



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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## Driver’s License Suspensions in Ohio

There are many criminal offenses and civil violations in Ohio law that carry a mandatory or permissive driver’s license suspension as one of the penalties. This brief discusses Ohio’s laws related to driver’s license suspensions and limited driving privileges. It also discusses the specific offenses that carry a mandatory or a permissive driver’s license suspension as a penalty, who may impose the suspension, and the relationship of those offenses to either traffic or motor vehicle laws.

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### Driver’s license suspensions

Under Ohio law, 74 offenses carry either a mandatory or a permissive driver’s license suspension or revocation. Many of those offenses are traffic offenses or relate directly or indirectly to the use of a motor vehicle. However, some offenses do not specifically relate to either. Depending on the offense, either a court or the Registrar of Motor Vehicles has the authority to impose the driver’s license suspension. The length of the suspension depends on the offense and the authority imposing the suspension. Courts are generally given more discretion regarding the suspension length. Court-imposed suspensions are definite periods ranging from a Class 7 suspension (less than one year) to a Class 1 suspension (lifetime). Registrar-imposed suspensions are definite periods ranging from a Class F suspension (until conditions are met) to a Class A suspension (three years).<sup>1</sup>

### Limited driving privileges

Unless expressly prohibited by statute, a court generally may grant limited driving privileges to a person whose license is suspended by the court. A court may grant limited driving privileges for any of the following purposes:

1. Occupational, educational, vocational, or medical purposes;

<sup>1</sup> R.C. 4510.02.

2. Taking the driver's or commercial driver's license examination (or practicing driving with a parent, guardian, or custodian when the driver is a minor);
3. Attending court-ordered treatment;
4. Attending any court proceeding related to the offense for which the offender's suspension was imposed;
5. Transporting a minor to a child care provider, daycare, preschool, school, or to any other location for purposes of receiving child care; and
6. Any other purpose the court determines to be appropriate.<sup>2</sup>

A court may not grant limited driving privileges for a Registrar-imposed suspension, unless otherwise authorized to do so by statute. The Registrar does not have the authority to grant limited driving privileges. A person must provide proof of financial responsibility (e.g., auto insurance) before a court may grant limited driving privileges.<sup>3</sup>

There is also a general affirmative defense to driving under a license suspension in the case of a substantial emergency if no other person was reasonably available to drive in response to the emergency.<sup>4</sup>

## **Offenses for which a suspension may be imposed**

The following table lists the offenses that carry a potential penalty of a driver's license suspension. The table also describes:

- Whether the suspension is mandatory or permissive. In certain instances, particularly regarding minors, other underlying offenses might determine whether the suspension is mandatory or permissive.
- Whether the law authorizes a court, the Registrar, or both to impose the suspension.
- Whether the offense is a traffic offense, generally involves a motor vehicle or the laws related to motor vehicles, or does not relate to either a traffic offense or a motor vehicle.

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<sup>2</sup> R.C. 4510.021(A) and (D).

<sup>3</sup> R.C. 4510.021(B) and (E).

<sup>4</sup> R.C. 4510.04.

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 2151.354	Unruly child <sup>5</sup>	Court	Generally permissive; mandatory for certain offenses	Potentially traffic offense, motor vehicle, or neither
R.C. 2152.19	Delinquent child <sup>6</sup>	Court	Generally permissive; mandatory for certain offenses	Neither
R.C. 2152.21	Juvenile traffic offender <sup>7</sup>	Court	Generally permissive; mandatory for certain offenses	Traffic offense
R.C. 2903.04	OVI-related involuntary manslaughter	Court	Mandatory	Traffic offense
R.C. 2903.06	Aggravated vehicular homicide, vehicular homicide, or vehicular manslaughter	Court	Mandatory	Traffic offense
R.C. 2903.08	Aggravated vehicular assault or vehicular assault	Court	Mandatory	Traffic offense
R.C. 2903.11	Felonious assault (if the deadly weapon used in the assault was a motor vehicle)	Court	Mandatory	Motor vehicle

<sup>5</sup> An “unruly child” includes any of the following: (1) any child who does not submit to the reasonable control of the child’s parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient, (2) any child who is habitually truant from school, (3) any child who behaves in a manner so as to injure or endanger the child’s own health or morals or the health or morals of others, or (4) any child who violates a law (other than a statutorily excepted law) that is applicable only to a child. R.C. 2151.022.

