



## **H.B. 546**

124th General Assembly  
(As Introduced)

**Reps. Carano, D. Miller, Seitz, Key, Rhine, Patton, Britton**

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### **BILL SUMMARY**

- Requires the Registrar of Motor Vehicles to provide a licensed driver who is subject to reexamination because of alleged incompetency or other disqualification, with information concerning the allegation and also the opportunity for a hearing either before or after the license examination.

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### **CONTENT AND OPERATION**

Current law authorizes the Registrar of Motor Vehicles to order a physical examination or a new driver's license examination of a licensed driver either because of the accumulation of points on the driver's record or because the Registrar has good cause to believe that the person is "incompetent or otherwise not qualified to be licensed..." (sec. 4507.20). By rule, the Registrar has established that "good cause" may be established by any of the following: (1) a report of a peace officer, (2) a report of a court, (3) information from a physician, a nurse, a relative of the licensee, or a friend of the licensee, or (4) a court order. The report or information, which may not be anonymous, must be based on personal observation of the licensee, must include the details of any incident that is the basis of the report, and must request that the person be reexamined in the interest of public safety. (Ohio Administrative Code section 4501:1-1-01.) Currently, after the Bureau of Motor Vehicles receives a report, a letter is sent to the license holder notifying the person that he must be reexamined and informing the person that he may request a hearing after failing any portion of the driver's license reexamination. The request for a hearing does not stay any suspension resulting from the failed examination. This opportunity for a hearing is not specifically referenced in current law or rule.

Under the bill, if the Registrar notifies a person that he must be reexamined because of alleged incompetency, the Registrar also must provide the person with a copy of any report or information making the allegation. The person must be

notified that he has an opportunity for a hearing either within 30 days of the mailing of the notice or within 30 days after submitting to the physical examination or driver's license reexamination, at the person's own determination. (Sec. 4507.20(C).)

The bill prohibits the Registrar from suspending or revoking a person's license when an appeal is pending that was filed before taking any examination that is required because of alleged incompetency. If a person requests a hearing after failing any ordered reexamination, the request does not stay the operation of any suspension or revocation. (Sec. 4507.20(E).) (See **COMMENT**.)

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## **COMMENT**

The bill does not affect a reexamination ordered as a result of the accumulation of points on a person's driving record.

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	03-28-02	p. 1647

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