privileges in contempt action	\$25	None

### REINSTATEMENT REQUIREMENTS

1. Obtain a release from Child Support Enforcement Agency
2. Pay the reinstatement fee

### LIMITED DRIVING PRIVILEGES

Effective September 28, 2012, amended ORC §3123.58(B)(1) authorizes a court to grant limited driving privileges in accordance with ORC §4510.021 in an action for contempt initiated under ORC §2705.031.

The driver must provide a recent, non-certified copy of the driver's abstract from the Registrar.

The court must request the Child Support Enforcement Agency to advise the court as to its position on the request for driving privileges prior to granting privileges, although the court is not bound by the Agency's position.

If driving privileges are granted, the court shall issue a permit card to the driver. If the person granted limited driving privileges is convicted of any violation of Chapter 4510, the privileges are immediately suspended pending a reinstatement hearing.

**NOTE** that a contempt proceeding under ORC §2705.031 must be initiated by persons other than the driver. Recent amendments to the law do not appear to give the driver the right to petition the court for driving privileges other than in a contempt proceeding initiated against him or her.

## Reckless Operation Suspension - ORC §4510.15

The court may impose a suspension when a person is convicted of operating a vehicle in violation of a state or local code relating to reckless operation.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
§4510.15	Optional Class 5-6 months to 3 years	Yes No waiting period	\$40

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension

**Leaving the Scene After an Accident (Hit-Skip) Suspension – ORC §§ 4549.02 AND 4549.021**

A court must impose a suspension when a person is convicted of “Hit-Skip,” in violation of ORC § 4549.02 or ORC § 4549.021.

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Ignition Interlock</b>	<b>Restricted Plates</b>	<b>Reinstatement Fee</b>
<b>Accident on Public Road or Highway</b>	§ 4549.02(B)	Class 5 – 6 Months to 3 Years	Yes No Waiting Period	Optional	Optional	\$40
<b>Accident on Public or Private Property other than Public Road or Highway</b>	§ 549.021(B)	Class 5 – 6 Months to 3 Years	Yes No Waiting Period	Optional	Optional	\$40

**REINSTATEMENT REQUIREMENTS**

1. Pay the reinstatement fee
2. Serve the period of suspension

**Failure to Comply With Order or Signal of Police Officer and Fleeing or Eluding Police Officer Suspension – ORC § 2921.331**

A court must impose a suspension when a person is convicted of failing to comply with a lawful order or direction of an officer invested with authority to direct and regulate traffic or willfully fleeing or evading a police officer in violation of ORC § 2921.331

	<b>Applicable Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Ignition Interlock</b>	<b>Restricted Plates</b>	<b>Reinstatement Fee</b>
<b>Failure to Comply with Order</b>	§ 2921.331(E)	Class 5 – 6 Months to 3 Years	Yes No waiting period	Optional	Optional	\$40
<b>Fleeing or Eluding M1</b>	§ 2921.331(E)	Class 5 – 6 Months to 3 Years	Yes No waiting period	Optional	Optional	\$40
<b>Fleeing or Eluding Felony</b>	§ 2921.331(E)	Class 2 – 3 Years to Life	No	Optional	Optional	\$40

**REINSTATEMENT REQUIREMENTS**

1. Pay the reinstatement fee
2. Serve the period of suspension



## Juvenile Driver Suspension – ORC § 4510.31

The Registrar must suspend the license of any person who has been convicted of, pleaded guilty to, or been adjudicated in juvenile court as having committed one of a series of offenses before the person's 18<sup>th</sup> birthday.