<sup>6</sup> A “delinquent child” includes any of the following: (1) any child, except a juvenile traffic offender, who violates any law or ordinance that would be an offense if committed by an adult, (2) any child who violates any lawful order of the juvenile court, including violating a court order for habitual truancy, or (3) any child who unlawfully enters an adult entertainment establishment, purchases a firearm, or unlawfully purchases pseudoephedrine or ephedrine. R.C. 2152.02.

<sup>7</sup> A “juvenile traffic offender” means any child who violates any traffic law or regulation, other than a regulation of a political subdivision that is handled by a parking violations bureau. R.C. 2152.02.

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 2913.02	Theft of gasoline	Court	Permissive	Motor vehicle
R.C. 2919.22	Endangering children (by committing an OVI offense with a child in the vehicle) <sup>8</sup>	Court	Permissive	Motor vehicle
R.C. 2921.331	Failure to comply with an order or signal of a police officer	Court	Mandatory	Traffic offense
R.C. 2923.01	Conspiracy to commit a felony drug trafficking, manufacturing, processing, or possession offense	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2923.02	Attempt to commit aggravated murder or murder (if the offender used a motor vehicle as the means to attempt the offense)	Court	Mandatory	Motor vehicle
R.C. 2923.122	Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone	Court	Mandatory	Neither
R.C. 2925.02	Corrupting another with drugs	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.03	Drug trafficking	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.04	Illegal manufacture of drugs or illegal cultivation of marijuana	Court	Generally permissive; mandatory if OVI-related	Neither

<sup>8</sup> The suspension is in addition to any other driver's license suspension imposed for the OVI or other traffic offenses committed as part of the same circumstances as the violation.

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.05	Funding of drug or marijuana trafficking	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.06	Illegal administration or distribution of anabolic steroids	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.11	Drug possession	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.12	Possessing drug abuse instruments	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.13	Permitting drug abuse	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.14	Illegal use or possession of drug paraphernalia (not for marijuana)	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.141	Illegal use or possession of drug paraphernalia (for marijuana)	Court	Generally permissive; mandatory if OVI-related	Neither

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 2925.22	Deception to obtain a dangerous drug	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.23	Illegal processing of drug documents	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.31	Abusing harmful intoxicants	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.32	Trafficking in harmful intoxicants	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.36	Illegal dispensing of drug samples	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2925.37	Trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising	Court	Generally permissive; mandatory if OVI-related	Neither
R.C. 2929.02	Aggravated murder or murder (if the offender used a motor vehicle as the means to commit the violation)	Court	Mandatory	Motor vehicle
R.C. 2935.27	Failure to appear or plead guilty or to satisfy a court judgment (with regard to a traffic ticket)	Court and Registrar	Mandatory	Traffic offense
R.C. 2951.02	Failure to comply with ignition interlock device restriction	Court	Permissive	Traffic offense

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 3123.58	Failure to pay child support or appear for a proceeding to enforce a child support order	Registrar	Mandatory	Neither
R.C. 4301.99	Consumption of alcohol by a minor in a motor vehicle; purchase, possession, or consumption of alcohol by a minor; presentation of a false ID or driver's license (on second or subsequent offense)	Court	Permissive	Motor vehicle (partially)
R.C. 4506.10	Operating a motor vehicle in violation of restrictions placed on a commercial driver's license (based on driving ability)	Registrar	Permissive	Traffic offense
R.C. 4507.14	Operating a motor vehicle in violation of restrictions placed on a standard driver's license (based on driving ability)	Registrar	Permissive	Traffic offense
R.C. 4507.16	Perjury or making a false affidavit under the driver's license laws, motor vehicle registration laws, or other laws that regulate the operation of vehicles on the highways	Court	Mandatory	Motor vehicle
R.C. 4507.20	Determined incompetent or otherwise not qualified to be licensed	Registrar	Permissive	Motor vehicle
R.C. 4509.101	Operating a motor vehicle without proof of financial responsibility	Registrar	Mandatory	Traffic offense
R.C. 4509.17	Failure to pay a security deposit or request a hearing after receiving the Registrar's notice regarding a motor vehicle accident	Registrar	Mandatory	Motor vehicle

