



# Ohio Legislative Service Commission

## Final Analysis

Amanda M. Ferguson

### Am. S.B. 255

130th General Assembly  
(As Passed by the General Assembly)

**Sens.** Brown, Skindell, Seitz, Kearney, Smith, Turner, Manning, Gardner, Gentile, Burke, Coley, Eklund, Faber, LaRose, Obhof, Peterson, Sawyer, Schiavoni, Tavares, Uecker

**Reps.** Damschroder, Ruhl, Mallory, Celebrezze, Green, Perales, Amstutz, Anielski, Antonio, Baker, Barborak, Bishoff, Brown, Buchy, Burkley, Dovilla, Fedor, Hackett, R. Hagan, Henne, Hottinger, Johnson, Letson, McClain, Milkovich, Patmon, Retherford, Roegner, Rogers, Sheehy, Sprague, Stinziano, Thompson, Winburn, Batchelder

**Effective date:** March 23, 2015

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## ACT SUMMARY

- Authorizes a motor vehicle liability insurer to provide its policy holders with the ability to utilize an electronic wireless communications device to present proof of financial responsibility.
- Permits a person to present proof of financial responsibility to the Registrar of Motor Vehicles, a peace officer, a traffic violations bureau, or a court through use of an electronic wireless communications device.
- Prohibits the use of an electronic wireless communications device to provide proof of financial responsibility when such proof is required to be filed and maintained with the Registrar during a period of suspension.

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## CONTENT AND OPERATION

### Overview: the Financial Responsibility Law

The Financial Responsibility Law prohibits any person from operating or permitting the operation of a motor vehicle in Ohio unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle or, in the case of a driver who is not the owner, with respect to

that driver's operation of the vehicle.<sup>1</sup> A person is required to verify the existence of proof of financial responsibility covering the operation of a motor vehicle or the person's operation of a motor vehicle under any of the following circumstances:

(1) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report;

(2) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or State Highway Patrol trooper; or

(3) Whenever, in accordance with rules adopted by the Registrar of Motor Vehicles, the person is randomly selected by the Registrar and requested to provide such verification.<sup>2</sup>

Depending on the circumstances, a person may be required to show proof of financial responsibility to the Registrar, a peace officer, a court, or a traffic violations bureau.<sup>3</sup>

### **Insurers, proof of financial responsibility, and wireless devices**

The act allows each insurer writing motor vehicle liability insurance in Ohio to provide its Ohio motor vehicle insurance policyholders with the ability to utilize an electronic wireless communications device to present proof of financial responsibility. The text or images that are displayed on such a device must conform to requirements that the Registrar prescribes in rules.<sup>4</sup> This new requirement is in addition to the continuing requirement that insurers provide such policyholders with financial responsibility identification cards.<sup>5</sup> The act defines "electronic wireless communications device" to include any of the following:

(1) A wireless telephone, including a cellular telephone;

(2) A personal digital assistant;

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<sup>1</sup> R.C. 4509.101(A)(1).

<sup>2</sup> R.C. 4509.101(A)(3)(a) to (c).

<sup>3</sup> R.C. 4509.103(C).

<sup>4</sup> R.C. 4509.101(M) and 4509.103(C).

<sup>5</sup> R.C. 4509.103(B).



(3) A computer, including a laptop computer, a netbook computer, and a tablet computer; or

(4) Any other substantially similar wireless device that is designed or used to communicate and displays text or images.<sup>6</sup>

The act provides that the generation and delivery by an insurer of proof of financial responsibility to an electronic wireless communications device that is displayed on the device is the equivalent of the preparation and delivery by an insurer of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility.<sup>7</sup> In addition, in order for the display of text or images on an electronic wireless communications device to be used for the demonstration of proof of financial responsibility, it must contain the same information as a document that is so used, including the name of the insured and insurer or surety company, effective and expiration dates of coverage, etc.<sup>8</sup>

### **Proof of financial responsibility through use of an electronic device**

The act specifically provides that when a person is required to provide proof of financial responsibility to the Registrar, a peace officer, a traffic violations bureau, or a court under the Financial Responsibility Law, the person may do so through use of an electronic wireless communications device.<sup>9</sup>

Under the act, when a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device may be viewed by the Registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device may be viewed for purposes of obtaining proof of financial responsibility.<sup>10</sup> In addition, when a person so utilizes an electronic wireless communications device, the person assumes the risk of any resulting damage to the device unless the Registrar, peace officer, employee or official, or court personnel purposely, knowingly, or recklessly commits an action that results in damage to the device.<sup>11</sup>

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<sup>6</sup> R.C. 4509.103(A)(1) to (4).

<sup>7</sup> R.C. 4509.101(G)(4)(b) and (c).

<sup>8</sup> R.C. 4509.101(H).

<sup>9</sup> R.C. 4509.101(B)(1) and (G)(1)(b) and R.C. 4509.45(C).

<sup>10</sup> R.C. 4509.101(N)(1).

<sup>11</sup> R.C. 4509.101(N)(2).



The act prohibits any person who has knowingly failed to maintain proof of financial responsibility from presenting to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose of misleading the peace officer. A person who violates this prohibition is guilty of falsification, a first degree misdemeanor.<sup>12</sup>

### **Circumstances when use of a wireless device is prohibited**

In certain situations, before a person's suspended driver's license can be reinstated, the person is required to provide proof of financial responsibility that is certified by the insurer, and in such cases the insurer is required to notify the Bureau of Motor Vehicles prior to terminating the coverage (this type of insurance is known as "SR-22" insurance). These situations include when a person fails to pay a judgment resulting from a motor vehicle accident and serious traffic violations such as OVI. The act provides that proof of financial responsibility that is required to be filed and maintained with the Registrar during such a period of suspension cannot be given through the use of an electronic wireless communication device.<sup>13</sup>

### **Miscellaneous provision**

The act clarifies that "peace officer" has the same meaning throughout the Financial Responsibility Law and not just in two divisions of that law.<sup>14</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	12-10-13
Reported, S. Transportation	05-28-14
Passed Senate (31-0)	06-04-14
Reported, H. Transportation, Public Safety & Homeland Security	12-04-14
Passed House (91-0)	12-09-14

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<sup>12</sup> R.C. 4509.102 and R.C. 2921.13, not in the act.

<sup>13</sup> R.C. 4509.45(D).

<sup>14</sup> R.C. 4509.101(D)(9).