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Reinstatement Fee</b>
<b>Unruly Child with a Drug Abuse Offense</b>	§ 4510.31(B)	Class D – 6 Months	Yes – No waiting period. May be granted to practice driving with parent or guardian.	\$40
<b>Suspension for Two Moving Violations</b>	§ 4510.31(A)(1)(c)	Class E – 3 Months	Yes – No waiting period. May be granted to practice driving with parent or guardian. May also be granted upon petition for employment, education, vocational training, or treatment.	\$40
<b>Suspension for Three Moving Violations</b>	§ 4510.31(A)(1)(a)	Class C – 1 Year	Yes – No waiting period. May be granted to practice driving with parent or guardian. May also be granted upon petition for employment, education, vocational training, or treatment.	\$40
<b>Suspension for Juvenile OVI</b>	§ 4510.31(A)(1)(b)	Class D – 6 Months	Yes – No waiting period. May be granted to practice driving with parent or guardian.	\$40

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension
3. Obtain temporary license
4. Take a juvenile driver improvement program
5. Pass Driver's License Examination

## JUDICIAL RELIEF FROM JUVENILE SUSPENSION – ORC § 4510.31(C)(2)(A)

When a juvenile has been adjudicated to have committed two or three traffic violations, the court in which the juvenile has been adjudicated to have committed the second or third violation may order the Registrar to waive the suspension. The court may do so only if all of the following are satisfied:

1. the driver submits a petition requesting a waiver of the suspension to the court before the sentence or order of disposition. The petition must describe why the suspension would seriously affect the person's ability to continue employment, education, vocational training, or treatment;
2. the driver submits proof to the court before the sentence or disposition, showing that he or she has completed an advanced juvenile driver improvement program after the person committed the second or third violation; and
3. the court finds reasonable cause to believe the suspension would seriously affect the person's ability to continue employment, education, vocational training, or treatment.

If the sentence is for a third moving violation, a waiver of the suspension may only be granted if the person did not petition for a waiver of suspension after the second offense, and the court did not order the waiver of the suspension for the second violation.

If the court elects to order a waiver of suspension, it will immediately send written notice to the Registrar, and the Registrar shall not suspend the person's license.

## CHAPTER SIX: INTERSTATE SUSPENSIONS

### Non-Resident Violator Compact Suspension - ORC §4510.71, Article IV

The OBMV imposes a suspension when an out of state court informs the OBMV that there is an outstanding traffic ticket against an Ohio licensed driver.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>Review Process</b>
§4510.71	Class F-until conditions are met	None	\$40	To OBMV or Court

#### REINSTATEMENT REQUIREMENTS

1. Comply with the requirements of the out of state court
2. Obtain a release from the out-of-state court and file with the OBMV
3. Pay the reinstatement fee

#### ADMINISTRATIVE OR CIVIL HEARING

1. The driver may request a hearing in writing within 30 days from the date of the suspension notice.
2. The driver may request the hearing before the Registrar (§119.06) or Municipal Court (§4510.73);
3. The request for hearing stays the suspension.

## Driver License Compact Suspension Due to Certain Out Of State Convictions - ORC § 4510.61, Article IV

The OBMV imposes a suspension when it receives notice from another state that an Ohio driver was convicted of a traffic violation in the non-resident state. For the purpose of suspension, revocation or limitation of the driver's license, the OBMV will give the same effect to the conviction as it would if the conviction had occurred in Ohio.

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### REINSTATEMENT REQUIREMENTS

The reinstatement requirements will depend on the nature of the conviction.

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### ADMINISTRATIVE OR CIVIL HEARING

The availability of and procedure for review of the imposition of the suspension by the OBMV depends on the nature of the conviction.

## National Driver Registry or Driver's License Compact Block – ORC §4510.61, Article V

The OBMV imposes a block when a driver is applying for or renewing an Ohio license and is under suspension in another state or held a license in another state which is suspended. The block is triggered when the OBMV processes a driver through the Problem Drivers Pointer System, formerly through the National Driver Registry.

The OBMV searches the Pointer System when...

1. A person is requesting an Ohio driver's license for the first time and is over 18 years of age
2. A person is renewing an Ohio driver's license
2. An Ohio driver is being re-tested due to reinstatement requirements
3. An out of state, licensed driver applies for an Ohio license.

<b>Applicable ORC Section</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>	<b>Review Process</b>
§4510.61 Article V	None	\$40	Appeal to Court §4507.08

### REINSTATEMENT REQUIREMENTS

1. Pay the OBMV fee
2. File a clearance letter from the other state with the OBMV
3. The Pointer System's license status is converted to "ELIGIBLE"

### APPEAL PROCESS UNDER ORC §4507.08(D)(5)

1. When the application for a license is denied by the OBMV, the driver may file a petition in the municipal court where he/she resides.
2. The scope of the appeal is whether the conduct involved in the out-of-state offense would have resulted in a suspension had the offense occurred in Ohio.
3. If the appeal is successful, the OBMV will process the license application upon the filing of a certified judgment entry from the municipal court.

