



H.B. 303

127th General Assembly
(As Introduced)

Reps. DeGeeter, Hughes

BILL SUMMARY

- Provides that when a court determines in a pending case that the offender cannot reasonably pay the driver's license reinstatement fees that the offender will have to pay at the end of the offender's driver's license suspension periods, the court may order that the offender undertake an installment payment plan or a payment extension plan for payment of those fees.

CONTENT AND OPERATION

Payment of driver's license reinstatement fees

If a person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended, at the end of the suspension period the person must pay a reinstatement fee in order for the license, permit, or privilege to be reinstated and to be issued a new license or permit or to have the person's operating privileges reinstated. While the general reinstatement fee is \$30 (R.C. 4507.45, not in the bill), in certain cases the Revised Code specifies a different reinstatement fee. For example, for violations of the state financial responsibility law, the reinstatement fee is either \$75, \$250, or \$500 (R.C. 4509.101(A)(5)(a), not in the bill), while the reinstatement fee in OVI cases is \$425 (R.C. 4511.191(F)(2), not in the bill). The Registrar of Motor Vehicles is prohibited from reinstating a person's driver's or commercial driver's license or permit or nonresident operating privilege until the person has paid all reinstatement fees and has complied with all conditions for each suspension, cancellation, or disqualification that the person incurred (R.C. 4510.10(B)).

Under current law, an offender who cannot reasonably pay the specified reinstatement fee relative to a suspension that has been imposed on the offender may file a petition in the municipal court, county court, or, if the person is under 18 years of age, the juvenile division of the court of common pleas in whose

jurisdiction the person resides or, if the person is not an Ohio resident, in the Franklin County Municipal Court or Juvenile Division of the Franklin County Court of Common Pleas for an order that does either of the following, in order of preference:

(1) Establishes a reasonable payment plan of not less than \$50 per month, to be paid by the offender to the Bureau of Motor Vehicles in all succeeding months until the offender has paid all of the offender's reinstatement fees;

(2) If the offender, but for the payment of the reinstatement fees, otherwise would be entitled to operate a vehicle in Ohio or to obtain reinstatement of the offender's operating privileges, permits the offender to operate a motor vehicle, as authorized by the court, until a future date upon which all reinstatement fees must be paid in full. This payment extension cannot exceed 180 days, and any operating privileges granted during this extension period must be solely for the purpose of permitting the offender occupational or "family necessity" privileges in order to enable the offender reasonably to acquire the delinquent reinstatement fees that are due. (R.C. 4510.10(C).)

The bill retains these provisions and adds a new repayment provision for pending cases. This provision operates independently of the existing repayment plan provisions. The new provision provides that when a municipal court or county court determines in a pending case that the offender cannot reasonably pay the reinstatement fees that the offender will have to pay relative to one or more suspensions that have been or will be imposed by the BMV or by an Ohio court, the court, by order, may undertake an installment payment plan or a payment extension plan for the payment of reinstatement fees due and owing to the BMV in that pending case. The court must establish a payment installment payment plan or a payment extension plan under this new provision in accordance with the repayment plan requirements of existing law.

HISTORY

ACTION	DATE
Introduced	08-28-07

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