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 4509.24	Default on a payment that was required under a written agreement after a motor vehicle accident	Registrar	Mandatory	Motor vehicle
R.C. 4509.291	Failure to provide proof of financial responsibility or failure to pay a security deposit in another state	Registrar	Mandatory	Motor vehicle
R.C. 4509.37	Upon receipt of a certified copy of a judgment, if offender operated the motor vehicle without proof of financial responsibility	Registrar	Mandatory	Motor vehicle
R.C. 4509.40	Nonpayment on a judgment related to a motor vehicle accident	Registrar	Mandatory	Motor vehicle
R.C. 4509.42	Nonpayment on an installment payment related to judgment from a motor vehicle accident	Registrar	Mandatory	Motor vehicle
R.C. 4510.037	Repeat traffic offender (12-point suspension)	Registrar	Mandatory	Traffic offense
R.C. 4510.05	Violation of a municipal ordinance that is substantially similar to a statutory violation that carries a license suspension	Court	Permissive	Potentially traffic offense, motor vehicle, or neither
R.C. 4510.06	Suspension by U.S. District Court under the federal Assimilative Crimes Act	Court	Not specified	Potentially traffic offense, motor vehicle, or neither
R.C. 4510.07	Violation of a municipal ordinance that is substantially similar to vehicular homicide or OVI	Court	Mandatory	Traffic offense
R.C. 4510.11	Operating a motor vehicle under a suspended license (general prohibition) or in violation of medical restrictions	Court	Permissive	Traffic offense

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 4510.12	Operating a motor vehicle with an expired license (on a second or subsequent offense within three years and if the license was expired for more than six months)	Court	Permissive	Traffic offense
R.C. 4510.14	Operating a motor vehicle under an OVI-related suspension	Court	Mandatory	Traffic offense
R.C. 4510.15	Reckless operation	Court	Permissive	Traffic offense
R.C. 4510.17	Commission of an out-of-state drug or OVI violation that is substantially similar to the Revised Code offenses	Registrar	Mandatory	Potentially traffic offense or neither
R.C. 4510.21	Failure to reinstate license (after expiration of suspension)	Court	Permissive	Motor vehicle
R.C. 4510.22	Failure to appear in court or to pay a fine related to specified vehicle-related offenses	Court and Registrar	Mandatory	Motor vehicle
R.C. 4510.23	Adjudicated incompetent	Court and Registrar	Mandatory	Motor vehicle
R.C. 4510.31	Commission of specified motor vehicle crimes as a minor	Registrar	Mandatory	Potentially traffic offense or motor vehicle
R.C. 4510.32	Habitual absence from school (if the appropriate board of education has adopted a resolution authorizing the suspension under R.C. 3321.13)	Registrar	Mandatory	Neither
R.C. 4510.33	Use of a fake, altered, or another person's driver's license for underage purchase of alcohol	Registrar	Mandatory	Motor vehicle
R.C. 4510.34	Violation of the motorized bicycle laws or violation of other traffic laws that result in points on a driver's	Registrar	Mandatory	Traffic offense

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
	license while operating a motorized bicycle			
R.C. 4510.46	Extension of suspension for ignition interlock violations	Court	Permissive	Traffic offense
R.C. 4510.71	Failure to comply with requirements of an out-of-state licensing agency <sup>9</sup>	Registrar	Mandatory	Traffic offense
R.C. 4511.19	OVI or underage OVI <sup>10</sup>	Court	Mandatory	Traffic offense
R.C. 4511.191	Implied consent (i.e., suspension for refusal to take a chemical test upon arrest for OVI or for a positive chemical test) <sup>11</sup>	Registrar	Mandatory	Traffic offense
R.C. 4511.194	Physical control of a vehicle while under the influence	Court	Permissive	Traffic offense
R.C. 4511.203	Wrongful entrustment of a motor vehicle	Court	Permissive	Traffic offense
R.C. 4511.205	Use of an electronic wireless communications device by a minor while driving	Court	Mandatory	Traffic offense
R.C. 4511.251	Street racing	Court	Mandatory	Traffic offense
R.C. 4511.75	Failure to stop for a school bus	Court	Permissive	Traffic offense
R.C. 4549.02	Failure to stop after an accident	Court	Mandatory	Traffic offense
R.C. 4549.021	Failure to stop after a nonpublic road accident	Court	Mandatory	Traffic offense

<sup>9</sup> This is part of the Nonresident Violator Compact, which requires Ohio to recognize out-of-state traffic offenses and take specified actions with regard to them.

<sup>10</sup> Also, R.C. 1905.201, authorizing a mayor's court to suspend a driver's license for OVI offense, and R.C. 4511.196, authorizing a court to impose a suspension at any time between the initial appearance of the person and the adjudication on the merits of the OVI charges.

<sup>11</sup> Also, R.C. 4511.192.

Revised Code	Description	Imposing Authority	Mandatory or Permissive	Traffic Offense or Motor Vehicle Involved
R.C. 5743.99	Trafficking in cigarettes, tobacco, or vapor products with the intent to avoid a tax (when a motor vehicle is used in the offense)	Court	Permissive	Neither