## CHAPTER SEVEN: COURT SUSPENSIONS UPON CONVICTION FOR DRIVING UNDER VARIOUS TYPES OF SUSPENSION

### Operating Under Suspension or in Violation of a License Restriction (Catch All - Other than under ORC Chapter 4509, §4510.111 and §4510.16) - ORC §4510.11

The court may impose a suspension if a driver is convicted of operating a vehicle in violation of any license restriction or while under any suspension other than a financial responsibility suspension imposed under ORC Chapter 4509, ORC §4510.111 and ORC §4510.16.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Reinstatement Fee</b>
§4510.11	Optional Class 7- Not to exceed one year	Yes No waiting period	\$40.00 if suspended 90 days or longer

#### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension

### Operating Under License Forfeiture Suspension- ORC §4510.111

Effective September 28, 2012, a Court may no longer suspend the license of a driver convicted of driving under a license forfeiture suspension.

### Operating Under Child Support Suspension - ORC §4510.111

Effective September 28, 2012, a Court may no longer suspend the license of a driver convicted of driving under a child support suspension.

### Operating Under A Financial Responsibility Suspension - ORC §4510.16

Effective September 28, 2012, a Court may no longer suspend the license of a driver convicted of driving under a financial responsibility suspension.

## Operating Under OVI Suspension - ORC §4510.14

The court must impose a suspension when a person is convicted of operating a vehicle under an OVI suspension (§4511.19 and §4510.07), an Administrative License Suspension (§4511.191), or a judicial pretrial suspension (§4511.196).

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
§4510.14	Mandatory Class 7- Not to exceed 1 year	Yes No Waiting Period	\$40.00 if the suspension is 90 days or longer

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee
2. Serve the period of suspension



## Operating With Expired License Suspension - ORC §4510.12

The court may impose a suspension when a person is convicted of operating a vehicle with an expired license if it is at least the second offense within three years and the license is expired for more than six months.

	<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Fee</b>
<b>1 or more priors in 3 years &amp; expired for &gt;6 months</b>	§4510.12	Optional Class 7- up to 1 year	Yes No waiting period	\$40 if suspension is for 90 days or longer

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee, if any
2. Serve the period of suspension

## Driving While Failing to Reinstate a License - ORC §4510.21

A court may impose a suspension when a driver is convicted of operating a vehicle after period of suspension has expired but the person has failed to comply with all reinstatement requirements imposed by law i.e. "failure to reinstate" status.

<b>Applicable ORC Section</b>	<b>Class</b>	<b>Limited Driving Privileges</b>	<b>Reinstatement Fee</b>
§4510.21	Optional Class 7 – Not to exceed 1 year	Yes No waiting period	\$40.00 if suspension is 90 days or longer

### REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee, if any
2. Serve the period of suspension

## CHAPTER EIGHT: COMMERCIAL DRIVER'S LICENSE

### Commercial Driver's License Suspensions and Disqualifications ORC §4506.16

A commercial driver's license may be suspended for any reason that other forms of driver's licenses may be suspended. If a driver's commercial driver's license is suspended, he or she may not apply or receive another form of driver's license. ORC §4506.16(K). Further, no court may grant limited driving privileges for the operation of a commercial vehicle to a driver whose driver's license or commercial driver's license is suspended or who has been disqualified. ORC §4506.161.

In addition to suspensions, however, a commercial driver's license may be subject to disqualification under ORC §4506.16. The OBMV will "disqualify a holder of a commercial driver's license...from operating a commercial motor vehicle" if the driver is convicted of any offense designated in ORC §4506.15. Those offenses include operating a vehicle while under the influence of alcohol or a controlled substance; using a vehicle in the commission of a felony; "hit-skip"; refusing to take a chemical test; operating a commercial vehicle while under suspension; and causing a fatality through negligent operation. ORC §4506.15. Additionally, the disqualification applies to persons who are placed under an ALS imposed pursuant to ORC §4511.191 (Implied Consent Law) for failing or refusing a chemical test after a lawful arrest for OVI.

Although a court may not grant limited driving privileges for employment as a driver of a commercial motor vehicle to any driver who is disqualified under ORC §4506.16, it may grant driving privileges for other purposes. ORC §4510.13(B)

**Cautionary Note:** *As of January 27, 2012 an OVI conviction under state law or municipal ordinance AND/OR an Administrative License Suspension (ALS) imposed under ORC 4519.191 (Implied Consent law) will cause the OBMV to disqualify a person from operating a commercial motor vehicle. See ORC 4506.16 (D)(1) and (2). Thus, it is very important that an ALS appeal be filed within 30 days of the arraignment. Unless the ALS (for a failed test or refusal) is vacated on appeal, the commercial driver will be disqualified even if he or she is found not guilty of the OVI by acquittal or dismissal upon amendment to a reduced charge. A first OVI conviction or ALS requires a one year disqualification. A second OVI conviction, a second ALS, or any combination of them arising from two or more separate incidents will require a disqualification "for life or for any other period of time as determined by the United States secretary of transportation and designated by the director of public safety by rule."*

## APPENDIX A: POINTS CHART - SELECT OFFENSES

CONVICTION	ORC SECTION	POINTS
Catch-All Driving Under Suspension	§4510.11(A)	2
Driving Under FRA Suspension	§4510.16(A)	2
Violation of Restriction	§4510.11	2
Driving Under an OVI Suspension	§§4510.14, 4511.19, 4511.191	6
Failure to Reinstate	§4510.21(B)	2
Driving Under a 12 Point Suspension	§4510.037(J)	6
Driving Under a Life Time Suspension	§4510.18	6
Driving Under Child Support/ Failure to Pay Suspension	§4510.111	2
Driving Under Non-Payment of Judgment Suspension	§4510.16	2
Hit Skip/Leaving the Scene of Accident	§4549.02	6
Hit Skip Private Property	§4549.03	2
Fleeing and Eluding a Police Officer	§2921.331	6
Reckless Operation	§4510.15	4

## APPENDIX B: OHIO BUREAU OF MOTOR VEHICLE REINSTATEMENT FEES

SUSPENSION TYPE	FEE
Administrative Indefinite or Medical Suspension	None
ALS Positive	\$475
ALS Refusal	\$475
License Forfeiture	\$25
Court Suspension of 90 days or more	\$40
Child Support Suspension	\$25
Drug-Related (In-state or Out-of-state)	\$40
Habitual Use of Drugs/Alcohol	None
High School Dropout	\$40
Judgment	None
NDR Indefinite Suspension	\$40
Noncompliance Suspension; Incident/Accident After 4/19/95 First Suspension	\$100 (+\$50 FINANCIAL RESPONSIBILITY involuntary compliance fee if person has not voluntarily surrendered license, certificate, or license plates)
Noncompliance Suspension; Second Suspension within 5 Years	\$300 (+\$50 FINANCIAL RESPONSIBILITY involuntary compliance fee if person has not voluntarily surrendered license, certificate, or license plates)
Noncompliance Suspension; Third Suspension within 5 Years	\$600 (+\$50 FINANCIAL RESPONSIBILITY involuntary compliance fee if person has not voluntarily surrendered license, certificate, or license plates)
Nonresident Violator Compact	\$40
OVI	\$475
OVUAC	\$40
Physical Control	\$475 (if license is suspended by a court)
Probationary Suspension for 2 Moving Violations	\$40
Probationary Suspension for 3 Moving Violations	\$40
Probationary Suspension for OVUAC	\$40
Probationary Suspension for OVI (Under 18)	\$40
Security Suspension	None
Twelve-Point Suspension	\$40
Vehicle Forfeiture	None
Vehicle Immobilization	\$100
Violation of Liquor Law	\$40
Violation of Restriction	\$40
Juvenile Intervention Suspension	\$40
Warrant Block	\$15